

**ZONING BOARD OF APPEALS MEETING**  
**Alden Community Church, June 18, 2013**

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM.

**PRESENT:** Chairman DeWitt, Members: Dumke and Schumacher, CEO Czechowski, Michael Sittniewski, Scott Riedel, Dave Mager

**ABSENT:** Tom Kirszenstein and Charles Gaffney

The purpose of this public hearing: Alden Community Church, 1400 Sullivan Rd., SBL#119.08-3-5-211, has submitted a site plan application to erect an addition 34 feet from the rear property line, but Village code section 210-18C(3), requires a minimum set back of 50 feet.

At this point Chairman DeWitt opened the Public Hearing to the audience. The proposed 16' x 40' addition would be used mainly as storage of sanctuary chairs each week, and would be located in the rear of the building. The addition would allow the church to regain the use of two classrooms.

CEO Czechowski, referring to an email from Village Attorney Trapp, questioned whether the addition could be located elsewhere. CEO Czechowski reiterated the fact that it cannot be relocated as it would block emergency exits and two air conditioning units designate where the addition can go. The property line is not straight across, the 50' set back is measured to the closer of 2 jagged edges, and there is additional property behind as well.

**MOTION** by Robert Dumke, seconded by Brian Schumacher, to close the public hearing. Carried

At this time Chairman DeWitt proceeded to review the five criteria for the requested variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, the addition will match the preexisting building, and will be facing an industrial lot.**

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, because of the location of existing fire exits and mechanical equipment, the proposed location is the only feasible one.**

3. Whether the requested area variance is substantial? **Yes**

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No, the addition will match the preexisting building, and will be facing an industrial lot.**

5. Whether the alleged difficulty was 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? **Arguable**

Whether it will create a hazard to health, safety or general welfare? **No, it would actually be more of a hazard if the addition was located elsewhere due to the elimination of fire exits.**

CEO Czechowski – Erie County Department of Environment and Planning and the Town of Alden, were notified of the variance request and SEQR process, and had no objections to the proposed variance as well as the Village of Alden ZBA acting as lead agency, and had no environmental concerns. The ZBA reviewed the SEQR Environmental Impact Statement (Short Form) submitted by the applicant and found no adverse environmental impacts resulting from the proposed variance.

Chairman DeWitt read the following resolution:

The following resolution was offered by Robert Dumke, who moved its adoption, seconded by Brian Schumacher

To wit:

WHEREAS, Alden Community Church is requesting an area variance from Section 210-18D (3) of the Code of the Village of Alden: and

WHEREAS, the area variance is classified as an Unlisted action and is subject to review within the requirements of the New York State Environmental Quality Review Act (SEQR): and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Alden Community Church has prepared a short environmental assessment form, which is not on file with the Village of Alden, and may be reviewed at the Village offices, 13336 Broadway, Alden, New York 14004: and

WHEREAS, pursuant to the Law, the Village of Alden Zoning Board of Appeals assumes lead agency status:

NOW, THEREFORE, BE IT:

RESOLVED, that the Village of Alden Zoning Board of Appeals hereby assumes the role of lead agency for the purpose of determining what significance this project has on the environment, and be it further

RESOLVED, that the Village of Alden Zoning Board of Appeals, as Lead Agency, hereby determines that the proposed Unlisted action, as described in the attached SEQR Negative Declaration, Notice of Determination of Non-Significance, which is attached notice is hereby made part of this resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said proposed action.

**MOTION** by Brian Schumacher, seconded by Robert Dumke, to grant request for a variance to construct the addition with a 34' set back. Unanimous, Carried.

**MOTION** by Robert Dumke, seconded by Brian Schumacher, to adjourn the hearing at 6:39 PM. Carried.

CEO Czechowski passed out information to the board concerning a Zoning Board training opportunity in Bath, N.Y., and informed them there may be future training located closer to home. Training credit hours can be rolled over from year to year.

I respectfully submit,

Sue Galbraith, Clerk  
Zoning Board of Appeals