



ZONING BOARD OF

APPEALS

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**ALDEN TOWN
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Alden, New York**

**Town of Alden
Zoning Board of Appeals**

VARIANCE DECISION – ZBA HEARING 2024-03

Date of Zoning Board of Appeals Meeting and Hearing: September 17, 2024
Meeting called to order at 6:32 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman Bill Kissell, Board Member
Sarah Hinsken, Board Member
Jeff Kurek, Board Member
Tommaso Briatico, Architect
Adam Mazzariello. Property owner

Absent – Many Szmanski, member

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

Applicant: Adam Mazzariello, property owner
Address: 13500 Genesee St., Town of Alden
Type of Variance Requested: Area Variance-request to construct a new metal building on existing foundation.
Town Code: 356-21(A)(2)(c) states that the minimum setback for Genesee St. is 108' from center line. The proposed setback is 68' from the centerline, thus requesting a 40' variance.

Property Tax Map: 86.04-1-8
Street Location: 13500 Genesee St.
Name of Property Owners: Adam Mazzariello

Board Member Kurek moved and Board Member Kissell seconded the motion to enter into the hearing at 6:35 p.m.

Mr. Briatico, Architect, explained the plan to the board, that they would be using the pre-existing foundation and electrical. They would also be using the pre-existing septic system, with approval from Erie County. Relocation of the building is not feasible due to location of septic system and lot size. The owner feels this would make a good location for a rental property for a small shop.

The board agreed, since he was using the same foot print of the previous business, with the location, not much else could be done with the currently vacant, overgrown lot.

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Board Member Kurek moved and Board Member Kissel seconded the motion to adjourn the hearing at 6:50 p.m.

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

FOR AREA VARIANCE:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created? No, the property is currently vacant and overgrown with brush.
2. Can the benefit be achieved by other means feasible to applicant. No, by the time the setback from Genesee St. is up to code, the building would be too small to build anything on. They would also have to redo all the plumbing and electrical, causing too much of a financial drain to make it worth it.
3. Is the request substantial? Yes, it is about 40% variance to comply with code.
4. Will request have adverse physical or environmental effects? No, using existing utility locations. The lot will be cleaned and cleared of brush and debris, making it more environmentally sound.
5. Is the alleged difficulty self-created? No, the code changed since the prior business was built.
6. Will request create a hazard to health, safety or general welfare? No, using pre-existing utility locations, proposed building will not block site views.

After due review of the use variance request by the above named property owner, and in consideration of applicable codes and the one criteria relative to the granting of the area variance, 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 Hinsken - Approve
Member Kurek – Approve	Member Kissell - Approve

The resolution did carry, and the area variance is approved.

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