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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 NOTO VARIANCE HEARING 25-01 MINUTES

Date of Zoning Board of Appeals Meeting and Hearing: May 20, 2025
Meeting called to order at 6:02 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman
Jeff Kurek, Board Member
Mandy Szymanski, Board Member
Bill Kissell, Board Member
Linda J. Marzolf, Secretary
Corrie Domres, Applicant

Board Member Bill Kissell moved and Board Member Mandy Szymanski seconded the motion to open the hearing.

Applicant: Corrie Domres
Address: 11163 Genesee Street
Type of Variance Requested: Area Variance
Town Code: §365-14 E (1) (a)
Description: Applicant is requesting to build a porch that will be closer to road than old porch.
Property Tax Map: 96.00-1-7
Street Location: 11163 Genesee Street
Name of Property Owners: Corrie Domres

Mr. Domres was denied a porch as it violates front yard requirements. He took it down because it was unsafe. He found out that he couldn't put the new one up because it was too close to the road. The building had been there long before the road was constructed. At this point he has to put something back up there. "The old stairs were not up to code so I can't replace exactly the way it was before. I need to bring the stairs out closer to the road to bring them in compliance with code. That's what I am trying to accomplish to make it all safe."

How big was the former front porch? About five feet wide by six. The new porch will be eight feet wide by 14 feet.

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How far off the highway will the new porch be? Mr. Domres: I am not sure.

Mr. Christner (CEO) says 14 feet. The required front yard is 35 feet.

Board Member – looks like we are talking about a nine foot difference from old porch to new porch.

Chairwoman Galbraith – If you build your new porch it is not going to interfere with sight lines at all?

Mr. Domres – That's right.

Board Member Jeff Kurek – The house has existed. You have to get out of your house and you don't have too many options. You have to give him some more feet just to make it safe and have the stairs pitched right. I don't think he has many other options.

Chairwoman Galbraith asked for comments from the Board.

Chairwoman Galbraith asked the meeting attendees if there were any people here for this public hearing.

Board Member Bill Kissell moved and Board Member Jeff Kurek seconded the motion to approve the Variance Hearing.

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. The porch will not affect sight lines.
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.
3. The request is not substantial. The length of the porch will only be nine feet longer than the code allows.
4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district. No, the new size of the porch will allow the stairs pitch to be safe and within code.
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. The building could be built within code standards.
6. The approval of this variance will not create a hazard to health, safety or general welfare. The construction of this pole building will have no environmental impact.

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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 Kissell 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 Kissell - Approve
Member Szymanski – Approve

The resolution did carry and the Area Variance is approved.

Board Member Kurek moved and Board Member Kissell seconded the motion to adjourn the meeting at 6:12 p.m.

cc: A. Barrett, Town Clerk
 G. Christner, Code Enforcement Officer
 C. Pautler, Supervisor
 G. Waiss, Councilmember
 G. Bork, Councilmember
 J. Cieszki, Councilmember
 R. Crist, Councilmember
 J. Strong, Town Attorney
 ZBA Board Members & Secretary