



**TOWN OF VESTAL
ZONING BOARD OF APPEALS
605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 786-0980 Ext. 201
Fax (607) 786-0984**

ZBA BOARD MEMBERS:

Chairman: Mark Tomko (acting)
Members: Clayton Ellis
Jerry Schultz
Thomas Jackson, Jr.
Patrick MacPherson
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

The Cat Doctor
Darcy & James Sobol
825 Vestal Parkway West
Vestal, NY 13850
B.C.T.M.P. # 173.29-1-1

DECISION

For a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for August 11, 2022 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Darcy & James Sobol/The Cat Doctor, regarding premises situate at 825 Vestal Parkway West, Vestal, NY 13850, (B.C.T.M.P.# 173.29-1-1) for a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to opening a veterinary clinic in a C-1, General Shopping Zoning District. Appearing in support of the Special Permit request are Leo Jones, Real Estate Broker and Jeffrey Sabitus.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicant in response to his application was read. The applicant submitted a package outlining the request along with a map of the property and proposed internal layout of the facility. Also included was an Email from Rob Schuerch, Partner at Gillen, Nolan & Matthew, LLC. Owners of the property indicating that the property is for sale and going into contract and that they are aware that Darcy Sobol is pursuing the Special Use Permit to purchase and use this property as a veterinary practice.

Board members present, Mark Tomko, Chairman, Jerry Schultz, Eugene Burns, and Clayton Ellis. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

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

Applicant is requesting a Special Use Permit as required to use this property as a veterinary practice for cats only in C-1, General Shopping District. This property had previously been used as an insurance broker office.

Leo Jones, Real Estate Broker and Jeffrey Sabitus reviewed the application and plans for the project with the Board. The practice will be limited to cats only, and there are no plans to expand it to other animals at this time as the practice is very busy and has outgrown its current facility in Endicott. There will be minor changes within the building, no changes to any load bearing walls and all proper building permits will be obtained. Questions from the Board members present centered on the type of animals to be treated, handling of waste and any corpses, and boarding of any animals. Applicants stated that all waste will be maintained in a dumpster, all corpses for cremation will be picked up by Whispering Pines Crematorium for proper disposal and will not be stored or disposed of on-site, and any potential boarding of cats will be done in the basement rooms of the building so no outside changes or kennels will be needed.

The 239 I and m application was reviewed and the responses from NYSDOT and Broome County Department of planning and Economic Development were reviewed. NYSDOT noted any work that might need to be done in the State right-of-way would require a work permit and nothing may be placed within the State right-of-way. Broome County Dept. of Planning and Economic Development did not identify any significant impacts associated with the proposed project but did have 3 comments;

1. that the tax map is located partially within the FEMA Special Flood Hazard Area
2. The Town should ensure the “whole action” is taking place as required by SEQR
3. The site plan should show parking spaces, landscape plan and special use permit conditions.

The applicant is aware of the flood map issue and only a small portion of the parking lot is within the FEMA SFHA. The applicant has also ordered a Phase 1 Environmental Impact study which has not been returned as of yet, and is expected within the month. This will be forwarded to the Town Code Enforcement Officer along with a completed Short Form SEQR application which will be entered into the case and used by the Planning Board when the case goes to them for approval.

The meeting was opened to the public, and Denis Wickham of 62 Rockwell Road provided a letter, which was read into the record, to the members of the Board strongly supporting the use of this property by the Cat Doctor as they are longtime customers of the Cat Doctor and feel that this would be a great addition to the vacant site as noise and traffic would not be an issue. A letter from Joseph and Sarah Dunphy of 828 Front Street, Vestal was read into the record with a concern that their property is common with the proposed parcel in question and they want to make sure the clinic is for cats only, no other animals where an outdoor kennel is involved. The public portion of the meeting was closed as no other members of the public were present or wished to be heard.

Therefore in consideration of the above, and in balancing the factors of; 1.) Whether an undesirable change would be produced in the character of the neighborhood or would be a detriment to the nearby properties; 2.) Whether the benefit sought by the applicant can be achieved by a feasible alternative; 3.) Whether the requested variance is substantial; 4.) Whether the requested variance would have an adverse impact on the physical or environmental conditions in the neighborhood; and 5.) Whether the alleged difficulty was self-created;

A motion was made by Jerry Schultz to **grant a Special Permit as required** Chapter 24, Article IV, Division 1, Section 24-152 at B.C.T.M.P. # 173.29-1-1 aka 825 Vestal Parkway West, Vestal, NY 13850 to **operate a Cats Only veterinary clinic as presented. Two conditions are attached;**

1. That this practice be limited to cats only, and any expansion to other animals will require the applicant to return to the ZBA
2. That all waste be disposed of in a covered dumpster with a lid and be picked up on a regular basis

The motion was seconded by Clayton Ellis. A vote was called and:

The request for a **Special Permit** is hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko-AYE, Jerry Schultz-AYE, Eugene Burns-AYE, and Clayton Ellis-AYE.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: August 14, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

Subscribed and sworn to before me this

15th day of August, 2022

Carolyn L Almy
Notary Public

BY: Mark Tomko
Mark Tomko, Chairman

CAROLYN L ALMY
Notary Public, State of New York
Reg. No. 01AL6422753
Qualified in Broome County
Commission Expires 09/27/2025