

**ZONING BOARD  
TOWN OF COLTON, NY  
March 19, 2024  
Town Hall**

**Members Present:** Cynthia Hennessy (Chair), Judy Ames, Judy Fuhr, Dennis Eickhoff, Jim Bickford

**Members Absent:** Frank Supernault

**Public Present:** Stacie Cole (Secretary), Darren Richards (CEO), Ed Fuhr, Kirke Perry

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Open meeting: called to order at 7:05pm. Quorum present. Jim Bickford sitting in for Floyd Supernault. i  
Approval of minutes from the last meeting: motion to accept by D. Eickhoff, 2nd by J. Ames. All in favor.

**Open public hearing: 2-2024 Ginger & Lee Akin**

The public hearing notice was published March 14, 2024. The applicants were not present to explain in their own words what their intentions are. Darren did speak to John Gray (neighbor). He was given a verbal approval and support for this variance request. He is supposed to be passing on a written letter of approval and support to Darren who will pass it on to the ZBA. John suggested to the Akins to do a variance that way in the future if he ever sells his property, everything is clean with legal encroachment to the property line (of the Grays).

Close hearing at 7:14, Re-open meeting at 7:14pm.  
For referrals, this is a SEQR type II, needing no action.

Planning Board Referral: Kirke Perry spoke on behalf of the Planning Board. They have nothing to disqualify this request. It allows for the Akins to become compliant. The condition brought by the Planning Board to the variance is that they are not allowed to extend it along the property line any further than the existing new construction.

C. Hennessy informs the applicant of their right to appeal to New York State Supreme Court under Section 78. Applicant was not present for the meeting.

Review the five tests for area variance: some disagreement with #5 .

D. Eickhoff doesn't see an issue with it as long as the condition is brought forth by the planning board. Cindy reminds the board that they can approve or deny this request with or without conditions, but must give substantial reasons. **J. Fuhr makes a motion that the board approves the variance request with the condition that the construction does exceed the footprint that exists as of 3.19.24. 2nd by J. Ames. All in favor. With no further discussion, the motion passes.**

Dennis asked for some insight on the Hurlbut property, who is looking to open up a wedding venue across from Higley Flow State Park. He purchased 27+ acres (on Stump Bay) and is looking to do something along the lines of The Stables on the Sissonville Rd. The Planning Board had to deny the request because it is not a listed use in Residential Rec. Mr. Hurlbut will most likely ask the ZBA for a Use Variance.

Motion to adjourn the meeting by D. Eickhoff, 2nd by J. Fuhr. All in favor. Meeting adjourned at 7:26pm.

Respectfully submitted  
Stacie Cole