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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 25-03 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                      Gary Kaczmarek, Applicant  
                         Jeff Kurek, Board Member  
                         Mandy Szymanski, Board Member  
                         Bill Kissell, Board Member  
                         Linda J. Marzolf, Secretary

Board Member Bill Kissell moved and Board Member Mandy Szymanski seconded the motion to open the Hearing at 7:05 p.m.

Applicant: Gary Kaczmarek  
Address: 11733 Westwood Road  
Type of Variance Requested: Area Variance similar to 1996 Flag Lot request  
Town Code: § 365-10 D. (2)  
Description: Applicant is requesting Flag Lot portion sold similar to 1996 survey and request.  
Property Tax Map: 107.00-7-2  
Street Location: 11733 Westwood Road  
Name of Property Owners: Gary Kaczmarek

**Mr. Kaczmarek** – I am here to do the same thing I did in 1996 with a flag lot. The ZBA has the survey of what was accepted and passed. It did give me an address for the flag lot. Erie County came in and put a culvert in. See the permit from the town.

I have someone who wants to purchase the buildings but does not want the land. It's not a subdivision, just one house.

**Board Member:** That's the house that's online right now, the one for sale? You want to section that house off with the barns.

**Mr. Kaczmarek** – That's correct. There's 200 feet of frontage leaving enough to do a flag lot. There are six other houses down the street that have flag lots.

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**Board Member:** How many acres total is the flag portion? Answer: going to be about 21-22 acres.

**Mr. Kaczmarek** – the guy only wants 4 or 4 ½ acres of land. He doesn't want a lot of land. He only wants to remodel the house and re-do the buildings.

**Board Member:** The guy who is buying the house is content with having the lot behind him?  
Answer: Yes.

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

- **Neighbor group:** concerned with the prospect of a subdivision and once we heard that's off the table we are okay with one house.
- **Group question- You have an offer for the house?** Answer: Yes I do with contingency that this gets split. He doesn't want the land. He is a contractor and will flip the house.
- **Group discussion about previous two homes at location. One gone.** Explanation regarding previous 1996 effort to do the same project. Divorce halted efforts. Permit expired.
- **Mary Ulrich** – What assurance do we as neighbors have that there will only be a single house on that lot? Answer: only one single family house allowed there. In the future, if wanted to build more homes, a Zoning Appeal would be required. Lot width precludes multiple homes per Planning Board.
- **Rena Pautler** - Concerned with the loss of all of our farm land. Westwood being developed. People that want to hunt and fish should have a place.
- **Alfred Ulrich** – Question about two family options. Listed both ways? Two family, more cars. Answer from Building Inspector: Two family are not permitted in the RA district. If a person wanted to convert from one to two family they would have to come back before this Board for a Use Variance. You would all be notified again.

**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.
2. The benefit sought by the applicant might be achieved by some other method (like selling the entire property but that's not the case).
3. The request **is** substantial.
4. Approval **will not have** adverse effect or impact on the physical or environmental condition in the neighborhood or district.
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.
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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Board Member Bill Kissell moved and Board Member Mandy Szymanski seconded the motion to adjourn the Hearing at 7:25 p.m.

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 Jeff Kurek and seconded by Board Member Mandy 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 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 7:35 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