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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**

**VARIANCE DECISION – ZBA HEARING 2024-04**

Date of Zoning Board of Appeals Meeting and Hearing: October 17, 2024  
Meeting called to order at 6:45 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman  
Sarah Hinsken, Board Member  
Jeff Kurek, Board Member  
Bill Kissel, Board Member  
Ryan Moran, Applicant

Absent: Mandy Szymanski, Board Member, Jamie Rapini, Secretary

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

Applicant: James Dean

Address: 2025 Town Line Road

Type of Variance Requested: Area Variance 00-1-33) because the proposed fence exceeds the height requirements (Alden Town Code Section 365-28). Town code allows for a maximum height of 3 foot, when facing a front yard, resident is requesting a 4 foot height.

Property Tax Map: 107.00-1-33

Street Location: 2025 Town Line Road

Name of Property Owners: James Dean

Mr. Dean would like to erect a four (4) foot fence, to enclose his back yard. The code allows for a maximum height in a front yard of three feet height. As he lives on a corner lot, this creates two front yards. The reason for the request is that he has a young child and another on the way, along with a dog. He is concerned for their safety, as this corner abuts a very busy intersection.

No neighbors chose to attend the hearing and no written concerns from them were received by the board.

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Board Member Kissel moved and Board Member Kurek, seconded the motion to adjourn the hearing at 6:40 p.m.

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

1. The benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance, as the child and dog are small right now, and could be trained not to approach near the fence.
2. The request is not substantial, one foot above code.
3. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district, as it is on his property and does not infringe on the neighbor's lot.
4. 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 keep the fence at three feet
5. The approval of this variance will not create a hazard to health, safety or general welfare. If anything it is to help with the safety of his family, but does not effect anyone else.

After due review of the area variance request by the above named property owner, and in consideration of applicable codes and the five criteria relative to the granting of area variances, the following resolution was offered by Board Member Kissel 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 Hinsken – Approve Member Szymanski – absent  
Member Kissel– Approve Member Kurek - approve  
The resolution did carry and the area/use variance is approved.

cc: A. Barrett, Town Clerk  
Eli, Code Enforcement Officer  
C. Pautler Supervisor  
G. Waiss, Councilman  
ZBA Board Members & Secretary