



ZONING BOARD OF

APPEALS

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Road

14004

ALDEN TOWN

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Alden, New York

Town of Alden Zoning Board of Appeals

VARIANCE DECISION – ZBA HEARING 2026-3

Date of Zoning Board of Appeals Meeting and Hearing: September 28, 2026

Meeting called to order at 6:32 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman

Mandy Szmanski, Board Member

Jeff Kurek, Board Member

Bill Kissel, Board member

Henry Zimmerman, 1463 West Dr.

Kara Wrazen, 1463 West Dr.

LuAnne Delzer, 11347 Westwood Rd. property owner

Paul Marzec – 25 Two Rd. – Developer

Max Marzec – developer's son

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

Applicant: LuAnne Delzer, property owner

Address: 11347 Westwood Rd., Town of Alden

Type of Variance Requested: Area Variance-request. This is the second time this parcel is being brought before the board, but dimensions and acreage is different from the previously submitted variance request. The original lot is 253.62' and the variance would divide one lot to 122.62' and the other 131' wide and .95 acres.

Mr. Marzec began – the lot is bigger, 131' by 316' by .95 acres., almost a full acre. The packet also included a hardship letter From John Legarreta, MD Mrs. Delzer has been diagnosed with Macular degeneration. This causes blurred or distorted vision. Also included is a drainage and grading plan and a list of 34 parcels that are not in compliance on Westwood Rd.

The developer was informed that the other 34 parcels and the drainage would not be considered as the only thing being addressed is the specific parcel for the variance of the frontage.

The owner Mrs. Delzer, addressed the board. She is 71 years old and can no longer maintain such a large parcel, the eye condition is effecting her ability to mow it. Kara Wrazen also expressed concern on her mothers behalf.

The board had no questions at this time.

Board Member Kurek moved and Board Member Szymanski seconded the motion to adjourn the hearing at 6:53p.m.

Property Tax Map: 107.00-6-20

Street Location: 11347 Westwood Rd, Alden, NY 14004

Name of Property Owner: LuAnne Delzer

Town of Alden

Zoning Board of Appeals

VARIANCE DECISION – ZBA HEARING 2026=03

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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,
2. Can the benefit be achieved by other means feasible to applicant. Yes, you could leave the property the way it is.
3. Is the request substantial? Yes, it will have a frontage of 131' where 200 is the code
4. Will request have adverse physical or environmental effects? No, no impact at all.
5. Is the alleged difficulty self-created? Yes, they could keep the parcel as a whole.
6. Will request create a hazard to health, safety or general welfare? No, will not concern anyone.

After due review of the use variance request by the above named property owner, and in consideration of applicable codes and the criteria relative to the granting of the area variance, a motion was made by Member Kissel, no second was given. The following vote by the board members was as follows:

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:

Member Kurek - Denied Member Szymanski - denied

Member Kissel – Approve

As it is a 5 member board, but there are currently only 4 members – a denial vote is automatically registered according to law.

The resolution did not pass, and the area variance is denied.

Those in attendance were very upset and wanted justification for the denial. Member Kurek explained that we are taking a lot that is in compliance and making 2 lots that are non-compliant.

Mrs. Delzer then said she would sue us and Mr. Marzec said he would proceed with an Article 78. (This is a special type of law suit in NY, used to challenge a decision by a local government board.)

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