



Town of Olive Zoning Board of Appeals

P.O. BOX 513, Shokan, New York 12481

WilliamVilkelis
Chairman

Members
Sandy Friedel
Frederick Perry
Chet Scofield
Brian O'Rourke

MINUTES

February 9, 2022

1. Opening:

The Town of Olive Zoning Board of Appeals met on Thursday, February 9, 2022 via Zoom to hold a Workshop Session to discuss Application 22-01 of Karen Ranucci/Krumville Artist and Teachers Alliance, LLC, for property located at 1242 County Road 2, Olivebridge, NY 12461 for an Interpretation to determine if the Proposed Use of an artist studio and educational and community center is permitted as commercial recreation, or in the alternative, a museum in the R/E-1A zoning district. The Workshop Session started at 7:30 p.m., with the Pledge of Allegiance to the flag.

2. Record of Attendance:

William Vilkelis
Fred Perry
Chet Scofield
Sandy Friedel
Brian O'Rourke

3. Approval of Minutes:

On a Vilkelis/Scofield motion the Board dispensed the reading of the October 7, 2021 minutes, and accepted them as written.

4. Election of Officers:

It is noted that the Town Board has named William Vilkelis as Chairman of the Zoning Board of Appeals. Fred Perry made a motion that Chet Scofield remain as Vice-Chairman, Bill Vilkelis seconded the motion. Sandy Friedel made a motion that Fred Perry remain as Secretary, Chet Scofield seconded the motion. With a unanimous vote the elected officers are:

William Vilkelis – Chairman
Chet Scofield – Vice-Chairman
Frederick Perry – Secretary

5. Workshop Session:

Chairman Vilkelis opened the Workshop Session announcing that the Zoning Board of Appeals has received an Interpretation request regarding property at 1242 County Road 2, Olivebridge. Chairman Vilkelis pointed out that the state of use to be considered has to be the primary use.

Fred Perry noted that once the old school house was removed from the property then the property goes back to residential standards. He also questions if the new structure was constructed on the footprint of the old structure.

Chairman Vilkelis asked John Ingram, Code Enforcement Officer, to give his insight on what is happening on the property. John Ingram explained that the old schoolhouse that was on the property was moved to another property instead of being destroyed and the new building sits on the same location. He pointed out that the property is not a full acre. Chairman Vilkelis said that the property is a non-conforming lot in the R/E – 1 acre zone. Chairman Vilkelis asked John Ingram about a stop-work order that was placed on the property. Mr. Ingram said that the stop order was to cease operating the business since they had not gotten site plan approval.

Fred Perry asked John Ingram if the property would be able to sustain an artist in residence as described in the application. John Ingram said that the lot isn't large enough to sustain a residence and he wouldn't allow it for a Building Permit or Zoning, it isn't a residential lot. Fred Perry asked Mr. Ingram if there is a current septic on the lot, he responded that he wasn't sure what the current status is. Chairman Vilkelis pointed out that there is a septic tank and a proposed extension of the septic field on the site plan. Sandy Friedel pointed out that the application said that they could have 33 people for classes and if there were more people than they would have porta-potties, she doesn't feel that people would like to have porta-potties in their neighborhood.

Chairman Vilkelis brought it back to point that the request is asking if it can be zoned as Commercial Recreation or a Museum. Chairman Vilkelis referred to Section 155-17 8(10) and 8(14). He doesn't feel that the applicant's proposed use of an artist studio and educational and community center fall into the allowed zoning descriptions. Chairman Vilkelis read 8(10) "Commercial recreation uses*", specifically oriented toward the use of mountain land, such as ski areas, ski tows, horse riding trails, including travel trailer and camp trailer parks or sites." and 8(14) "Commercial recreation uses including but not limited to resort hotels*, commercial camps for seasonal residence only*, resort ranch*, resort lodge*, bungalow colony*." The commercial recreation uses are described in the zoning code and they aren't the same thing. Chairman Vilkelis doesn't want to dismiss anything out of hand, it may benefit the community.

Sandy Friedel said that she prefers to see residences in a residential area, and this parcel is not even a full acre. She feels it is a wonderful idea but it is not in the right spot, maybe they can find an acre of land in the business district.

Ms. Ranucci asked if her attorney would be able to speak for a moment on this since he has done a lot of research on this. Chairman Vilkelis said that he feels that the board has received enough documentation to work from, he said that there will be a public hearing in March and everyone will have the opportunity to speak at that time.

Fred Perry is concerned that the property isn't even an acre and the existing septic hasn't been used in years and now they are looking to expand it. He remarked that he is also concerned about the size of any

events, are musicians going to be coming and playing, they can be considered artists. Will this be a revenue income-based business, or a not-for-profit? He worries about the noise. Mr. Perry also pointed out that a number of letters of support that was submitted with the application are from out-of-towners, not from the neighbors. Chairman Vilkelis hopes that when the neighbors receive the notice of the public hearing there will be a response as he would like to hear from the immediate neighbors to the property.

Chairman Vilkelis asked John Ingram, or he suggested that maybe a lawyer could answer the question, since this is not a one-acre parcel he wonders if anything can be allowed on the site? John Ingram said that there are still uses for the lot, they just need to be tailored to the size of the lot. He pointed out that when the zoning maps were drawn up there are a great many lots in town that don't meet the current zoning description. John Ingram said that even though these lots are substandard they can be used by tailoring them to the space.

Sandy Friedel pointed out that the application said that they planned on having events from 9:00 in the morning to 9:00 at night and she feels that this would be a real burden on the immediate community. Chairman Vilkelis feels that if this is an allowed use, then it will be an asterisked use in the town code and would require a special use permit and the Planning Board would be able to put in whatever restrictions they would want. Chairman Vilkelis said that the Zoning Board has to determine if there is a category to put this use under, he doesn't feel it is commercial recreation or museum.

Chairman Vilkelis pointed out that there is a section in the code that is called recreation facility with an asterisk. He cited that Winston Churchill's recreation was to sit outside and paint, he feels that the argument could be made that it could be considered under recreation facility. Chairman Vilkelis pointed out that with the asterisk there could be a number of restrictions placed on the property. He asked the board members what their thoughts are. Fred Perry said that he could consider this, he feels that the concept of the proposed use is a good one and there are a lot of positive things. Chairman Vilkelis agrees and that is why he wonders if there is a use to place it under. He is confused because the application shows that in the site plan application the use was commercial artist studio and the business is filed as an LLC and not as a not-for-profit.

Brian O'Rourke questions that if it is an LLC, do they have a business plan, and what volume of business do they need to have to cover their expenses. He feels that if there is activity going on 8-12 hours a day that could be onerous on people. John Ingram said that the big problem with the property is that there is no room to park many cars and you can't have people parking on the road because it is a busy corner and it is a busy highway. Brian O'Rourke said he drove by the property a few days ago and he wonders who owns the property next door where the old school house was moved, could that be used for additional parking? John Ingram said it is owned by Roger Davis and that parcel, where the swamp-monster is, is under water half of the time. He also doesn't believe that he would be too receptive to have people parking on his property. John Ingram said that between the parking area and the swamp-monster is a driveway that runs up to the house in the back.

Brian O'Rourke wonders what the chronology on the property is, when the building was erected with a building permit what was the intended use at that time. John Ingram said the owner listed the intended use as a studio for one person, not to be opened up to a collection of people to come and see things, and park all over the neighborhood. Chairman Vilkelis said that now they have changed their mind and are looking to change the use.

Fred Perry feels that the Zoning Board has to take their time to get it right. Chairman Vilkelis agrees and feels that the public hearing will allow the neighbors to voice their opinion and the board can consider

what has been said, we can ask the applicant questions, and then consider if there is a classification in the code that it may fall under.

John Ingram suggested that the Zoning Board look at 155-17 D (1) “Permitted accessory uses in all residential districts. Office or studio of a..., artist, ... when conducted in a dwelling by the inhabitant thereof...” He said that the Zoning Board could decide that the building use could be a studio for an artist that doesn’t have the space or the ability to support a residence too. Therefore, it could be a building that is used as a studio with very limited public access to it based on parking, etc. Mr. Ingram said that this could be varied from that portion of the ordinance. Fred Perry feels that the board may want to consult with the town attorney on a few questions regarding this application. Chairman Vilkelis asked Mr. Perry what he would want to ask the attorney. Fred Perry said that if the Zoning Board does grant an interpretation, we would want to know what the liability would be to the town. We need to be careful about setting a precedent for future projects. Chairman Vilkelis wonders if we should ask a few questions of him before the public hearing. Fred Perry feels that we should do that. Chairman Vilkelis said he will put a few questions together and email them off to the attorney. Chet Scofield agrees that we should run this by the attorney.

The members discussed visiting the site to have a better understanding of the application. They have to consider the number of members visiting at one time so it is not considered a formal meeting.

6. Adjournment:

With no further business to discuss, the meeting was recessed at 8:30 p.m. on a Vilkelis/Friedel motion.

7. Next Meeting:

The next meeting of the Board is scheduled for 7:30 p.m. on Thursday, March 3, 2022. There will be a public hearing on application 22-01. It is not yet determined if it will be in-person at the Meeting Hall in Shokan or via Zoom.