

MINUTES APPROVED: 08/19/15

ZONING BOARD OF ADJUSTMENT / PLANNING COMMISSION

WEDNESDAY JULY 15

1. 6:33 PM: Call to order by Judy
2. Members Present: Judy Boehlert, Chair and Acting Clerk, Suzy dePeyster, Betsy LaVecchia; Joe Nolan and John LaVecchia, Zoning Administrator. Guests: Jim Henderson, BCRC; Dennis Cahalan, Jim Dunne, Sophia Miskel, from The Green River Inn
3. Review of minutes of 06/17/15 approved as amended to remove the attachments
4. Zoning Administrator's Report: Permit issued for a shed at 4995 Sandgate Road

Green River Inn: Sophia Miskel is the new owner of The Green River Inn. In a letter dated 6/25/15, she stated her intent to return the Inn to the hospitality business and requested a continuation of the zoning variance that had been granted. This letter was referred to the Board by the Zoning Administrator. At the meeting, it was explained that no variance had been granted but rather a new nonconforming use was allowed because it was not "more objectionable in character".

The Green River Inn is a pre-existing nonconforming use since it pre-existed the adoption of a zoning ordinance and the original Bylaws did not include an inn as a permitted use. Accordingly the property must comply with the Sandgate Zoning Bylaws for nonconforming uses.

In 2011 the previous owner submitted a Nonconforming Use Permit Application to add two apartments whose residents would be full time. The Board of Adjustment determined that these alterations constituted a Change of Use. After review, the Board of Adjustment determined that the new nonconforming use was not "more objectionable in character" and approved a Nonconforming Use Permit that allowed the Inn to operate as both an Inn and a multi-family dwelling, subject to conditions.

The new owner is asking for a "continuation of the zoning variance that has been granted for many years". Several parts of Section 7.1 of the Bylaws were discussed. By the Board:

*1.a. A nonconforming use may not be changed except to a conforming use, or with approval of the Board of Adjustment, to another nonconforming use not more*

*objectionable in character.* This condition is met because it is the reverse of the change of use approved in 2011.

*1.d. No nonconforming use, which has been discontinued for a period of one year, shall be resumed thereafter.* The Board found that this provision should not apply in this case as the “use” was discontinued due to bankruptcy and foreclosure incurred by the previous owner beginning in August of 2014.

The Board unanimously approved the continued use of the Green River Inn as an Inn. Having approved the continued use of the Green River Inn as an Inn, the Board discussed holding a public information meeting or a formal hearing at the August meeting. No decision was made.

The Board further reminded the new owner that she is responsible for any state licensing requirements and she needs to consider the need for Flood Insurance.

5. Updating the Town Plan – Jim Henderson:

- a. “Flood Hazard Areas and River Corridors”: No additional comments were made and Jim will incorporate in the Town Plan.
- b. “Population, Housing and Economic Characteristics”: A number of editorial comments were made. Jim will revise and resubmit for review.
- c. “Wind Energy”: Jim will add to Town Plan after an editorial correction and adding a reference to BCRC information.
- d. “Telecommunication”: Jim will add the first two paragraphs to the Town Plan.
- e. “Stormwater Management”: Jim will incorporate in the Town Plan.
- f. The current Town Plan expires 08/02/2015. Jim will prepared the document as discussed and distribute for review. Comments will be due back to Jim by 8/22. The goal is to adopt the revised Plan in September.

6. The meeting was adjourned at 7:33 PM, motioned by Suzy, seconded by Betsy, unanimous.

Next Meeting: July 29, 2015

Respectfully submitted,

Judy P. Boehlert, Acting Clerk

