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ZONING BOARD OF APPEALS ALDEN TOWN HALL 3311 Wende Road Alden, New York 14004

Town of Alden Zoning Board of Appeals

ZBA VARIANCE HEARING 21-09 MINUTES

Date of Zoning Board of Appeals Meeting and Hearing: November 1, 2021 Meeting called to order at 7:02 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman Sarah Hinsken, Board Member Jeff Kurek, Board Member Mandy Szymanski, Board Member Chris Whittingham, Board Member Susan Schumacher, Secretary Paul Marzec, Applicant Max Marzec, Applicant family Charles Acquisto, Neighbor Keith Vogt, Neighbor

Board Member Hinsken moved and Board Member Szymanski seconded the motion to open the hearing.

Applicant: Paul Marzec
Address: 35 Two Rod Road, Alden NY 14004
Type of Variance Requested: Area Variance
Town Code: 365-11D(2)(a) – requires 100' frontage for buildable lot
Description: Applicant requests to establish a buildable lot with less than 100' frontage as the result of a subdivision of lots.
Property Tax Map: 129.00-2-5.221 and 129.00-2-5.212
Street Location: Two Rod Road, Town of Alden
Name of Property Owners: Paul D. and Anna J. Marzec

Paul Marzec stated that he is requesting a variance to allow for reduced frontage on a lot that will have access by the dead end of Parkwood Drive. He reviewed the current and requested subdivision maps of the properties involved. Charles Acquisto, a direct neighbor at the end of Parkwood asked if Mr. Marzec planned on keeping a tree line along the property line which is directly next to his property. Mr. Marzec advised that a line of trees would be maintained and discussed placement of the home. Board Member Whittingham asked what the time line would be for building on the property. Mr. Marzec advised it would be one to two years. Chairwoman Galbraith inquired regarding the distance from Mr. Acquisto' home to the property line. The answer was approximately twenty feet. Mr. Acquisto stated he was concerned with proper drainage and seeing the neighboring home if the variance was approved. Mr. Vogt, a neighbor from Two Rod Road stated he was not in favor of the variance being approved for general

Town of Alden - Zoning Board of Appeals 21-09 Minutes - Page Two

purposes. Board Member Hinsken asked Mr. Marzec if the variance is denied, will you leave the property as is. Mr. Marzec responded "yes". Board Member Whittingham stated he saw concerns with setting a precedent with the approval of this variance.

Board Member Hinsken moved and Board Member Kurek seconded the motion to adjourn the hearing at 7:12 p.m.

Chairwoman Galbraith reviewed the area variance criteria with full committee member agreement on the following:

- 1. An undesirable change will possibly be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the requested variance.
- 2. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than an area variance.
- 3. The request is not substantial.
- 4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district.
- 5. The difficulty is alleged self-created which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- 6. The approval of this variance will not create a hazard to health, safety or general welfare.

After due review of the area variance request by the above named property owner, and in consideration of applicable codes and the criteria relative to the granting of area variances, the following resolution was offered by Board Member Whittingham and seconded by Board Member Kurek to wit:

So moved that the variance be disapproved.

The resolution was put to a roll call vote of the quorum of the Town of Alden Zoning Board of Appeals with the following result:

Chairwoman Galbraith – DenyMember Kurek – DenyMember Hinsken - DenyMember Whittingham – DenyMember Szymanski – DenyMember Szymanski – DenyThe resolution did not carry and the area variance is disapproved.Member Hinsken - Deny

Board Member Hinsken moved and Board Member Kurek seconded the motion to adjourn the meeting at 7:20 p.m.

ON NOVEMBER 10, 2021, IT WAS DETERMINED THAT A VARIANCE WAS NOT REQUIRED FOR THE APPLICANTS SUBDIVISION REQUEST TO BE APPROVED.

cc:	A Barrett, Town Clerk	C. Snyder, Code Enforcement Officer
	D. Adamski, Supervisor	ZBA Board Members & Secretary
	A. Barrett, Town Clerk	Applicant by mail
	C. Pautler, Councilwoman	
	G. Waiss, Councilwoman	