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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 21-10 MINUTES

Date of Zoning Board of Appeals Meeting and Hearing: January 12, 2022
Meeting called to order at 6:00 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman Peter Sorgi, Applicant Representative
Sarah Hinsken, Board Member Russell J. Gattuso, Neighbor
Jeff Kurek, Board Member
Chris Whittingham, Board Member
Susan Schumacher, Secretary
Absent: Mandy Szymanski, Board Member

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

Applicant: Integer
Address: 11870 Walden Avenue
Type of Variance Requested: Area Variance
Town Code: 365-18(E)(2)
Description: Requesting to construct a building with a side yard setback less than 75 feet and a landscaped buffer less than 20 feet to a residential district.
Property Tax Map: 96.00-3-44.111
Street Location: 11870 Walden Avenue
Name of Property Owners: Greatbatch, Ltd. 10000 Wehrle Drive, Clarence NY 14031

Chairwoman Galbraith disclosed that her daughter works at Integer and contacted the Town Attorney, Jennifer Strong, who advised that this does not pose a conflict of interest because the outcome of this hearing would have no bearing on her daughter's work status. Mr. Sorgi distributed copies of the site layout and stated that the side yard setback is 51.14 feet vs. 75 feet and the landscaped buffer is 10 feet vs. the 20 feet requirement for a manufacturing district abutment to a residential district. He also advised that the residential property affected is the Town Hall property; and if the building was relocated to accommodate the setbacks it would encroach on the wetlands which also have setback requirements. Mr. Sorgi provided positive justification to support the criteria considered for area variances. Mr. Gattuso, neighbor to the west, advised that the construction of the original Integer building caused his

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pond level to be lowered and does not want the pond to be negatively affected further by the new construction. Mr. Sorgi advised that current laws will not allow for construction that would cause water to leave the Integer property. Chairwoman Galbraith asked if there would be a way to relocate the parking to accommodate the setback requirement. Mr. Sorgi stated that would also encroach on the wetlands and would not meet the setback requirement for wetlands.

Board Member Whittingham moved and Board Member Hinsken seconded the motion to adjourn the hearing at 6:10 p.m.

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

1. An undesirable change will not 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. The nearby property is owned by the Town of Alden and is mainly wooded where the two variances border and the town has no opposition to this addition.
2. The benefit sought by the applicant may be achieved by some other method feasible for the applicant to pursue other than an area variance. The size of the addition could be scaled to fit the code requirements
3. The request is not substantial. The side yard setback is only 23.86 feet and the buffer is only 10 feet. . If the positioning of the addition was in compliance with the set backs and buffer, it would impeded on the wetlands causing other set back issues.
4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district. The neighbor who was concerned about the impact on his pond was assured that no run off would leave the property, or affect him in any way. The addition would have a positive effect on the community/neighborhood by adding additional work force and tax revenue.
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. They could build a smaller edition to meet code.
6. The approval of this variance will not create a hazard to health, safety or general welfare. No wetlands are disturbed, no runoff from the property.

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 Hinsken to wit:

So moved that the variance be approved.

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 – Approve Member Kurek – Approve Member Hinsken - Approve
Member Whittingham – Approve Member Szymanski – Disapprove (Absent)

The resolution did carry and the area variance is approved.

Board Member Hinsken moved and Board Member Kurek seconded the motion to adjourn the meeting at 6:17 p.m.

cc: A. Barrett, Town Clerk
C. Snyder, Code Enforcement Officer
B. Sitzman, Supervisor
C. Pautler, Councilwoman
G. Waiss, Councilman

ZBA Board Members & Secretary
P. Sorgi, Applicant Representative