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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 25-04 MINUTES

Date of Zoning Board of Appeals Meeting and Hearing: August 19, 2025
Meeting called to order at 6:32 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman Paul Marzec, Applicant for Luanne Delzer
Jeff Kurek, Board Member
Mandy Szymanski, Board Member
Bill Kissell, Board Member
Linda J. Marzolf, Secretary

Chairwoman Galbraith: The purpose of this Public Hearing is that we have one Area Variance that's being denied for two reasons.

1. The front yardage has to be 200 feet. It is 126 feet and they're going to divide the parcel in half.
2. The square area has to be 80,000. Divided in half would be 40,000 square feet.

Board Member Bill Kissell moved and **Board Member Mandy Szymanski** seconded the motion to open the Public Hearing at 6:33 pm. Carried with four ayes.

Applicant: Paul Marzec

Address: 25 Two Rod Road

Type of Variance Requested: Area Variance

Town Code: §365-10 R-A

Description: Applicant is requesting to subdivide 11347 Westwood Road.

Property Tax Map: 107.00-6-20

Street Location: 11347 Westwood Road

Name of Property Owners: Luanne Delzer

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Mr. Marzec is present to represent Mrs. Delzer who resides at 11347 Westwood Road. I am here to explain the undue hardship that she is undergoing due to the current zoning restrictions.

1. I want to emphasize that she wants to “age in place”. Mrs. Delzer does not want to move out of her home. She doesn’t want the stress of moving. She’s been in her home since 1992 and she wants to remain in her home.
2. Maintenance of the property is starting to be a hardship for her. The stress of mowing 1.8 acres is a lot for her.
3. The financial strain associated with maintaining such a large property also carries obviously some weight for her as well.

All that resulting in a diminished quality of life. Hopefully we can help her out by doing something here [in the Public Hearing].

What we are proposing is a subdivision of the lot. As you can see on the zoning map that I have provided Mrs. Delzer’s home is on one half of the property. We’d like the variance to subdivide the existing parcel into two parcels. She would keep residing in her home on the east side of the parcel. The remaining parcel would be sold and built on, a single family residence.

The resulting lot although it doesn’t meet the RA (Residential / Agricultural) zoning as CEO Glenn Christner mentioned. The new lot would meet R-1 zoning similar to a lot of residential homes on Westwood Road.

There are a lot of lots that size or smaller with homes on them.

Chairwoman Galbraith: a question for CEO Glenn Christner:

Needed a clarification as to the correct address. Correct address is 11347 Westwood Road on Zoning Application.

Chairwoman Galbraith: question for the applicant:

You’re building a house. Is it for any of her relatives or anything? No

It’s just to build a house to build a house? Correct

Board member: The neighbor to the west is totally against it? Is that who sent the letter?
(Karen Pfentner) Yes

Board member to CEO: Do you know how many parcels we have on Westwood between Townline and Two Rod Roads? Or Two Road and Sandridge Roads that are this small in size? CEO didn’t know exact number.

Discussion: Members looked at zoning map. New builds are a certain size? About two acres? If they want to split the parcel it would leave about ¾ acres per split sections. Across the street still has two acres, it’s just a deep lot.

CEO: Townline and Sandridge – the entire road is zoned RA.

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Member questioned CEO: so about the first dozen houses on southeast corner of Westwood near Sandridge are broken down smaller and everything else to the west is larger? CEO doesn't know exact sizes of those parcels.

Member question: Do you know if they have a sand filter or a leach field there (on 11347 Westwood)? Applicant does not know.

Members commented that the neighbor was complaining about the drainage issues.

Applicant Marzec: The new lot area size would be compliant with Erie County Health Department minimum. It actually exceeds the minimum lot size for a septic system. Both lots would – the one with the home and the new one. With respect to the drainage we always do drainage plans. I believe that everything drains to the ditch there. This would actually be an improvement because that ditch is not very well maintained by Erie County. There is a lot of overgrowth that happens. Having a new home there would create maintenance there that Erie County doesn't always do. In terms of drainage the property would drain to the ditch. And the drainage pipe would be provided for a building permit. We would also be compliant with all set back.

Member: Karen, neighbor to the west, concerned with flooding. Obviously having a house closer to her property line than what she has now...

Board member discussion about previous zoning approvals on Westwood Road made a note that the decision in question referred to an approximately 23 acre parcel, a substantial difference from this request.

Chairwoman Galbraith asked members if any questions. Are we all good? Yes was response.

Chairwoman Galbraith asked for a motion to close the Public Hearing.

Board Member Mandy Szymanski moved and Board Member Jeff Kurek seconded the motion to adjourn the Public Hearing. Motion carried with all Board Members in favor.

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

1. An undesirable change **will be produced for the neighbor to the west** in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested variance.
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. **The property is not big enough.**
3. The request is substantial.
4. Approval **will possibly have adverse effects or impact on the physical or environmental condition in the neighborhood** or district.
5. **Yes, the difficulty is 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 or denial of this variance **will not create a hazard to health, safety or general welfare.**

After due review of the area variance request by the above named representative for the property owner, and in consideration of applicable codes and the criteria relative to the granting of area variances, the following motion to disapprove the area variance was offered by Board Member Bill Kissell and seconded by Board Member Mandy Szymanski to wit:

So moved that the variance be disapproved.

The motion 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 - Disapprove
Member Kurek - Disapprove
Member Kissell - Disapprove
Member Szymanski - Disapprove

The motion to disapprove the variance did carry and the Area Variance is disapproved by a lawful quorum.

Chairwoman Galbraith asked Applicant Marzec is he had any questions. I do not. Thank you for the consideration.

Board Member Kurek moved and Board Member Kissell seconded the motion to adjourn the meeting at 6:45 p.m.

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