

J I M & M A R I A H O L D R E N
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A L B A N Y , N . Y . 1 2 2 0 3

July 21, 2002

P.O. Box 339
Guilderland N.Y. 12084-0339

Dear Mr. Stone:

Maria and I have enclosed the information requested by your office regarding the fence we erected in our backyard on 1461 Western Avenue. Prior to having the new fence installed, we've contacted representatives in your office, and based on conversation, we believed we were within Guilderland's guidelines for replacing an existing fence. In doing so, we did not try to circumvent any zoning or permit requirements as regulated by the Town of Guilderland.

We were informed that in the event we were replacing an existing fence with a "like" fence, a permit would not be required. Part of the conversation with Don from your office, was related to a corner of the old fence which was nailed to a tree in our yard. I believe my explanation of negotiating the new fence around the tree was actually different from Don's perception of what the final result would render. To that end, we were surprised to receive your letter requesting a zoning variance. We will outline our reasons for requesting a zoning variance and answer the five questions in the application in the following paragraphs.

The change that occurred to the fence line was due to the fact that a section of the previous fence had been nailed to a mature tree in our yard as stated earlier. I discussed this with your office prior to replacing the old fence and informed them that this would required an approximate twelve-inch adjustment to navigate around the tree. I interpreted Don's guidance to be more specifically related to the dimensions of the fence and keeping it consistent with the old fence, not the "set back parameters of the property. The change does not pose a detriment to nearby properties, and is in character with our home, which has been apart of the neighborhood for ninety-three years. In addition, overgrown pine shrubs have been removed, which previously covered two thirds of the old fence adjacent to Elmwood Street. This has distorted the perception of the new fence as not being the same dimension. We do not feel this variance request is substantial in nature. The same fence line was followed in all areas except the corner that was nailed to the tree. The enclosed diagram illustrates the necessary adjustment.

Maria and I purchased our home in 1999. Since that time, we have been blessed with two sons, ages 2 ½ and 8 months. At this stage of our lives, the security of both our old and new fence is an absolute necessity for our family. By choosing to live in an active community, close to shops and attractive neighborhoods, we understand the compromise for lack of privacy, but need the relief from the local businesses that surround our home as well as the "passers by". Elmwood Street is not like most other streets that are adjacent to Western Avenue for two reasons. It does not "dead end" or primarily grant entrance to a neighborhood. First, it acts a short cut between

Western Avenue and Fuller Road. Vehicles race up and down Elmwood St. to beat the traffic lights. Second, the medical offices owned by Lou Domenico grant entrance to their parking facilities on three sides; Western Av., Elmwood St., and Fuller Rd. These entrances promote traffic onto Elmwood St., which is directly in line with our back yard. This poses potential safety and privacy risks that others do not contend with on Elmwood St. since they have the option of retreating to their back yards away from all roads. A fence was selected, which we believe strongly compliments the architectural elements of our 1912 Spanish mission ranch home. Lou has personally thanked me, for enhancing and maintaining the neighborhood. He has offered to write to you on our behalf should you care for his insight. Our neighbors who live directly behind us on Elmwood have expressed the same sentiments and would also share positive opinions of the new fence.

In December of 2001, our evening was interrupted by a loud commotion in our back yard. Guilderland Police had chased a shoplifter onto our property and tackled this person through a section of our fence and had him faced down in our driveway. If we are to stay in this house, we must take reasonable measures to shield our children and two dogs from a potential recurrence of this nature.

Our driveway is shared with the neighbors behind us on Elmwood. It also serves as a path to the neighboring streets and naturally attracts excessive walkthrough traffic for Stuyvesant Plaza. This reaffirms our desire to minimize unnecessary exposure to our family to strangers.

Maria and I intend to continue to blend the appearance of the new fence with our natural surroundings and the unique features of our home. We have recently stained the fence to have a more neutral appearance and have begun to landscape the surrounding fence area. We intend to continue to enhance the appearance on the Elmwood side with plantings and landscaping and are not aware of any environmental or physical risks posed by the fence.

In closing, Maria and I love our house and have had good relations with all our neighbors. We want to continue to balance the excitement that comes from living in a vibrant location with the safety and security we are obligated to provide to our sons. We truly felt we were simply replacing an old fence with a new one. We do not have the luxury of risking our financial resources by not performing due diligence and calling the Zoning office prior to starting this project. We believed we had done so. Without the protection and privacy afforded by the old, and now new, fence, we would have not purchased our home in 1999. Should we have to remove the fence, we will find it impossible to manage the risks of raising a young family in this location. We thank you for your time and consideration regarding our property.

Sincerely,

Jim & Maria Holdren