

**ZONING BOARD OF APPEALS
TOWN OF COLTON, NY
October 1, 2025
Colton Town Hall | 7p**

Members Present: Cynthia Hennessy (Chair), Jim Bickford, Dennis Eickhoff, Mary Jane Watson

Members Absent: Judy Ames, Judy Fuhr

Public Present: Brittney Gravlin (Acting Secretary), Darren Richards (CEO), Robert Kerr, Linda Kerr, Harold Peacock, Deborah Peacock

Meeting called to order at 716p.

Quorum present.

Motion made to approve minutes from the Tuesday, May 28, 2025 meeting by M. Watson, seconded by D. Eickhoff. All in favor. Motion carried.

Motion made by M. Watson, seconded by J. Bickford to close the regular meeting and open the Public Hearing 65 - 2025 Kerr & Peacock. All in favor. Motion carried.

Public hearing opened at 717p.

The public hearing notice regarding this subdivision was published in North Country This Week on September 26, 2025.

Description of 65 - 2025:

- Current discrepancy on surveyor results regarding property lines. Approval of the application would split the back area of the property straight in half.
- Both parties are aware of the "right to first refusal" regarding the land, approval of their application would give each property owner autonomy over their piece of land. The intention is to be able to make decisions regarding their own property within their own families, without the first refusal right at play.
- This is essentially a 50/50 split.
- Chairperson C. Hennessy inquired on neighbor support, the applicants responded that all neighbors are family affected by the property and have no concerns in going forward.
- Clarification was given that the properties contain camps and not primary residences.

Code Enforcement Officer D. Richards provided the following on Parcel A - Peacock:

- Road frontage requirement of 250 feet, Parcel only contains 180 feet, requires a 70 foot area variance.
- Structure setback requirement of 25 feet, the cabin is located at 21.8 feet, need a 3.2 variance.

Code Enforcement Officer D. Richards provided the following on Parcel B - Kerr:

- Structure setback requirement for the cabin requires a variance of 11.6 feet due to encroachment.
- Property line area variance of 2.7 feet for shed.

D. Richards summarized stating all variances meet minimum NYS requirements, these do not violate NYS or fire protection codes, and does not disrupt the neighborhood due to all being existing structures.

D. Eickhoff made the motion, M. Watson seconded, to close the public hearing and move back into the regular meeting. All in favor. Motion carried.

The regular meeting reopened at 726p.

Chairperson C. Hennessy informs the applicant of their right to appeal with the New York State Supreme Court under Section 78. Additionally, a Type II SEQR is not required, and no additional guidance has been received from the Planning Board.

The five tests for area variance were completed for the application, as required; all were acceptable results.

With all portions of the application reviewed, the Zoning Board agreed with the results and had no additional questions or comments for the applicants.

M. Watson moved to approve ZBA Application 65 - 2025 as presented, without conditions, seconded by D. Eickhoff. All in favor. Motion carried.

Chairperson C. Hennessy will complete a notice of action for the official record, the applicant's records, and provide a copy to the applicant's attorney Pease & Gustafson.

Motion to adjourn made by M. Watson, seconded by J. Bickford. All in favor. Motion carried.

Meeting adjourned at 732p.