



716 937-6969 Ext.4
Fax: 716-937-9587
Email: building@erie.gov

CODE ENFORCEMENT OFFICE

**ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004**

David Liskiewicz
2740 Peters Corners
Alden, NY 14004

Notice of Disapproval

Date: September 12, 2022

PLEASE TAKE NOTICE that your request to subdivide a lot that does not have the required minimum size at 2740 Peters Corners Road, Town of Alden, New York is *disapproved* for the following reason:

The Town of Alden Code 365-10 D(1) requires a minimum size of 80,000 square feet for a lot.

You will be advised by mail regarding the date and time for the Zoning Board of Appeals Hearing.

CHRIS SNYDER
Building Inspector
Code Enforcement Officer



Date: 9-12-22
 Paid Amount: \$ 250.-
 Receipt Number 165224

FEE \$ 250.-

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22-06

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

APPLICATION FOR ZONING VARIANCE

Date: 8/20/2022

Applicant Name DAVID LISKIEWICZ
 Address 2740 PETERS CORNER
ALDEN NY 14004
 Telephone 716-725-4561

Supporting Information needed: (The following information must be attached to the application.)

1. Copy of legal description from property deed.
2. Copy of property survey
3. Letter of Denial from Building Inspector
4. Site plan at appropriate scale showing existing and proposed location of:
 - a. Buildings
 - b. Roads, Parking and Sidewalks
 - c. Landscaping, Fences and Screening
 - d. Easements

Where variance allowing two family dwelling is requested, the following must be attached:

1. Copy of building plans
2. Approval of sanitary system by Erie County Health Department

Property Identification

1. Tax Map Number: 97.00-4-10.111
2. Street Address 2740 PETERS CORNER
3. Name of Property Owner(s) DAVID & JOANNA LISKIEWICZ
4. Date Property Acquired 9/14/2021
5. Adjacent Zoning _____ on the north
 _____ on the east
 _____ on the south
 _____ on the west
6. Proposed Zoning Change _____ is; _____ is not consistent with the Town Master Plan
7. Alden Town Code Section to be Varied: 365-10 D(1) AREA: 80,000 SQ. FT.

Variance or Permit Requested:

1. State the purpose of this application (i.e., type of variance from Zoning Ordinance or permit requested)
SUB-DIVIDE LOT THAT DOES NOT HAVE THE REQUIRED MIN. SIZE
2. Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:

3. Where permit is requested, state the reasons for requesting this permit:

David Liskiewicz
 Signature of Applicant

8/20/2022
 Date

ZONING BOARD OF APPEALS REVIEW

(Zoning Board of Appeals use only)

_____ **Use Variance** - to allow a use not otherwise allowed in zoning, applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all of the following, for each and every permitted use:

- _____ 1. Cannot realize reasonable return {include financial evidence}.
- _____ 2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
- _____ 3. Requested variance will not alter essential character of the neighborhood.
- _____ 4. Alleged hardship has not been self-created.

_____ **Area Variance** – Board shall balance benefit to applicant with the detriment to health, safety and welfare of the community.

- _____ 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created?
- _____ 2. Can benefit be achieved by other means feasible to applicant?
- _____ 3. Is the request substantial?
- _____ 4. Will request have adverse physical or environmental effects?
- _____ 5. Is the alleged difficulty self-created?
- _____ 6. Will request create a hazard to health, safety or general welfare?

APPROVED: _____ **DENIED:** _____ **DATE:** _____

CONDITIONS FOR APPROVAL:

ZBA Chairperson: _____ **DATE:** _____

NOTE: THIS SURVEY IS MADE AND USED WITH AN ASSUMPTION OF NO CHANGE
 THIS SURVEY WAS PREPARED WITHOUT THE CONSENT OF
 AN OFFICER OF TITLE AND IS SUBJECT TO ANY CHANGE
 OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION
 OF RECORD



*PROPOSED TO
 SPILT PROPERTY*

PETERS CORNER (66' WIDE) ROAD

LOCATION: TOWN OF ALDEN COUNTY OF EPE, STATE OF NEW YORK PART OF LOT 26, TOWNSHIP 11, RANGE 9 OF THE HOLLAND LAND COMPANY'S SURVEY	MAP COVER: SUBLOT(S): DATE: AUGUST 6, 2021 REVISIONS: AMENDED 8/11/21	JOB NO.: 21-8246 SCALE: 1"=100' DRAWN BY: S. CARVER JR CHECKED BY: S. CARVER
STEVE A. CARVER PLS. LAND SURVEY SERVICES 945 RUE ROAD, NORTH TONAWANDA NY 14120 TEL 716-525-1250 FAX 716-551-1275		

SPC

**NOTICE OF PUBLIC HEARING
BEFORE THE
TOWN OF ALDEN
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town of Alden Zoning Board of Appeals on the 12th day of October, 2022 at 6:30 PM at the Alden Town Hall, 3311 Wende Rd., Alden, NY on the following matter:

Appeal by David Liskiewicz, 2740 Peters Corners Rd. Alden, NY from a Notice of Disapproval issued by the Town Code Enforcement Officer/Building Inspector denying a request to subdivide a lot at 2740 Peters Corners Rd. Alden, NY (SBL #97.00-4-10.111) because the required lot size is 80,000 square feet (Alden Town Code at Section 365-10(D)(1)). Said appeal seeks a variance from the Alden Town Code.

Said Zoning Board of Appeals will, at the time and place set forth above, hear all persons in support of and in objection to said matters. Persons may appear in person or by their agent.

Dated: September 29, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF ALDEN

By:



Susanne M. Galbraith, Chairwomen



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Fax: 716-937-9587

ZONING BOARD OF APPEALS

**ALDEN TOWN HALL
311 Wende Road
Alden, New York 14004**

**Town of Alden
Zoning Board of Appeals**

ZBA VARIANCE HEARING MINUTES 22-06

Date of Zoning Board of Appeals Meeting and Hearing: October 12, 2022
Meeting called to order at 6:30 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman
Jeff Kurek, Board Member
Mandy Szymanski, Board Member
Susan Schumacher, Secretary
David Liskiewicz, Applicant
Bruce Leroy, neighbor
James Leroy, neighbor
Leonard Weglarski, neighbor
Robert Swallow, neighbor
Mike Thuman, neighbor

Absent: Sarah Hinsken, Board Member

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

Applicant: David Liskiewicz
Address: 2740 Peters Corners Road
Type of Variance Requested: Area Variance
Town Code: 365-10 D(1)
Description: Applicant is requesting to subdivide a lot that does not have the required minimum square feet.
Property Tax Map: 97.00-4-10.111
Street Location: 2740 Peters Corners Road
Name of Property Owners: David and Joanna Liskiewicz

Mr Liskiewicz advised that he purchased the 19.2 acre parcel at 2740 Peters Corners Road, has built a home on the property and is now interested in splitting the one parcel into two. He is requesting a division that will result in two properties with required frontage, but the area of one will be 76,600 square feet which does not meet the required 80,000 square feet. There is an option available to the applicant to add the required square footage to the parcel that is short by extending the lot at the rear.

Bruce Leroy stated that he opposed the variance and wanted the code to be enforced. Other neighbors were concerned about a negative impact on federally protected wetlands. Chairwoman Galbraith advised that impact on federally designated wetlands is not an issue that would be entertained by the Zoning Board of Appeals.

Leonard Weglarski advised he interested in the specifics of the division and if there would be any impact on the land he owns. This parcel in question does not border Weglarski's property.

Chairwoman Galbraith and board members provided clarification with review of the survey explaining that the extension on the rear of the lot that would be short square footage would put the rear lot line in the pond.

Board Member Kurek moved and Board Member Szymanski seconded the motion to adjourn the hearing at 6:42 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.
2. The benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance by extending the smaller parcel at the rear into the pond.
3. The request is not substantial. It is only 3,600 square feet short of the minimum requirement of 80,000 square feet.
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 Szymanski and seconded by Board Member Kurek 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 - Disapprove (absent) Member Szymanski – Approve
The resolution did carry and the area variance is approved.

Board Member Szymanski moved and Board Member Kurek seconded the motion to adjourn the meeting at 6:53 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