

Town of Seneca
Zoning Board of Appeals
April 27, 2023, 7:30 PM

Zoning Board Members present: Norbert Amberg, Rick Jantzen, Todd Hoover, Jerad Campbell, Eric Hansen, Teresa Jackson
Absent: Kate Silverstrim Jensen. Other's present: CEO Hoover, Shana Jo Hilton, Josh Douglas, Steve Hullings, Tammy Hullings, Steve Hulling Jr., Brittany Hullings, Molly Cappiello, Tim Japp, Marissa Bournique, Sarah Marquart, Scott Hunt.

The meeting was called to order at 7:30 pm. Minutes from the March 30, 2023, meeting were approved on motion offered by Teresa Jackson seconded by Rick Jantzen and passed.

Hearing Open (continued) -Summary: Motion by Rick Jantzen, seconded by Teresa Jackson to resume the public hearing, carried. Josh Douglas owner, at 4286 State Route 14A, presented his application to the board to operate 3 air B&B cabins behind his existing house. The cabins and pond were constructed in 2022. He is proposing to use 12ft x 32ft one room cabins to rent to adults only. He has proposed a separate bath house containing water closets and sinks with outdoor enclosed showers. The owner purposes that he lives full time in the log cabin in the front of the property. He is considering adding a Gazebo with a hot tub at some time in the future. No other improvements were proposed.

The application was referred to and reviewed by both Ontario County and the Towns Planning Board. The Zoning Board received their minutes.

The owner will hand out regulations/rules to all guests and provide a copy to the board. It specifies quiet hours along with other rules. Security cameras are placed throughout the property.

The owner will be on site every night and will always be available by cell phone. The applicant indicated it would be a 3-season business running from April to October.

As presented the drive will be gravel with parking spaces at each cabin. Cabins are proposed to have porch lights and minimal lighting along the drive to get back to cabins. The applicant is agreeable to placing a fence 6-foot-high alternating slat along the drive. Submitted site plans show all dark sky lighting.

Woods have been thinned with the creation of the pond, specifically facing houses to the north. The applicant agreed to place an aerator in the pond, to keep the water moving and hopefully the mosquitoes down, pond does feed to the creek. The property is subject to annual fire/safety inspections. It was noted any violations could result in business being shut down and special use permit revoked.

Public Comments: The board took comments from the public and neighbor Sarah Marquart 1361 State Rte 245. Ms. Marquart felt comfortable with the requirements discussed and agreed upon with the applicant tonight and knows that all have agreed to revisit in a year.

Chairman Amberg asked for any other public comment hearing none a motion to close the public hearing was offered by Todd Hoover, seconded by Eric Hansen and carried.

The board reviewed, discussed, and completed the Short Environmental Assessment Form Part II (SEQR). A motion declaring a negative declaration noting the proposed action will not result in any significant adverse environmental impacts was offered by Todd Hoover, seconded by Jerad Campbell and carried.

Board Recommendations: The board reviewed and discussed the application and answered the questions pertaining to the variance. A motion was offered by Todd Hoover to approve the application as presented granting the variances with the following conditions and approved the Special Use Permit for one year (due to

his business plan reviewal before the board will be at their February meeting, approximately 30 days prior to his season opening, seconded by Eric Hansen and unanimously carried.

Variance Approved as Requested: One Year Special use permit. (Review February 2023 ZBA Meeting)
Variance for a purposed home-based business Air B&B with the ability to construct 3 cabins. The owner wants to use 4 accessory structures for home-based business Air B&B. Zoning allows only 1. The applicant is requesting a variance to utilize 2 additional sleeping cabins and a bath house for home-based business Air BnB. Total square footage is less than 2500 square feet.

Conditions: Fencing - Erect a fence 6-foot-high alternating slat along the drive.
Supervision – Required owner Josh Douglas live/be in home when cabins are occupied/rented.
Operating – 3 season April – October.
Lighting – Dark sky compliant.
Pond Aerator - Continuous running pond aerator.

*Roll call: N. Amberg – y, J. Campbell - y, T. Hoover -y, T. Jackson -y. E. Hansen -y, R. Jantzen – y.
6-y, 0-n, 0-a*

Hearing Open (continued) -Summary: Motion by Teresa Jackson, seconded by Todd Hoover to resume the public hearing, carried. Steve Hullings, Owner, presented application to the board regarding a home business with a wedding venue in existing barns on the property. Applicant discussed the buildings that were demolished due to amount of disrepair. Applicant discussed that remaining barns have been receiving new siding and exterior work, but no interior improvements have been done until approvals are secured. The applicant, with approval, is hoping to launch venue in mid-late summer, July-September timeframe. All reception music will be kept in the barn. Only outdoor music will be low volume introductory wedding ceremony music. Applicants are proposing 70 parking spots on the south side of the barns and 5 handicap near the front entrance. The board asked if there were any plans for screening between parking lot and road. None planned initially. The applicant spoke with the Planning Board in workshop several months ago before buying property. Not much has changed since the original conversation. One drive is proposed on the north side of the lot. Signs and all online advertising will direct traffic north on Redman Road approximately 1/2mile to Route 14A to avoid as much traffic on Turnbull and Redman Rd as possible. All lighting will be dark sky compliant. Maximum occupancy is presented as 150, however CEO needs to set limits based on square footage of venue once a floor plan is presented. Discussed that main building will be fully insulated to avoid noise carrying. Music will be shut down by 9:30pm and venue closed down by 10pm. Steve Hullings Jr and family live in the main house. Applying for a NYS liquor license and will be licensed for specific areas. There will be no consumption of alcohol outside of licensed areas. Notification about drinking responsibly and rides will be posted at the venue and bar. Bartenders will be NYS certified and will require proof of age and avoid excess consumption. His wife plans and coordinates weddings currently and they have been wedding photographers for over 3 years. His permanent employment is as a wedding photographer.

The application was referred to and reviewed by both Ontario County and the Towns Planning Board. The Zoning Board received their minutes.

Public Comments: The board took comments from the public. Neighbor Molly Cappiello shared photos of different views of the venue from her property. She is concerned that a 6' high fence will not be enough. She voiced concerns over the purposed deck, noise carrying. A few people were working there, and she could hear them loud and clearly and is worried what 150 people will sound like. Neighbor Marissa Bournique was also concerned about the noise and noted this is a lifestyle change.

More conversation was had on the Noise Analysis Report, and how to quantify noise. Brittany Hullings referenced in their application she had compiled information on surrounding township noise ordinances.

Surrounding towns (Geneva, Gorham, Hopewell and Naples) if any had 65 dB – 75 dB limits. The board reviewed and discussed these as compared to the applicants Noise Analysis Report. The applicant was agreeable to the board setting a requirement. Being no additional input on this subject from the public the board agreed based on surrounding towns on 75dB. Other conditions were discussed, and the applicants were agreeable. The property is subject to annual fire/safety inspections. It was noted any violations could result in business being shut down and special use permit revoked.

Chairman Amberg asked for any other public comment hearing none a motion to close the public hearing was offered by Todd Hoover, seconded by Eric Hansen and carried.

The board reviewed, discussed, and completed the Short Environmental Assessment Form Part II (SEQR). A motion declaring a negative declaration noting the proposed action will not result in any significant adverse environmental impacts was offered by Todd Hoover, seconded by Eric Hansen and carried.

Board Recommendations: The board reviewed and discussed the application and answered the questions pertaining to the variance. A motion was offered by Eric Hansen to approve the application as presented granting the variances with the following conditions, and approved the Special Use Permit for one year the board will be looking to review at their February 2024 meeting, seconded by Jerad Campbell and unanimously carried.

Variance Approved as Requested: One Year Special use permit. (Review February 2024 ZBA Meeting)

Allow a 12ft X 80ft deck to be placed on the rear of an existing barn to be used as part of a home business. Existing buildings exceed 2500sqft so any addition must obtain a variance.

Allow an open wall building to be used for a pavilion/gazebo area at a home business, allow for outdoor wedding ceremonies and allow for people on a rear/patio courtyard and deck. All aspects of a home business are to be contained inside an enclosed building.

Allow vehicle trips for home business until 10:30pm. Home businesses shall not generate vehicle trips from 9pm-7am.

Conditions: Noise–Maximum 75 dB at 3 existing residential lot lines

(Vacant lot Tax Map# 146.00-1-35.120 L. Japp,
1409 Turnbull Rd Tax Map# 160.00-1-6.200 T. Japp,
1410 Turnbull Rd Tax Map# 146.00-1-35.110 M. Bournique).

No roadside parking.

Erect 6-foot-high privacy fence between barns (screen courtyard) prior to C of O.

Plant at minimum 3-5ft tall Arborvitae. 4' on center from Drive to South property line.
(Screen parking lot. Must be completed by 6/2024)

Maximum total occupancy 150

9:00 PM Bar Closes, 9:30 PM Music down, 10:00 PM Event Done

Roll call: N. Amberg – y, J. Campbell - y, T. Hoover -y, T. Jackson -a. E. Hansen -y, R. Jantzen – y.

5-y, 0-n, 1-a (T. Jackson abstained due to her position on LNB Board)

With no other business conducted, a motion was made by Jerad Campbell to adjourn the meeting seconded by Eric Hansen and carried. Meeting adjourned 9:43 pm.

Respectfully submitted,

