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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 25-02 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 Joel W. Lattimer, Applicant
 Jeff Kurek, Board Member
 Mandy Szymanski, Board Member
 Bill Kissell, Board Member
 Linda J. Marzolf, Secretary

Board Member Mandy Szymanski moved and Board Member Jeff Kurek seconded the motion to open the Hearing at 6:45 p.m.

Applicant: Joel Lattimer
Address: 3100 Crittenden Road
Type of Variance Requested: Clarification from ZBA needed. A variance was granted in 1992.
Town Code: § 365-10 A.
Description: Applicant is requesting clarification from Zoning Board.
Property Tax Map: 97.00-2-22.2
Street Location: 3100 Crittenden Road
Name of Property Owners: Joel W. Lattimer

Mr. Lattimer submitted a letter to the Alden Town Board.

“I am here to seek clarity on an existing variance that is in place for the property known as 3092/3100 Crittenden Road, Alden. The current parcel that is under this variance is 40 acres and I am reducing the size of the parcel to +/- 10 acres. I am splitting out this lot and want clarification of the existing variance and I would request that the rest of the parcel remain as residential agricultural use which aligns with neighboring properties.

I purchased this property knowing of the existing use variance with the allowable uses in place, allowing for a trucking company.

If this were to be as a residential use I could rent shop area for +/- \$1000. If as an agricultural use I could rent shop for \$1,200-\$2,000. As a trucking yard, which is an allowable”

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Mr. Lattimer's letter continued:

"use, it'd be at \$3,000-\$4,500/month. Clearly based on that brief breakdown of values, hardship is described. Due diligence on the allowable uses was done prior to purchase through conversations with the building inspectors (with emails to provide as proof) and looking at the town code. The property currently has the variance as well as a non-conforming use in place over the full 40 acre parcel, namely the trucking company operating in an R-A zone.

Inside of the variance questions:

Is it self created? NO

Is it detrimental to surroundings? NO, its been in place since Grover Cleveland was the sheriff in Erie County.

Is the request significant? NO

Are there other ways to achieve this? NO

I am here to request the clarification of the existing use to be as a truck terminal, which is more or less what it has already been.

I can provide further information if needed as well as answer any questions you may have.

Thank you for your time today and for letting me come before you all to discuss this.

Sincerely,
Joel W. Lattimer"

Mr. Lattimer stated that he knows of one neighbor who is not in favor. This neighbor has concerns about the smell from trucks.

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

- Marc Crisci (neighbor across street) – Wonder about how a variance allowed back in 1992 when traffic was slower would be ruled on now if presented to the ZBA? Would it be granted to allow a trucking terminal?
- Matt Fischer (neighbor to the north) Currently is a wooded lot approximately 120 feet wide between us and the trucking company property, essentially blocking the sight of the company and blocking noise like a buffer zone. I would like the wood lot to remain because of my kids and family. I have discussed the issue with Mr. Lattimer.

Board Member Bill Kissell moved and Board Member Mandy Szymanski seconded the motion to adjourn the Hearing at 6:55 p.m.

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Chairwoman Galbraith asked for comments from the Board.

Member: I think that Glenn (Christener, Building Inspector) explained it. Traffic remains. You (Mr. Lattimer) mentioned the DEF and auto shut-off after 15 minutes. No questions for applicant.

Chairwoman Galbraith stated that no criteria is needed for this clarification.

After due review of the clarification of 1992 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 Bill Kissell to wit:

So moved that the clarification of 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 clarification of the 1992 Area Variance is approved.

Board Member Kurek moved and Board Member Kissell seconded the motion to adjourn the meeting at 7:00 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