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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 22-04

Date of Zoning Board of Appeals Meeting and Hearing: August 24, 2022
Meeting called to order at 6:30 pm by Chairwoman Galbraith.

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

Chairwoman Galbraith noted for the record that the street address number for the property was incorrectly listed in the public notice as 12344 instead of 12433 Broadway Street. The board was advised, this will not hinder holding this hearing.

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

Applicant: Robert Bebee
Address: 1051 Olean Road, E. Aurora, NY
Type of Variance Requested: Area Variance
Town Code: 365-21A(2)(a)
Description: Applicant requests to construct an addition to a commercial building with less than the required 135 feet setback.
Property Tax Map: 118.12-1-2.1
Street Location: 12433 Broadway Street, Alden, NY
Name of Property Owners: Robert J. Bebee and Kellie R. Bebee

Mr. Bebee advised that as it is documented in his application for this variance, he is requesting to construct a pole building addition to continue the current building at the same set back distance which is 87'6". Chairwoman Galbraith inquired regarding the usage of the proposed building. Mr. Bebee advised that it was for storage of stock items, replacement parts and would provide indoor storage for items such as pipe racks that are currently being stored outside.

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Board Member Szymanski moved, and Board Member Kurek seconded the motion to adjourn the hearing at 6:33 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. To the west is what appears to be wetlands, and to the east is a pre-existing building they own.
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 due to the current building placement and size of the lot. Cannot build to the North, East or South.
3. The request is substantial due to the reduced amount of setback requested. They are requesting a set back that is 47.4' less than code requires.
4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district. The extra building would allow for equipment currently stored outside, to be store in the new enclosure.
5. The difficulty is not 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. The lot is small and there is no other place this building could be erected. It is being constructed as far south from Broadway as possible.
6. The approval of this variance will not create a hazard to health, safety, or general welfare. Their preexisting building is very close to Broadway, where the new variance will allow for good sight distance.

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 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 - 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 6:40 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