



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Jill Hathaway/The Cat's Pajamas
101 African Road
Vestal, NY 13850
BCTMP #158.13-2-34

DECISION

For an interpretation of the Code Enforcement Officer regarding locating a cat boarding business in a C1 General Shopping zoning district under the Code of the Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for July 14, 2022, the Zoning Board of Appeals of the Town of Vestal discussed the request from the Code Enforcement Officer regarding the application of Jill Hathaway/The Cat's Pajamas for premises situate at 101 African Road, Vestal, New York 13850 (BCTMP #158.13-2-34). The applicant proposes to open a cat boarding business at the location in a C1 General Shopping zoning district.

Proof of publication of the notice of the hearing in *The Town Crier* was submitted. Board members received the Application from Jill Hathaway/The Cat's Pajamas. The applicant was unable to attend the meeting.

Board members present: Clayton Ellis, Acting Chairman; Eugene Burns; Patrick McPherson; and John Taylor. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

The Code Enforcement Officer notes that the Code of the Town of Vestal expressly prohibits dog boarding/care of dogs in a C1 General Shopping zoning district, but the Code does not address cat boarding in a C1 zoning district. The Code Enforcement Officer's interpretation is that a cat boarding business is similar to dog boarding/care of dogs and would, therefore, require approval of a use variance by the Zoning Board of Appeals

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

The Code Enforcement Officer is requesting an interpretation of Chapter 24, Article IV, Division 1,

Section 24-152 as it pertains to the application of Jill Hathaway/The Cat's Pajamas to establish a cat boarding business at 101 African Road, Vestal, New York 13850 in a C1 General Shopping zoning district.

The meeting was opened to the public and then closed as no members of the public were present or wished to be heard.

A motion was made by John Taylor to affirm the Code Enforcement Officer's interpretation that, under the Code, cat boarding is similar to dog boarding/care of dogs and is, therefore, not permitted in a C1 General Shopping zoning district. The motion was seconded by Eugene Burns. A vote was called and:

The request for an interpretation of the Code Enforcement Officer's determination is hereby UPHeld by a 4-0 vote. The vote was unanimous, and the votes were cast as follows: Acting Chairman Clayton Ellis-AYE; Eugene Burns-AYE; Patrick MacPherson-AYE; and John Taylor-AYE.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: July 21, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman