

**ZONING BOARD OF APPEALS
TOWN OF GOSHEN, ORANGE COUNTY, NEW YORK**

**MINUTES OF THE SPECIAL MEETING FOR
DECEMBER 2, 2003**

Members Present:

Donna Roe, Chairwoman
Trino Canton
Priscilla Gersbeck
Dawn Santoro

Also Present:

Mark Starkman, Esq.



I. Call to Order

Chairwoman Roe called to order the special meeting of the Town of Goshen Zoning Board of Appeals at 7:35 p.m. for the continuation of the application of Mr. Sardino.

II. Public Hearing

Robert Sardino - A rear yard setback variance from Section 97-64 from 150 ft. to 15 ft., located on 62 Old Chester Road, in an AR-1 Zone: Tax Lot No. 11-1-13.

Chairwoman Roe stated Mr. Sardino's application involved a barn on his property and a variance of initially 15 ft., which is now up to 25 ft. The Board had asked Mr. Sardino to present them with an engineer's survey indicating a new direction of the barn and the maximum distance the barn could be from the property.

Chairwoman Roe was presented with a letter from Howard Reardon, surveyor, dated December 2, 2003. The letter indicates the barn at the property line of 25 ft. and that the fencing had been installed prior to the survey work. The fencing itself is prohibitive to moving the barn any further from the property line. Chairwoman Roe stated she would have preferred the horse sheds to be noted on the site map provided.

Chairwoman Roe questioned the number of horses on the property. Mr. Sardino has 14+ acres for 13 horses (one horse died), but the barn will have fourteen stalls. Kit Carr is the barn builder who drew the sketch of the barn. Chairwoman Roe mentioned that she had hoped for the distance of 50 ft. from the property line, but Mr. Sardino's surveyor stated it would not be possible to place the barn at that distance.

Chairwoman Roe asked if there were any questions from the Board. Mr. Starkman questioned the use of the horses on Mr. Sardino's property. Mr. Sardino replied that they are strictly there for riding and for personal use. The horses would not be used for

breeding or open to the public. Mr. Starkman referenced the AR-1 Zone Section 97.11 of the code in which personal use of horses requires two or more acres and no more than one horse per acre.

Chairwoman Roe stated that the Board holds a signed statement by Mr. Giordano, property owner of the rear and side yard, allowing the barn location at 25 ft. of the rear property line. Chairwoman Roe asked if there was a motion to close the public hearing. Ms. Santoro made a motion to close the public hearing. Ms. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Discussion

Chairwoman Roe stated that she would like to see the barn as far as possible although topography is being dealt with and the electric wires cannot be changed. Chairwoman Roe also mentioned that Mr. Giordano is aware of the application and does not have an issue with the barn being set at 25 ft. from the rear property. Mr. Giordano's concern was that the barn would be too close from the side yard, but Mr. Sardino is 194 ft. away from the side property line and Mr. Giordano is an additional footage. The building has been turned and there will be no more than fourteen horses allowed. Mr. Sardino stated that he has two studs, which mate once a year. This is only for personal use not for commercial breeding.

Chairwoman Roe asked if the Board had any further questions. Chairwoman Roe asked if Mr. Sardino would consider buying property from Mr. Giordano for extra footage. Mr. Sardino said he tried, but Mr. Giordano declined his offer. Mr. Starkman stated that he would prepare a resolution from his notes. Ms. Gersbeck asked for a condition to be put that in the future the property could not be used for a commercial business. Mr. Starkman stated that would change the use of the property and Mr. Sardino would need twenty or more acres for a commercial business. Ms. Santoro asked if Mr. Sardino had an Ag Exemption for his property. Mr. Sardino replied no. Mr. Canton stated that Mr. Sardino has made a good faith effort to move the barn.

Chairwoman Roe asked if there was a motion to grant variance as indicated with 25 ft. from the rear property line, with the barn moved to be parallel with the property line, 194 ft. from the side yard on Mr. Giordano's property (southeast) in accordance with the map prepared by Reardon Surveying and revised December 2, 2003, and the condition that manure be disposed of to the northwest. Ms. Gersbeck made a motion as discussed. Mr. Canton seconded the motion. All in favor. Aye. Motion carried.

III. Adjournment

Ms. Gersbeck made a motion to adjourn the December 2, 2003 Zoning Board of Appeals special meeting at 8:15 p.m. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

Respectfully submitted,

Lisa Alvarado, Secretary

Date Approved: May 25, 2004