**ORDUNA AREA VARIANCE DETERMINATION**

Mr. Lacey moved, seconded by Mr. Cook, that the area variance requested by Marcus Orduna, 52 Mendon Ionia Road, Mendon, NY, consisting of 2.13 acres, bearing Tax Account No. 216.02-1-15, located in an RS-30 zone, requesting an area variance to own two goats where Town Code requires a minimum of 3 acres to own 1-3 hoofed animals, be approved based on the following findings of fact, conclusions of law, and subject to the following conditions:

**FINDINGS OF FACT**

1. Marcus and Tamara Orduna, the property owners appeared before the Zoning Board of Appeals at the public hearing on Thursday, June 22, 2017. The public hearing continued at the July 13, 2017 meeting.
2. The applicant has requested to have 2 goats on their 2.13 acre property. This is in violation of section 200-8 N(1) of the Town Code, which states a minimum of 3 acres to keep 1-3 hoofed animals.
3. The applicants stated purpose for this request is to provide weed and pest control (in particular poison ivy), as well as a source of non-lactose milk.
4. The goat pasture is screened from the road by trees and other foliage.
5. The applicant circulated a petition which received signatures from ~18 neighbors stating they approved of this activity. They also setup an online petition (change.org/p/town-of-mendon-support-local-homesteading) which received ~40 signatures. Additional letters were received from Arthur L. Torrey, of 9 Chateau Place, in favor. Heather Halstead and Mike Noll, of 12 Chateau Place, in opposition.
6. Joanna Dychton, Farm Manager, Lollypop Farm, visited the property and provided written feedback to the Zoning Board. To summarize, it is her professional opinion that the existing situation is adequate for management of the site for animal housing and the keeping of the goats in a humane environment.

**CONCLUSIONS OF LAW**

1. The requested benefit cannot be achieved by other feasible means, due to the quantity of poison ivy and price or toxic impact of alternatives.
2. The request is substantial, as it is ~33% reduction from the existing acreage requirement.
3. The request will not have any adverse physical or environmental effects, and may improve the quality of the land by removing weeds and pests.
4. The request will not have an undesirable change in the neighborhood, based on Mr Orduna’s statements and input from additional sources.
5. The difficulty was self-created.
6. This is a Type II action under SEQR.

**CONDITIONS**

1. There can be no more than two goats on the property.
2. The variance applies only to the two goats presently housed on the property. When those goats are permanently removed from the property, the variance will be terminated.
3. This variance will not take effect until the applicant provides ear tag numbers of the two goats presently housed on the property to the Town of Mendon Code Enforcement Officer.
4. A waste management plan must be observed and maintained for the purpose of disposal of animal waste products such that an offensive, unhealthy or environmentally unsound condition is avoided.
5. All materials for the feeding of the goats, other than hay, must be kept in a shed or garage secured from outside intrusion and stored in covered sealable containers.

APPROVED 7/13/17