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STATE OF NEW YORK
TOWN OF FORESTBURGH

COUNTY OF SULLIVAN
ZONING BOARD OF APPEALS

TOWN OF FORESTBURGH
TOWN CLERK'S OFFICE

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In the Matter of the Application of:

TRIPS 2 WIN, LLC

Applicant – Petitioner

For an Interpretation under Town Code Article VII

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**RULING ON PETITION FOR
INTERPRETATION**

Dated: August 27, 2024

I. Introduction

Petitioner Trips 2 Win, LLC (“Petitioner”) seeks an interpretation of “clubhouses for social organizations with related recreational facilities” as used in Town Code Chapter 180 Attachment 1 (Table of Use and Bulk Standards). Petitioner seeks to host gatherings for special occasions and to “create a clubhouse for like-minded individuals that share a common interest, such as interest in the outdoors, recreational gatherings and social functions and the overall enjoyment of connecting with one another” as indicated in its application.

II. Procedural Background

Petitioner’s property is a 3.3-acre parcel identified as S/B/L 33.-1-20 and located at 143 Forestburgh Road (“Property”). The Property is located in a Town of Forestburgh Residential-Recreation (“RR”) zoning district.

On September 14, 2018, Petitioner purchased the Property, which had an old barn on the premises. In November 2020 & April 2022, Petitioner received building permits for repairs and to construct a patio deck for storage. On October 6, 2023, the Town building Inspector cited Petitioner for various code violations including using the storage barn as a place for public assembly in violation of Town Code. On December 28, 2023, Petitioner submitted a request to the ZBA for a use variance.

In January 2024, Petitioner requested that the use variance application be postponed since they would instead apply to the Planning Board for a special use permit (SUP) to operate as a “clubhouse,” which they subsequently submitted on February 12, 2024.

Petitioner appeared before the Planning Board on three separate occasions between March 26 and May 2024 and also submitted a revised application for the SUP dated April 5, 2024. At the May 28, 2024 Planning Board meeting, the Planning Board stated that more information was needed for the project as to the scope of Petitioner’s proposal and questioned whether Petitioner’s proposed use constituted a “clubhouse” as used in the Town Code. The Planning Board provided Petitioner with three options: (1) submit additional information regarding its proposed use; (2) seek a use variance from this Board; or (3) request an interpretation from this Board of the meaning of a “clubhouse”.

Ultimately, Petitioner elected the third option and submitted its application on June 27, 2024 for an interpretation along with a request for certain area variances related to its proposal. In furtherance of Petitioner’s application, this Board held a public meeting on July 25, 2024, a public hearing on August 22, 2024, and a special meeting on August 27, 2024.

III. Relevant Town Code Provisions

The Property is regulated under the 2023 Town Zoning Code and is subject to the uses and restrictions of the RR Zoning District. The allowed uses in an RR zoning district are set forth in Town Code Table of Use and Bulk Standards in Chapter 180 Attachment 1 and includes

“clubhouses for social organizations with related recreational facilities” subject to a special use permit and site plan approval. The Town Code defines “clubhouse” as “[a] building used by a business or membership organization for social or recreation purposes” (Town Code § 180-3 [B]). The Town Code, however, does not define “social organizations” as used in Chapter 180 Attachment 1, or “membership organization” as used in the definition of “clubhouse.”

IV. Petitioner’s Proposed Use

In support of its application for an interpretation in its favor, Petitioner has submitted documentation to this Board defining its organizational structure as a membership organization, the organization’s stated purpose, and its proposed activities.

With respect to its organizational structure, Petitioner has represented that its “[m]embership at the start of this organization will include three members/owners” and that “[n]ew members from the community and beyond will be welcome, subject to completing the application process and payment of annual dues assessed by the Owner/Directors.” Petitioner has also submitted its membership application that it intends to use for prospective members and its member handbook setting forth membership rules and other related information.

With respect to the organization’s stated purpose, Petitioner represents that “[t]he primary intent of this Club is to utilize a former farm and barn that has been rehabilitated from a derelict eyesore to the community, to provide a comfortable and safe environment in the heart of the Town of Forestburgh for local folks to gather and enjoy each other’s company in a social atmosphere, often with food, drink and open access to the outdoors.” In addition, Petitioner represents that its intended purpose is “[t]o have and create a clubhouse for like-minded individuals that share a common interest, such as interest in the outdoors, recreational gatherings and social functions and the overall enjoyment of connecting with one another.”

Regarding its proposed activities, Petitioner represents that membership in its organization “will entitle members to use the facility for social and recreational activities defined in the Handbook.” The membership handbook provides that such activities include “picnicking, social gatherings, weddings, political fundraisers, yoga or dance instructions, family games, on-site recreation, fishing and general relaxations or meditation, all related to like-minded individuals getting together for the enjoyment of connecting with one another.”

Petitioners also offer the following definitions for the Board’s consideration: “Recreation — A leisure activity we do for pleasure and enjoyment. At this clubhouse you can fish, paint, play horseshoes, have a celebration, whether it be a birthday party, holiday party, wine tasting party, etc.”; “Social — An occasion on which people can assemble for social interaction and entertainment, celebration, jubilation or a joyful occasion.”; Party — A party is a gathering of people who have been invited by a host for the purpose of socializing, conversation, recreation, or as part of a festival or other commemoration or celebration of a special occasion.”

V. Findings and Determinations

The question before this Board is whether, based on the facts and representations Petitioner puts before us, Petitioner is a “social organization” as used in Chapter 180 Attachment 1 seeking to use the structures on the Property as a “clubhouse.”

Based on the above, we find that:

- (1) The record before us sufficiently supports that Petitioner is a “social organization.” The Town Code does not define “social organizations” and as such it is within this Board’s providence to interpret the text of the Town Code giving effect to the plain meaning of the language (*Matter of Arthur M. v Town of Germantown Planning Bd.*, 184 AD3d 983, 986 [3d Dept 2020]). We find Petitioner’s definition of “social,” meaning “[a]n occasion on which people can assemble for social interaction and entertainment, celebration, jubilation or a joyful occasion” to be consistent with dictionary definitions¹ of the word, and therefore reasonable (*Mazzola v County of Suffolk*, 143 AD2d 734, 735 [2d Dept 1988] [stating that New York courts routinely “refer to the dictionary to determine the plain and ordinary meaning of words”). Petitioner has represented that it is an organization open to “[n]ew members from the community and beyond” who will be allowed to “use the facility for social and recreational activities” such as “picnicking, social gatherings, weddings, political fundraisers, yoga or dance instructions, family games, on-site recreation, fishing” and other recreational activities. Based on the text of the Town Code, the plain meaning of “social” and “social organization,” and Petitioner’s representations on its stated purpose and activities, we find that Petitioner is a “social organization” as that term is used in Chapter 180 Attachment 1.
- (2) The record before us also sufficiently supports that Petitioner intends to use the structures on its Property as a “clubhouse” defined in the Town Code as “[a] building used by a business or membership organization for social or recreation purposes” (Town Code § 180-3 [B]). Petitioner has put forward its member handbook setting forth rules and requirements for its members and an application for new prospective members. These documents sufficiently support Petitioner’s position that it is a “membership organization” as used in the “clubhouse” definition. Moreover, the types of activities Petitioner proposes and is identified in the member handbook fit within the plain meaning of “social or recreation purposes” as those terms are used in the “clubhouse” definition.

Therefore, we hold that Petitioner’s proposed use is allowed under Town Code Chapter 180 Attachment 1 (Table of Use and Bulk Standards) as “clubhouses for social organizations with related recreational facilities” so long as its proposed activities and organizational structure remain consistent with the record put before this Board. Petitioner’s application for area

¹ See Collins Dictionary, social (www.collinsdictionary.com/us/dictionary/english/social) (“relating to leisure activities that involve meeting other people”); Law Insider Dictionary, social organization (<https://www.lawinsider.com/dictionary/social-organization>) (“an organization of individuals who form the organization for the purposes of enjoyment, work, and other mutual interests”).

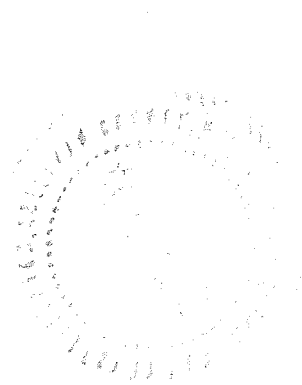
variance shall be held in abeyance pending further review of Petitioner’s SUP application and site plan by the Planning Board. This shall constitute the final determination of the Board.

On a motion by Zoning Board of Appeals Member Steinberg, seconded by Member Lehr, the Decision and Ruling was adopted on a roll call vote, the results which follow:

<i>Chairman Carl Amaditz</i>	<i>Aye – Nay – Abstain</i>
<i>Dave Griffin, ZBA Member</i>	<i>Aye – Nay – Abstain</i>
<i>Hilda Lehr, ZBA Member</i>	<i>Aye – Nay – Abstain</i>
<i>James Steinberg, ZBA Member</i>	<i>Aye – Nay – Abstain</i>
<i>Edward Pajak, ZBA Member</i>	<i>Aye – Nay – Abstain</i>

Adopted on the 27th day of August 2024.

By Order of the Forestburgh Zoning Board Appeals



Carl Amaditz

Carl Amaditz, Chairman