

PRESENT: Kathy Praczkajlo, Acting Interim Chairman
Robert Chelus
Tracy Hirsch
Beverly Kent
Bethany Pryor

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees

Acting Chairman Kathy Praczkajlo called the meeting to order at 7:03 PM. and asked that roll call be taken. Attendance is noted above.

Mrs. Praczkajlo asked all in attendance for a moment of silence in memory of Dennis Mead, ZBA Chairman who passed away on March 26, 2014.

Mrs. Praczkajlo asked if there were any comments on the petition for:

Robert & Sandra Blizniak 8812 Cole Road

Received, this evening in member's folders, a four page letter from Daniel Tronolone, attorney for the Blizniaks, members were given time to read the letter

No further comments or concerns at this time

Robert DesJardins 6276 Pfarner Road

No comments or concerns at this time.

Mrs. Praczkajlo made a motion to close the Work Session and reopen following the Public Hearings, Secretary Faulring: Do you want to wait until the Code Enforcement Officer gets here? I advised him that there were no times set for the Public Hearings...

Mrs. Praczkajlo: Then we'll continue until he gets here. The minutes from the last meeting, I'll make a motion that we accept as written from the Work Session and Public Hearing.

Mr. Chelus: I'll second that. All were in favor of the motion.

Secretary Faulring: I received these today from Sean Hopkins, Mr. Darling and Mr. Gauthier were given an 18 month extension in November of 2012 for the Deanna Subdivision extension. They are not going to meet that deadline and so the letter is requesting another extension. Does that need another Public Hearing or can that just be...

Mrs. Vacco: I don't know the answer to that. I'll have to check Robert's Rules and under New York State Town Zoning Law. I'm going to say that is probably does, but I don't want to be held to that. I will get back to you tomorrow.

Mr. Hirsch: It's not an extension to begin, isn't it an extension to complete?

Mr. Chelus: No an extension to start.

Secretary Faulring: Once you're given a variance you have six months to get...

Mr. Hirsch: I thought he had started.

Secretary Faulring: Not the Deanna Drive extension, he's started on the Brookfield Patio home, they're a separate project from the Deanna Drive subdivision, he wants to put in single family lots.

Mrs. Praczkajlo: How much more of an extension does he request?

Secretary Faulring: The variance was given for the lot depth of less than 175 feet; he's asking for another 18 months, to be done at the May 8th meeting.

Mrs. Vacco: I'm almost certain that it will, but I'll double check.

Secretary Faulring: Robert you should request to be made a regular member.

Mr. Chelus: I will.

Mrs. Praczkajlo: Could we turn around and make a recommendation to the Town Board that once the letter is received to act on it...

Mrs. Vacco: It would help streamline the process.

Mrs. Praczkajlo: Thelma, could you draft a letter..?

Secretary Faulring: It's already done, just not dated.

Mrs. Praczkajlo: I'll make a motion to close the Work Session (7:15 PM); go on with the petitions and reopen the Work Session after the other business. Is there a second?

Mr. Chelus: I'll second.

Mrs. Praczkajlo: Carried.

Following the Public Hearings Mrs. Praczkajlo reopened the Work Session.

Mrs. Praczkajlo asked Secretary Faulring to send a letter Jeanne Mead, thanking Dennis for being the Chairman while he was on the Board.

Secretary Faulring: I did send a sympathy card from the Zoning Board at the time of his death.

Mr. Hirsch: And as a result so at this point I am going to make a recommendation that Kathy (Praczkajlo) take that position, or a recommendation to the Town Board that she be appointed to that position.

Mrs. Kent: I would like some discussion about that recommendation.

Mrs. Vacco: You need to go into Executive Session.

Ms. Pryor: I'll make a motion to into Executive Session.

Mrs. Kent: I'll second that motion.

All were in favor of the motion.

Mrs. Praczkajlo: I'll make a motion to come out of Executive Session.

Mr. Hirsch: Second.

All were in favor of the motion.

Mr. Hirsch: So what we're doing is making a motion for a recommendation for Kathy as Chairperson, to the Town Board.

Ms. Pryor: I'll second.

Secretary Faulring:

- Mr. Chelus no
- Mr. Hirsch yes
- Mrs. Kent no
- Ms. Pryor yes
- Mrs. Praczkajlo yes or should I abstain?

Mrs. Vacco: You both voted so in essence they cancelled each other votes.

Secretary Faulring: But if it were two to one there wouldn't be a majority.

Mrs. Vacco: That's why we're going to keep it as it is and make a recommendation to the Town Board. It's just a recommendation.

Mrs. Kent: Exactly. The Town Board will make the selection.

Mrs. Praczkajlo asked that a letter also be sent to the Town Board appointing Bob as a regular member.
Secretary Faulring: Upon receipt of his letter of request.

Mrs. Praczkajlo: I'll make a motion that we adjourn.

Ms. Pryor: Second.

Mrs. Praczkajlo: We are adjourned.

Katharine Praczkajlo – Acting Interim Chairman

Dated: April 3, 2014

April 3, 2014
7:16 PM

Petition #465

Blizniak, Robert & Sandra
8812 Cole Road

PRESENT: Kathy Prackajlo, Acting Interim Chairman
Tracy Hirsch
Beverly Kent
Bethany Pryor

ALSO PRESENT: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Sandra Blizniak Applicant – 8812 Cole Road
Robert Blizniak Applicant – 8812 Cole Road
Daniel G. Tronolone Attorney for the Blizniak's; 298 Main Street, Buffalo
Bob Zahm 8809 Cole Road

Mrs. Prackajlo called the meeting to order at 7:16 PM; read the Public Hearing notice.

Mrs. Prackajlo made a motion to take variance for Petition #465 'off table' to reconsider the request.
Mr. Hirsch: Second. All were in favor of the motion.

Mrs. Prackajlo appointed Mr. Chelus as a regular voting member for this evening for both Petition 465 and Petition 469.

Mrs. Prackajlo stated that the members have read the letter (received just this afternoon) and asked if there were any questions from the Board.

Mr. Chelus: I know at Planning Board sometimes we were able to say we were in favor of part of it, but not another part. Is it all or nothing here?

Mrs. Vacco: You grant the request with conditions attached to it, that's fine.

From the audience: For those of us who haven't seen the letter, could you please read it?

Mrs. Vacco: It's a legal letter. It addresses the criteria for which the variance is to be either granted or denied under New York State, it's a balancing test and it's their position that it doesn't harm the characteristics of the neighborhood, that they cannot obtain...they shouldn't go about getting this any other way, that it keeps in character with the neighborhood; so there's this balancing test. Whether it's self-created; and that's the criteria that this Board uses every time a petition comes before it and they balance those criteria and it's essentially a letter that their attorney put together stating their position and how they don't think that their variance request is...they believe all the criteria happened. It's four pages long and there's some legal...so I don't think you could benefit from it, but that's the gist of it.

From the audience: Will there be any other testimony given?

Mrs. Prackajlo: I will open up the floor again.

Daniel Tronolone: I have a letter sign by Barney Spors who is the next door neighbor in question; in which he has no objection and joins in our petition. (Mr. Tronolone brought the letter forward to the Chair).

Mrs. Prackajlo read the letter:

Barney Spors, 8824 Cole Road, Colden, NY, April 2, 2014
Town of Boston Zoning Board of Appeals
Regarding Petition 465 Blizniak application for area variance
Dear Mrs. Prackajlo:

I am aware of Mr. Blizniak and Ms. Czora's petition before the Zoning Board of Appeals of the Town of Boston dated October 16, 2013.

As owner of the adjoining premises (8824 Cole Road, Boston, I wish to advise the Zoning Board that I have no objection to the said Petition of a six foot fence as requested.
Very truly yours, Barney Spors.

Mrs. Praczkajlo: The type of fence that you want to erect; did you give any consideration as to what kind you really want to erect.

Mr. Blizniak: We have estimates already and it's going to be a plastic/vinyl fence; it's going to blend in to the surrounding area; it's not going to stand out; it matches the trees and the grass and everything; it's going to blend right in the surroundings; it's very subtle.

Mr. Hirsch: The color of it?

Mr. Blizniak: Earth tone.

Ms. Pryor: And it needs to be a six foot fence?

Mr. Blizniak: It does. All we're asking is to complete the footprint the Spors family could complete; which would be a six foot fence from the rear of their house, to the back of their house which happens to be the front of our house and on the property line and up again and then four foot is the Code allows from the back of their house to the road. So we're just asking to duplicate what they could do if they put up the fence; and you can see they agreed to us doing it.

Mrs. Blizniak: The letter that Barney signed yesterday agreeing that we can do the same fence that he could have done.

Mr. Blizniak: We're asking for whatever they could put up to duplicate it along the same footprint.

Mrs. Blizniak: It just so happens that our house happens to be behind his house.

Mrs. Praczkajlo: Your house is also further downhill than theirs too, so in essence you did already that height.

Mr. Blizniak: It blocks nobody's view because of the elevation, and there's no house on either side of us...I have pictures to show that.

Mr. Blizniak brought the pictures forward and described the pictures to the members.

Mrs. Praczkajlo: The members, they have been out to the property in question and...

Mr. Blizniak: There's a barn in front of Mr. Zahm's house, 'cause I know that he had concerns about his view and the barn that he has built in front of his house almost completely blocks the view. You can see the pictures of his house.

Mrs. Kent: Is Mr. Spors residing at 8824 Cole Road your closest neighbor?

Mr. Blizniak: He is.

Mrs. Kent: Is he closer in proximity to your home than Mr. Zahm's house?

Mr. Blizniak: Yes, Zahm's across the street

Mr. Blizniak: Mr. Spors, there's a picture in there, which shows, I believe,,,the bottom of the Blizniak house; we have a forty foot driveway we own going back about 330 feet, then we own another section on the other side; ironically that piece of property that we purchased was sold by Mr. Zahm to someone else who built the house before us. And our house completely out of view from Mr. Zahm's house, so the fence is going to be nothing. His elevation is so much higher because he's across the street, he can see over the fence anyway. I talked to Barney yesterday, we had a nice conversation, he said 'Bob I don't care if you put in the fence, if it's going to make things easier for both of us, put up the fence.' I said, 'Barney, why don't you come down and say that?' He said he didn't like going to those things, but he did sign a letter saying go ahead and do it.. It's difficult when your front yard is in somebody's back yard.

Mr. Hirsch: Mr. Zahm did you want to say something; do you want to come up to the microphone?

Robert Zahm: 8809 Cole Road

- This is my residence across the street
- I own property immediately adjacent and behind the Blizniak's residence
- The property that is immediately adjacent I pay tax on
- I don't want to see something that 's going to impact the value of that property
- My view or how I interpret it is mine, not what someone else may think
- The rural character of our neighborhood is more set by a tailored down such as 8342 Cole Road or perhaps a board on post fence at 8448 Cole Road or split rail down by Mrs. Longo, Killian (Killeen)
- A four foot high fence as hard wooden wouldn't be attractive, but certainly a six foot high fence, particularly coming east and west on the driveway is objectionable to me
- I did have a discussion with their counsel and said I wouldn't object to a six foot high fence running north and south between the property lines of Mr. Spors and him, but coming down the driveway I find it objectionable and not particularly attractive at all
- I feel it is out of character with our rural neighborhood
- Insofar as I own that adjacent property, even though my dwelling isn't there, in the future it may be
- I'd like that consideration taken, thank you

Mr. Blizniak once again stated that they just want to duplicate the footprint that the Spors could do if they were installing the fence.

Mrs. Prackajlo: Do you insist on vinyl fence, would you entertain an idea...

Mr. Blizniak: A vinyl fence is very costly, it's in the neighborhood of \$25,000.00 for the fence; a wooden fence in our opinion would disserve the neighborhood and it would cost half the amount of money but it just wouldn't look nice. They age, they turn color, they turn grayish, boards fall off, they warp...

Mr. Hirsch: Are we talking six foot in the back of his yard, and four foot on the other sides?

Mr. Blizniak: We're talking 6 foot across the back of his yard, the front of our yard; six foot up to the rear of his house; and then four foot from the rear of his house to the road.

Mr. Blizniak came forward to describe the proposed fence heights on the pictures he presented earlier.

Mr. Zahm was asked to join Mr. Blizniak and the Board members for the description of the fence layout.

Mr. Zahm was opposed to a six foot high fence on the driveway side.

Mrs. Prackajlo: At this time (7:37) I will close the public comment portion of this petition; is there a second on that?

Mr. Hirsch: Second. All were in favor of the motion, there were none opposed.

Mrs. Kent: I'd like to make a motion to approve the variance which no additional conditions.

- (1) It Does not create an undesirable change to the character of the neighborhood.
- (2) The benefit sought by the applicant cannot be achieved if the variance is not granted.
- (3) The requested variance is not substantial.
- (4) The variance does not have an adverse effect/impact on the physical or environmental conditions of the neighborhood?
- (5) The alleged difficulty is not self-created.

Mrs. Prackajlo: Is there a second?

Mr. Chelus: I'll second.

Mrs. Praczkajlo asked for a roll call vote of the members.

Secretary Faulring: The motion is to approve as pointed out to the Board, with no conditions:

Mr. Chelus:	yes
Mr. Hirsch:	no
Mrs. Kent:	yes
Ms. Pryor:	no
Mrs. Praczkajlo:	no

Mrs. Praczkajlo: Is there another motion?

Ms. Pryor: I'd like to make a motion to accept the variance with the condition that it is a four foot high fence along the driveway side, alongside Mr. Zahm's vacant property, six foot all the way around the rest of the way, as the way they wanted it, but four foot on the driveway side.

- (1) It does not create an undesirable change to the character of the neighborhood.
- (2) The benefit sought by the applicant cannot be achieved if the variance is not granted?
- (3) The requested variance is substantial.
- (4) The variance will not have an adverse effect on the physical environment of the neighborhood.
- (5) The alleged difficulty is not self-created?

Mrs. Praczkajlo: Do I hear a second?

Mr. Hirsch: There should be some kind of...

Mrs. Praczkajlo: There is a motion; that can be amended right?

Mrs. Vacco: Yes.

Mrs. Praczkajlo: Do you want to amend your motion?

Mr. Hirsch: Yes.

Mrs. Vacco: It's not your motion.

Mrs. Kent: She would have to accept it, it should be a friendly amendment to the motion and she would have to accept it; that would be the process.

Mr. Hirsch: Correct.

Ms. Pryor: No, I think that covers it, that's my motion.

Mrs. Praczkajlo: Is there a second?

Mr. Chelus: I'll second.

Secretary Faulring: The motion now is: on the driveway side of the Blizniak property to be a four foot high fence, the whole length of the driveway.

Mr. Chelus:

Mr. Tronolone: Excuse me I don't mean to interrupt...

Mrs. Praczkajlo: There is a motion of the floor, the public comment...

Mr. Tronolone: I don't have a comment, my understanding is that the motion that is on it to do all the rest of six foot, is that right?

Secretary Faulring: Yes. Four feet just on the driveway side.

Mr. Tronolone: Just wanted to make sure. Thank you.

Secretary Faulring:

Mr. Chelus:	yes
Mr. Hirsch:	no
Mrs. Kent:	no
Ms. Pryor:	yes
Mrs. Praczkajlo:	no

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Blizniak, Robert & Sandra
8812 Cole Road

Mrs. Praczkajlo: Are there any other motions?

Mr. Hirsch: I would make the motion that, I don't have an objection to six foot fence, six and four foot fence on the south side, and I don't have an objection to the six foot fence on the east side of their house in the back, and I don't have an objection to the four foot, but I do have an objection to it being the plastic fence. If some other means can be worked out I would be in favor of some type of a wood fence as long as the north side of the property, or the north side of the fence is wood.

So the motion that I would make would be that entire fence be wood of some sort, four foot on the north side, six and four foot on the south side, and six foot on the east side.

Mrs. Praczkajlo: I'll second.

Secretary Faulring:: The only change is the height of the driveway side and an all wood fence.

Mr. Hirsch: Correct.

Secretary Faulring:

Mr. Chelus:	no
Mr. Hirsch:	yes
Mrs. Kent:	no
Ms. Pryor:	yes
Mrs. Praczkajlo:	yes

Mrs. Praczkajlo: So carried.

Mr. Tronolone: May I ask you to mark the exhibits? Can have a transcript of this?

Secretary Faulring: Not until I get them typed.

Mr. Tronolone: May I order a set.

Discussion followed between Mr. Hirsch and Mr. Tronolone regarding papers to be marked as exhibits.

Katharine Praczkajlo, Acting Interim Chairman

Dated: April 3, 2014

**April 3, 2014
7:52PM**

Petition #469

**desJardins, Robert
6276 Pfarner Road**

PRESENT: Kathy Prackajlo, Acting Interim Chairman
Robert Chelus
Tracy Hirsch
Beverly Kent
Bethany Pryor

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
Sarah desJardins 9508 South Hill Road, Boston
Robert desJardins applicant – 6276 Pfarner Road
Ryan McCarthy 411 Main Street. Suite 201
Larry Wypij 6315 Pfarner Road

Mrs. Prackajlo read the Public Hearing Notice.

Ryan McCarthy

- I'm here for Hopkins and Sorgi with Mr. desJardins
- I believe you've already received a copy of the Hopkins & Sorgi letter

Secretary Faulring: That letter was just received today.

The members took the time to read the letter: basically a summary of the five criteria used for making a decision on the request for variance.

Mr. Hirsch asked the applicant to come forward so that he could ask a couple of questions while the members finished reading the letter.

Mrs. Kent: Madam Chairman could I request that we be given time to read the letter and then we will take the opportunity to review the documents so that we can all benefit from the discussion that Mr. Hirsch is having with the applicants please?

Mrs. Prackajlo: Certainly.

Mrs. Kent: Thank you.

Mr. McCarthy: I'd like to explain the use of the parcel and then if you have any specific questions relating to the criteria of the variance itself I'd be happy to address those for you.

Mr. Hirsch: Now that Beverly's done reading could you come up here so that we can get a better idea...because it really doesn't indicate on here...

Mr. McCarthy and Mr. desJardins came forward and pointed out on pictures, included with the application, what would become the new parcel and where the house would be located.

Mrs. Vacco: This argument part needs to be on record for the secretary...

Robert desJardins:

- Basically want to give land my parents so they can build a house
- Minimum lot size is three acres
- To get three acres I would have to pinch the south side on where that corner is, I'd have to pinch past a narrow spot because my garage is there
- I would have to give some land adjacent to my own property in the woods, next to my house
- I like those woods and I prefer not to see them taken down
- In case they ever sell the place I would like to insure that the future owners don't take down any trees right behind my property
- If we don't get the variance I would give them that slice behind our property

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desJardins, Robert
6276 Pfarner Road

- I spoke with the neighbors that I could in contact with and they said it made sense because they wouldn't see it, whether it gets approved or not
- It won't make a difference to where the house is located, it would just make a difference to where the property line is in the woods

Mr. Chelus: Do you have just gas and electric that runs to your house?

Mr. desJardins: Yes sir.

Mr. Chelus: How is it run underground or above ground?

Mr. desJardins: Gas is underground and electric is run from a pole.

Mr. Chelus: The new property would run along the driveway, it wouldn't encroach the driveway at all?

Mr. desJardins: We drew it to be an acre and a half, the line is as close as we can get it so I didn't plan on encroaching the driveway.

Mr. Hirsch: Is there another driveway that will access this acre and a half?

Mr. desJardins: A very short driveway to Pfarner.

Mr. Hirsch: So with all that land why an acre and a half?

Mr. desJardins: Because of the layout; the way my driveway curves and kind of ends in the northwest corner; unless I want a shared driveway or cross the driveway or completely move my driveway which is substantially long.

Mr. Hirsch: Have you spoke with the Harward's?

Mr. desJardins: No sir I haven't spoken with him, there's no structures on that small piece of property and we weren't able to get in contact with them. I have been in contact with neighbors on adjacent properties.

Mrs. Prackkajlo: What other neighbors have you talked too?

Mr. desJardins: I spoke with the neighbors across the street; on the northwest side; as well as the neighbors on the eastside of the property; and also on the north side, a couple houses down and adjacent.

Mr. Chelus: How many feet of frontage will be left on your property?

Mr. desJardins: Something like 150 feet or so, 125 feet; I used the Erie County mapping distance measuring tool, somewhere around there.

Mr. McCarthy: Also 372 feet of frontage, which is substantial of what's required; coverage of the lot is 7% and after the home is constructed is planned to be less than 1% coverage so the lot has sufficient space for what they have planned and will fit in with the physical character of the area.

Ms. Pryor: Will there be just the one building on this lot?

Mr. desJardins: Yes.

Ms. Pryor: Any out buildings, garages?

Mr. desJardins: No. it's a small ranch, 1800 square feet with an attached garage, that's it.

Mr. Chelus: You are aware that if you had three acres you could have a deed restriction that run with the land that says that no one could ever build or...

Mr. McCarthy: The main concern there is a deed restriction could lead to some recourse if the new owner took the trees, it doesn't prevent the new owner from taking down the trees; then these mature trees are gone and you never get them back. So we want to avoid that situation and have him maintain some control of the mature woods along his house.

Mrs. Prackkajlo: Is there anyone else that would like to come up and speak for or against?

Larry Wypij – 6315 Pfarner Road
(Looked at the drawing)

- Why would we not go to three acres on another part of the property?
- It changes the values of the homes a little bit

Mr. Wypij:

- 3 acres is what everybody has in the area
- I don't know about ½ acre lots

Mr. desJardins: On West Tillen there are numerous...

Mr. Wypij: West Tillen is a mile away.

Mr. desJardins spoke from that audience and was not able to be heard.

Mr. Wypij: But all these properties in here are at least 3 acre properties.

Mr. Hirsch: Please, for the secretary, one person speak at a time so the minutes can reflect the conversation.

Mr. desJardins: The reason we didn't want to put another 3 acre parcel somewhere else, perhaps further back or up here:

- The proximity of the northern house
- The houses would be very close together
- The driveway would propose a problem
- We could make the 3 acres down here, I prefer to retain control of the woods directly behind my house

Mr. Wypij: I know there are a lot of woods there, but a lot of it has to be cleared right?

Mr. desJardins: This row of pine trees wouldn't necessarily need to be taken down; as you can see the house can be built on the edge of the tree line.

Mr. Hirsch: How big of an area approximately are you looking to clear?

Mr. desJardins: I'm not looking to clear anything. The house will be right in the corner so we don't need to clear nay trees to build it. Those trees are out by the road and my house is substantially further back. There is another row of trees blocking that from my view, so those trees don't mean as much to me, but we don't need to clear them anyway, the house can go in next to the trees.

Mrs. Kent: The amount of acreage on which the wooded area of the three acres, if in fact you were to set aside 3 acres based on the letter, you're really looking at 1.5 acres of woods that would be impacted, is that correct?

Mr. desJardins: Yes ma'am.

Mrs. Kent: In your letter you state that removing those trees in 1.5 acres that's within a 49 acre parcel would contribute to the rural character, would impact the rural character, so I'm not quite understanding how the moving, which again, we are speculating that would occur because it's quite possible that if the house is sold with woods the new owner may not clear the trees.

Mr. desJardins: So we're really talking about 1.5 acres of a 49 acre parcel that would impact the rural character?

Mr. desJardins: Yes ma'am because those are the acres that are directly adjacent to my house and my windows are right next to those acres, the rest of the 49 acres which are on the east side of the map and extending off of the map on the east side are obviously far enough away that I don't consider them to be the same; right next to my window is more important to me than the acreage 3000 feet away.

Mrs. Kent: Do you have any understanding or perspective on how often once a wooded property is purchased, particularly that is a fairly small lot, how often someone would indeed clear 1.5 acres of woods if in fact that was half of their lot?

Mr. desJardins: I'm sorry I don't understand the question.

Mrs. Kent: If a person purchases 3 acres and those acres are wooded, do you have any idea how often a person who purchases a 3 acre lot with woods would clear the entire woods? Does that happen very often?

Mr. desJardins: I honestly have no idea; I would just prefer that just not be an option.

Mrs. Kent: So you are projecting there is a strong likelihood that someone would clear...

Mr. desJardins: I can't speculate as to likelihood, I would just say that I'd sleep better at night if I knew that there were woods in there that were never going to be taken down.

Mr. McCarthy: Again, with the speculation I don't really see that whether some future owner will remove the trees relates to any of the criteria that you would want to consider as far as the potential impact of the variance. You were saying previously whether removing them from 1.5 acres size parcel is significant enough to have a negative impact on the character of the neighborhood; what we're trying to show is that the reduction of the parcel by moving the property line wouldn't have that effect, where potentially removing the trees would.

Mrs. Kent: I understand.

Mrs. Prackajlo: Is there anyone else to speak?

Mr. Wypij: What was the letter pertaining to that you all just read? And that area that I'm in is all at least 3 acres of land and I think affects things a little bit. I came out to the rural area to stay in the rural, smaller properties I think takes away from land value. Thank you.

Mr. McCarthy: A three acre parcel could easily be made if there was just the strip extended so really it's not making any other kind of physical change that will be apparent to the character of the neighborhood.

Mr. desJardins: One last thing the adjacent properties within five or six lots one way or the other are all three acres that is correct, but they are all very, very narrow long strips and so the houses are relatively closer together. So this shrinking acreage really would have any effect on the value of any nearby properties and if you go just past Mr. Wypij's house on West Tillen there are multiple lots that are substantially smaller than an acre and a half that are very close. I hope that answers the question.

Mrs. Prackajlo: I make a motion that we close the public hearing of this petition. Is there a second?

Mr. Hirsch: Second. All were in favor of the motion, there were none opposed.

Ms. Pryor: I'd like to make the motion to accept the variance:

- | | | | |
|--|-----|----|----|
| (1) Does it create an undesirable change to the character of the neighborhood? | Yes | No | X |
| (2) Can the benefit sought by the applicant be achieved if the variance is not granted? | Yes | No | X |
| (3) Is the requested variance substantial? | Yes | No | X |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes | No | X |
| (5) Is the alleged difficulty self-created? | Yes | X | No |

Mrs. Prackajlo: I'll second.

Secretary Faulring: The motion is to approve requested variance:

Mr. Chelus: No	Mr. Hirsch: Yes	Mrs. Kent: No
Ms. Pryor: Yes	Mrs. Prackajlo: Yes	

Mrs. Kent: Before we close the Public Hearing if I could just...

Mrs. Vacco: The Public Hearing has been closed.

Mrs. Prackajlo: I'll make a motion that we close Petition 469 (8:26 PM).

Mr. Chelus: I'll second it. All were in favor of the motion, there were none opposed

Mrs. Kent: Before we close this evening's meeting: if I could make a request and that would be in the previous variance there were some changes made to the original variance: if there could be an attachment to the minutes and this is the attachment that Mr. Hirsch drew the outline and made some notations on the picture for the fence, it that attachment could be referenced in the minutes and included in the minutes.