

## **Colden Zoning Board Meeting**

January 18, 2024

**Zoning Board** Shawn Webster (Chairman), Mark Bus, and Andrew Geist  
**Members Present:**

**Absent:** Bernie Horschel and Alex Keogan

**Also Present:** John Kotlarsz (Bldg. Insp/Code Enf. Officer) Walt Kammer  
(Chairman Planning Board)  
Applicants: Steven Ball, Martin and Michelle McMahon  
Approximately 4 Residents

Chairman Shawn Webster called the January 18, 2024 Zoning Board Meeting to order at 7:02 PM in the courtroom at the Colden Town Hall.

### **I. Roll Call of Members**

#### **II. Mr. Steven Ball**

The Zoning Board Members reopened the Public Hearing for Mr. Steven Ball. Mr. Ball stated that John from Schenne & Associates completed the drawings and will submit them within the next week. The Board Members stated that the drawings will need to be submitted before any work can be started.

There were no comments from the public.

Shawn made a motion to accept the drawings to be submitted to the Code Enforcement Officers and all the required building permits obtained before any work takes place. Andrew seconded and all were in favor. Shawn stated that a letter will be sent after the drawings are received.

A comment was made by a resident to have someone explain the need for a principal before an accessory structure. It was stated by the Code Enforcement Officer that the code was written to stop people from residing in the accessory structure.

### **III. Mr. Martin McMahon**

The Zoning Board members reviewed the documents that were submitted to the Town of Colden by Mr. Martin McMahon. Shawn asked Mr. and Mrs. McMahon to present his application to the Board. Mr. and Mrs. McMahon stated that their property was a chicken farm. There is one building remaining and they would like to convert it to a single family home. The McMahon's will live in the single family home and their children will live in the primary residence on the property. It was stated that the building will stay the same size but the foundation will need to be replaced. Andrew commented that a separate septic tank will need to be installed. It was confirmed that the property is located in the water district. Shawn reviewed the frontage/acreage and the possibility of extending the driveway that currently exists. Mark expressed his concerns for setbacks and the septic tank. Andrew stated that the second dwelling amount of land is less than code requirements. It was confirmed that Mr. & Mrs. McMahon's daughter and her husband will live in the primary house. The Board Members questioned the usage of the second single family home when it's no longer occupied. The applicants responded that it would be used as a guest house for out-of-town family members. The Board Members reviewed the code requirements for a second family residence with the Code Enforcement Officer. It was determined that the lot will not be a flag lot.

Mark made a motion to approve the variance to allow the conversion of an accessory structure into a single family home contingent upon a second septic system being installed and meeting all of Erie County Health Requirements. The Board Members strongly suggested that the applicants do the proper due diligence before making any investments. Andrew seconded and all were in favor.

### **IV. Minutes**

The Board Members reviewed the December 2023 minutes. Shawn mentioned to approve the minutes and Andrew seconded. All were in favor.

Shawn motioned to adjourn at 7:28 PM, all were in favor.

Submitted by: Crystal Barrett