## ZONING BOARD OF APPEALS

The hearing on Tuesday, November 9, 2004 was called to order by Chairman Trzepacz at 8:00 PM.

also: Robert Pierce, Town Attorney Members present: Alfred Harrington Harry Kaczmarek **Robert Schafer** Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #989 – Appeal withdrawn; Appeals Case #990 for James Kelly, 109 June Rd, who is requesting a variance to construct a 24'x32' single story storage building on existing 6" concrete slab 4' off south property line & 7'6" off east property line, for personal use only, no business use, Res. B. 52-6, 144-98 C (4).

In the matter of Appeals Case #989 the Appeal was withdrawn.

In the matter of Appeals Case #990, Mr. Kelly stated he had been away on business when a personal friend poured the concrete pad he marked for a proposed garage 4' from his property line. He stated he does a lot of work in Buffalo and their codes require structures to be 3' from the property line and assumed the placement of the slab would be acceptable. In Elma the slab should be 20' from the property line. Mr. Kelly admitted to not checking with the Building Department regarding the location of the slab. The friend, who poured the concrete, works for Ideal Concrete & Stone of West Seneca, also did not question as to the placement of the slab. Mr. Kelly placed the slab in the southeast corner of his property because of sloping and because he wanted to maintain as much backyard space as possible. The structure will be approximately 16' tall and with 1 man door, no utilities and will house a gas grill, patio furniture, lawn mowers and snowmobiles. Richard Marszalek of 99 June Road, who owns the property next door with a 6' fence on his property, has no problem with the size or the location of the structure. No one else spoke for the project and no one spoke against the project.

Mr. Schafer made the motion: In Appeals Case # 990 for James Kelly, 109 June Rd, who is requesting a variance to construct a 24'x32' single story storage building on an existing 6' concrete slab 4' off the south property line and 7'6" off the east property line for personal use only, no business use, I move the variance be denied. Seconded by Mr. Harrington. Poll vote - 4 ayes. Carried.

The minutes of the last meeting (October 12) were approved as submitted.

There being no further business, the meeting was adjourned at 8:26PM.

Respectfully submitted,

Germing M. Binti

Jennifer M. Ginter Secretary-Clerk



