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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 MINUTES 22-05

Date of Zoning Board of Appeals Meeting and Hearing: August 24, 2022
Meeting called to order at 6:45 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman
Sarah Hinsken, Board Member
Jeff Kurek, Board Member
Mandy Szymanski, Board Member
Susan Schumacher, Secretary
Mark Leonard, Applicant

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

Applicant: Mark P. Leonard
Address: 13340 North Road, Alden NY
Type of Variance Requested: Area Variance
Town Code: 365-24 D(6)(c)[1][a]
Description: Application is requesting a variance to allow ground mounted solar panels to be installed without meeting the required code setbacks.
Property Tax Map: 97.00-6-10.2
Street Location: 13340 North Road, Alden NY
Name of Property Owners: Mark P. Leonard and Rachel L. Leonard

Mr. Leonard distributed a set of photos depicting all borders of his property and discussed his reasoning for the need to obtain a variance for all setbacks and the right of way to install ground mounted solar panels. The lot setback discrepancies are:

Setback Location	Code Requirement	Setback Requested
Side Yard	30 feet	21 feet 6 inches
Rear Yard	100 feet	74 feet
Front Yard	250 feet	110 feet

Mr. Leonard reiterated that he is not in favor of roof mounted solar panels as they present a problem for firemen to access the roof if there were ever a fire and additional costs with roof mounted solar panels has driven his request. Board member Hinsken inquired if Mr. Leonard

wanted to install the solar panels for environmental reasons. He responded that he wants to install solar panels for both environmental reasons and to reduce his electricity cost.

Town of Alden

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VARIANCE DECISION – ZBA HEARING 22-05

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Board Member Szymanski moved and Board Member Hinsken seconded the motion to adjourn the hearing at 6:53 p.m.

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

1. An undesirable change could 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 property to the north is owned by the railroad and is currently an abandoned railroad track. The property to the west is their house, the property to the east is a barn that is a distance away from the proposed site and has a tree barrier in between.
2. The benefit sought by the applicant cannot be achieved by some other method for ground mounted solar panels, feasible for the applicant to pursue other than an area variance. Cannot be moved north since it is owned by the railway and would be in a wooded area affecting the solar panels to be able to be exposed to the sun.
3. The request is substantial because the setbacks requested fail on three sides.
4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district. The idea of going to green energy is on the rise and is better for the environment.
5. The difficulty is not self-created due to the space available for ground placement; 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. It is actually better for the environment.

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 Hinsken and seconded by Board Member Szymanski to wit:

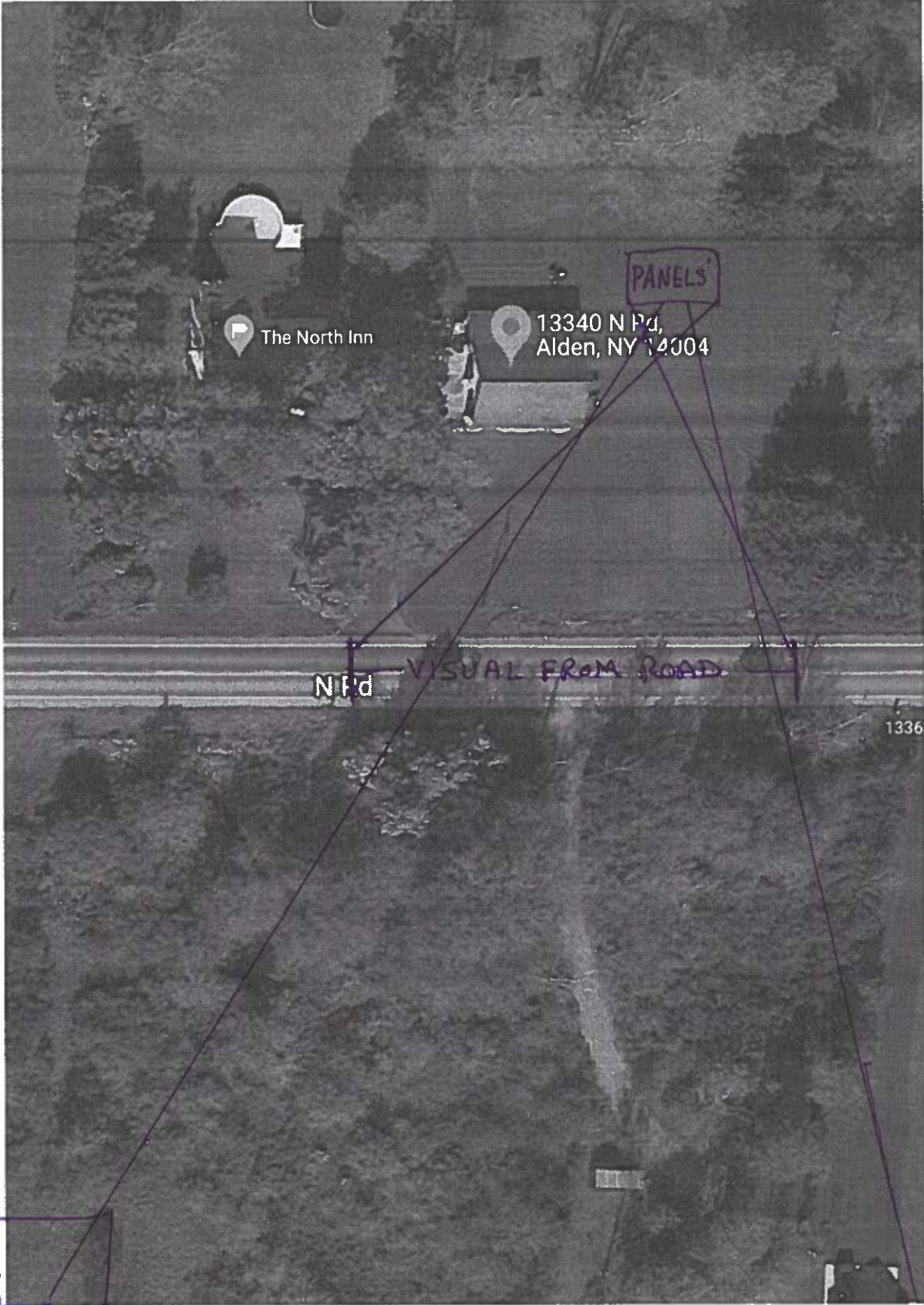
So moved that the variance be approved.

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 Szymanski – Approve
The resolution did carry and the area variance is approved.

Board Member Kurek moved and Board Member Hinsken seconded the motion to adjourn the meeting at 7:10 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



The North Inn

13340 N Rd,
Alden, NY 14004

PANELS

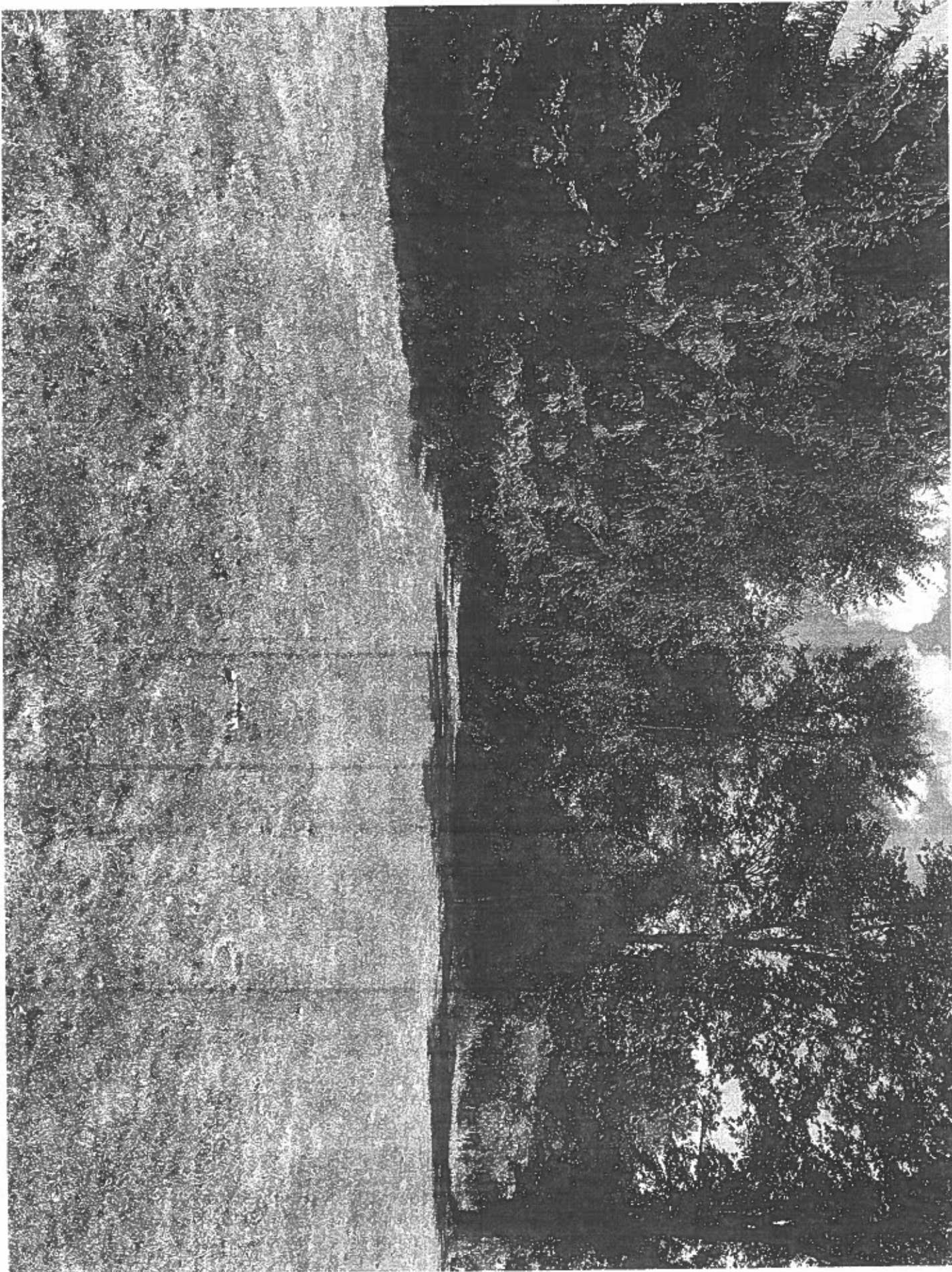
N Rd

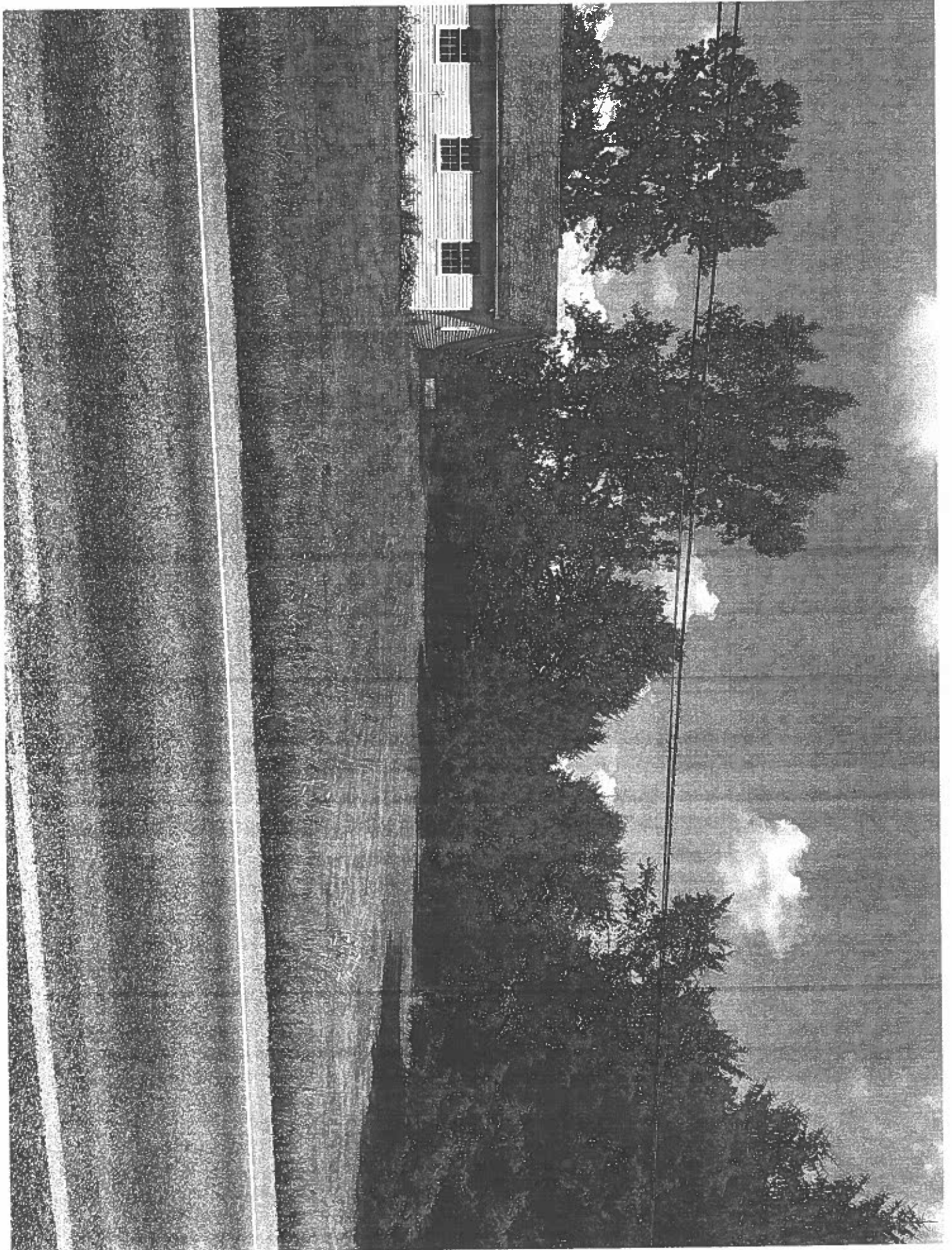
VISUAL FROM ROAD

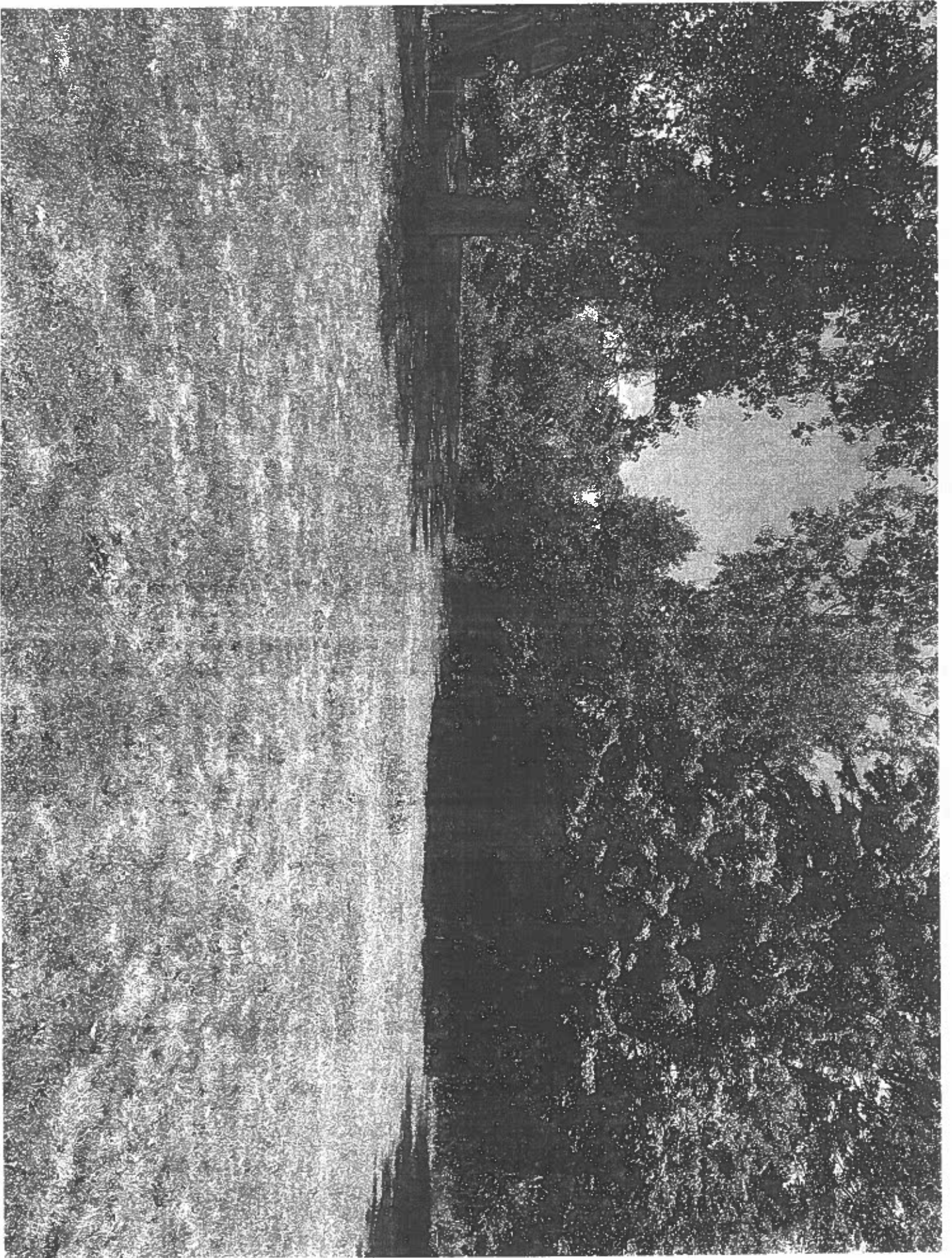
1336

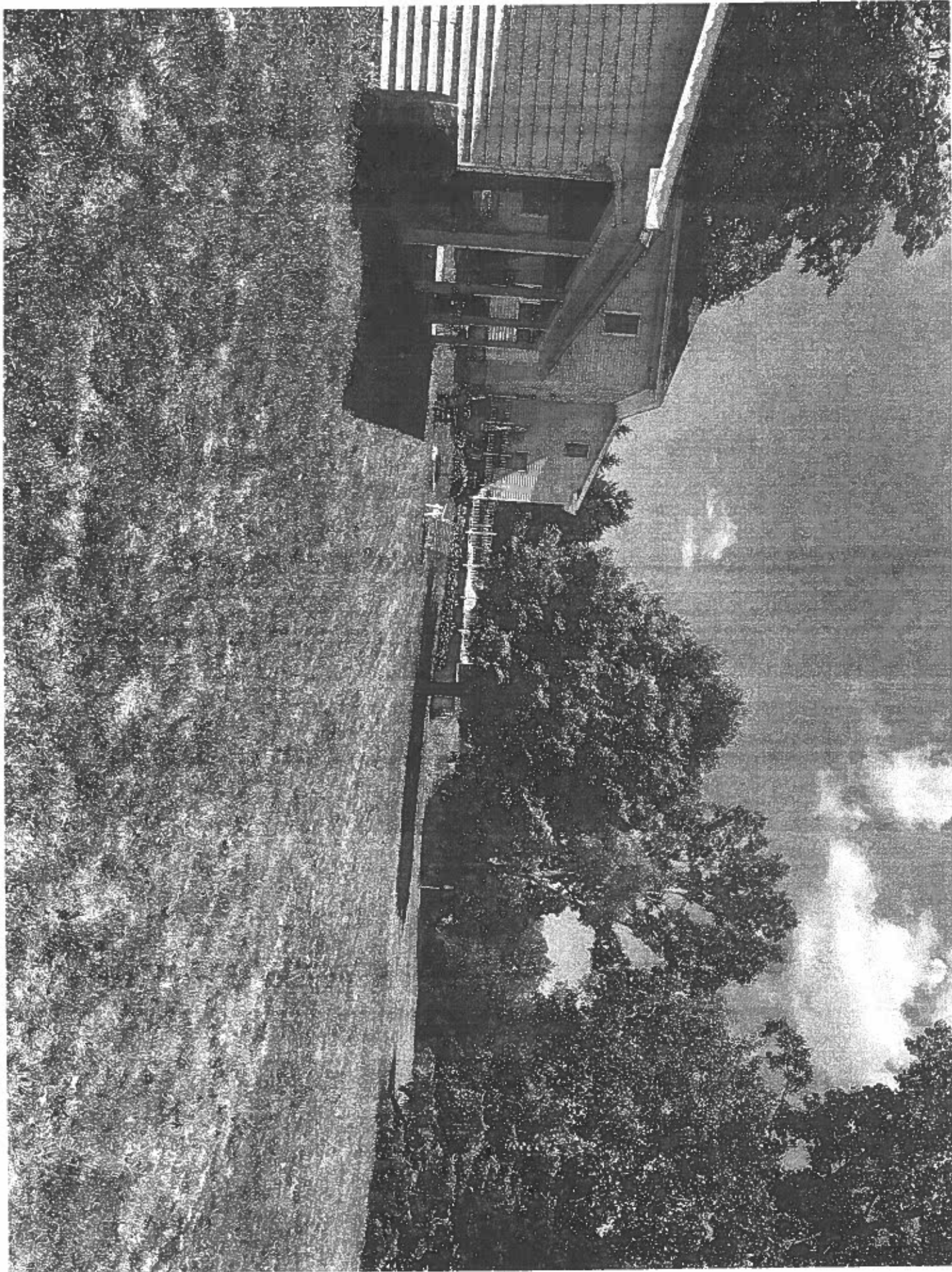
Aprox.
location
of new home

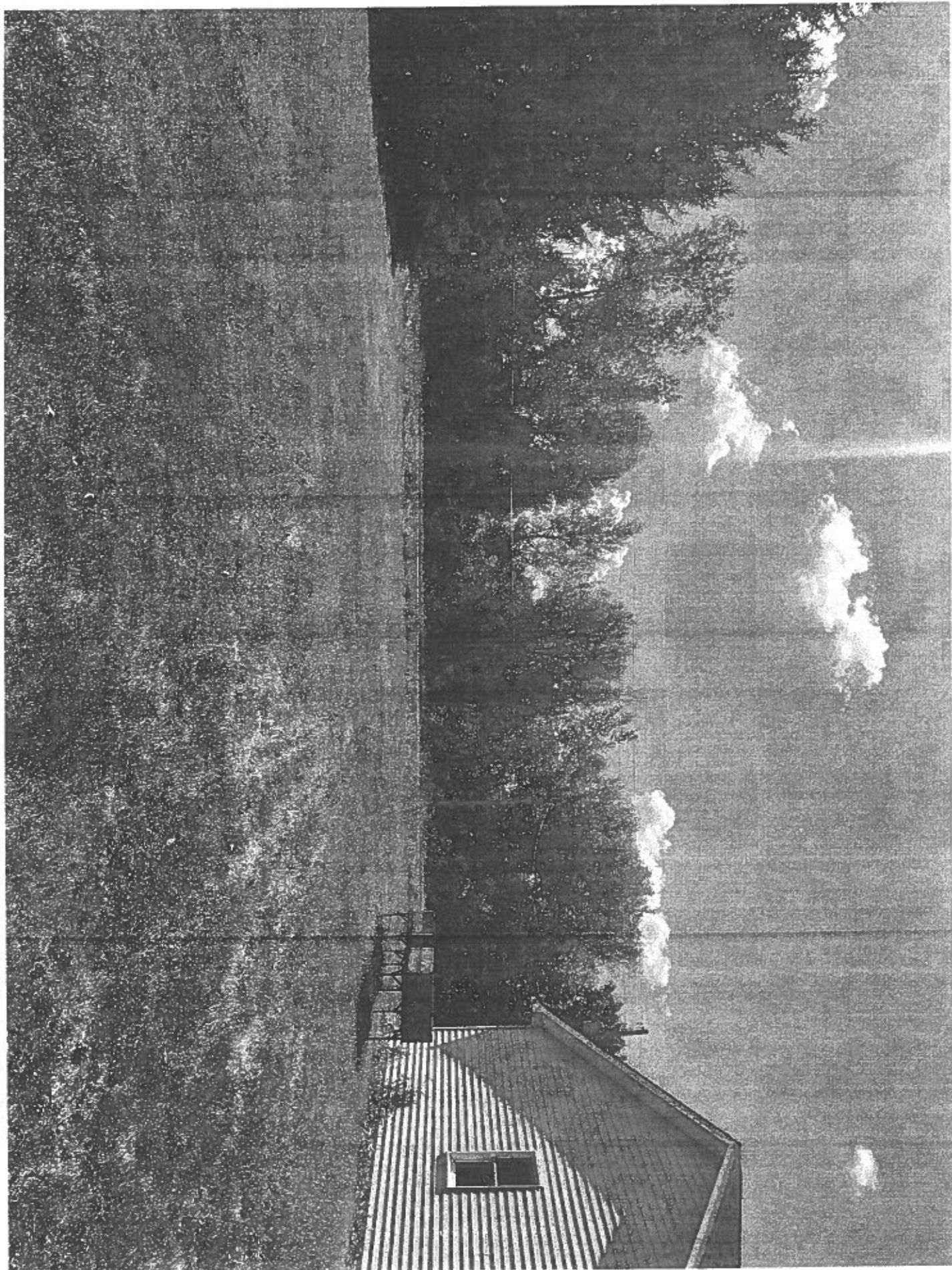
House











**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 24th day of August, 2022 at 6:45 PM at the Alden Town Hall, 3311 Wende Rd., Alden, NY on the following matter:

Appeal by Mark Leonard 13340 North Rd. Alden, NY from a Notice of Disapproval issued by the Town Code Enforcement Officer/Building Inspector denying a request to install ground mounted solar panels at 13340 North Rd, Alden, NY (SBL #97.00-6-10.2) because the required side yard setback is 30 feet; rear setback is 100 feet and the front yard setback is 250 feet (Alden Town Code at Section 365-24D(6)(c)(1)(a), (b) and (c). 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: August 11, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF ALDEN



By: _____
Susanne M. Galbraith, Chairwomen