



**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 S. Johnson  
Mark Tomko  
Tom Smallcomb  
Paul Houle  
George Gerner  
Attorney - Matt Butler, ESQ.  
Alternate: Eugene Burns

**Sign Review Board Decision.**

Hearing Date: 06/23/2016

Hearing Time: 6:15pm

**RECEIVED**  
JUL 19 2016

Business / Applicant Name: Matthews Volkswagen

**TOWN CLERK'S OFFICE**

Person(s) appearing on behalf of applicant: Eric Webb

Business Address: 2100 Vestal Parkway East, Vestal N.Y. 13850

BCTM#: 158.13-3-26.11

Town Code Section Appealed: Chapter 5, Article V, Division 4, 5-127.3 (a)(8)(c)

Narrative of the Code:

**Sec. 5-127.3. Commercial and industrial districts.**

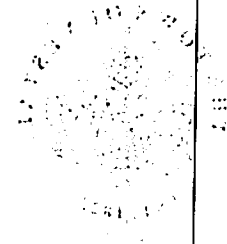
(a) Permitted signs. The following signs shall be permitted for approved commercial/industrial uses in C-1, C-2, C-D, I and I-D zoning districts as provided below:

(8) Business signs, subject to the following:

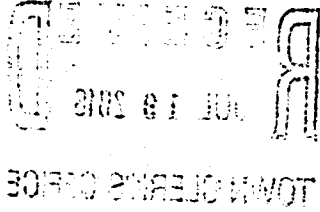
- c. In the case of parcels with street frontage greater than one hundred fifty (150) feet, the following applies: The total area of all permitted signs on the premises or parcel shall not exceed one hundred (100) square feet plus one-quarter (.25) of a square foot for each linear foot by which said street frontage exceeds one hundred fifty (150) feet, up to a maximum of two hundred (200) square feet of signs. Individual signs shall not exceed a total of one hundred (100) square feet.

MEMBER BOARD MEMBERS:  
 Chairman - Mark A. Johnson  
 Cliff Tomko  
 Tom Tomko  
 Paul Horta  
 George Gennet  
 Attorney - West End, Inc.  
 Assistant Eugene Jones

TOWN OF WESTAL  
 ZONING BOARD OF APPEALS  
 805 West Parkway West  
 West of New York 13850-1488  
 Telephone (607) 736-0984 Ext. 201  
 FAX (607) 736-0984



Sign Review Board Decision



Meeting Date: 06-23-2016  
 Hearing Time: 6:15pm  
 Applicant Name: Matthews Volkswagen  
 Person(s) appearing on behalf of applicant: Eric Webb  
 Address: 2100 West Parkway East, West N.Y. 13850  
 HOME: 15813-3-2011  
 Town Code Section Appeared: Chapter 2, Article V, Division 4, 2-12V.3 (a)(3)(c)  
 Narrative of the Code:

Section 2-12V.3 Commercial and Industrial District

(a) Permitted signs. The following signs shall be permitted for approved commercial and industrial uses in C-1, C-2, C-D, I and I-D zoning districts as provided below:

- (3) Business signs subject to the following:
- a. In the case of parcels with street frontage greater than one hundred (100) feet, the following signs:
    - The total area of all permitted signs on the premises or parcel shall not exceed one hundred (100) square feet plus one-quarter (25%) of a square foot for each linear foot by which said street frontage exceeds one hundred (100) feet up to a maximum of two hundred (200) square feet of signs. Individual signs shall not exceed a total of one hundred (100) square feet.

**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

Current Permitted Sq. Footage: As per Previous Variance Current on site Sq. Ft.: 271

Requested Sq. Footage Increase: 67.9

Total Sq. Ft. Requested: 338.9

Other Change Requested: Applicant is adding a Volkswagen Showroom, and would like to change some of their signage. The additional signs are small in size and total less than seventy square feet.

Requested Variance: Applicant is leaving approximately 271 Square feet of signage, and others are being changed and moved.

Points of discussion by Board Members: Current signage and what will be changed, in fact after the previous variance request, they were advised that they needed to clean up some of their signs, and try to reduce some of the ones in place. In fact they are trying to do this by changing some signs and making smaller signs, cleaner looks, and a reduction of the bright green colors in spots.

The sign Review Board must take into account the following:

- Are there other means to achieve the goal or benefit requested?
- Is this difficulty self created?
- Will the visual impact have an adverse effect on the environment?
- Is this a minimal or substantial request?
- Will the variance produce an undesirable change for the neighbors?

**Decision:**

Motion by: Smallcomb

2<sup>nd</sup> by: Burns

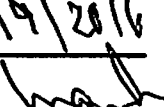

Motion: To allow instillation of four signs per section 5-127.3(a)(8)(c) at BCTM# 158.13-3-26.11 also known as 2100 Vestal Parkway East, Vestal N.Y. not to exceed 338.9 square feet, as presented to the board

Conditions to Motion: N/A

Items of Discussion: None

| Vote:        | Aye      | Nay |                                |
|--------------|----------|-----|--------------------------------|
| M Johnson:   | <u>X</u> | --- |                                |
| M Tomko:     | <u>X</u> | --- |                                |
| T Smallcomb: | <u>X</u> | --- |                                |
| P Houle:     | ---      | --- |                                |
| G Gerner:    | ---      | --- |                                |
| E Burns:     | <u>X</u> | --- | Passed: <u>X</u> Failed: _____ |

Dated: 7/19/2016

Affirmed by:    
(Chairman ZBA)

**ZONING BOARD OF APPEALS  
TOWN OF WEST**

Current Permitted Sign Footage: As per Previous Variance Current on site 571 sq. ft.

Requested Sign Footage Increase: 0.9  
Total sq. ft. Requested: 338.9

Other Change Requested: Applicant is adding a Volkswagen Showroom, and would like to change some of their signage. The additional signs are small in size and total less than seventy square feet.

Requested Variance: Applicant is having approximately 371 square feet of signage and others are being changed and moved.

Reason of discussion by Board: Applicant Current signage and what will be changed, in fact after the previous variance request they were advised that they needed to clean up some of their signs and try to reduce some of the ones in place. In fact they are trying to do this by changing some signs and making smaller signs, cleaner looks, and a reduction of the bright green colors in spots.

The sign Review Board must take into account the following:

- Will the variance produce an undesirable change for the neighbors?
- Is this a violation of substantial request?
- Will the signs impact have an adverse effect on the environment?
- Is this a difficult self remedy?
- Are there other means to achieve the goal or benefit requested?

Discussion:

3<sup>rd</sup> of Board

Motion by Board

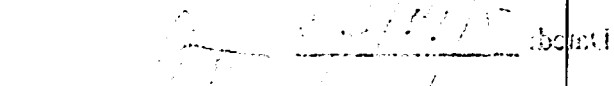
Motion: To allow installation of four signs per section 5-157.3(a)(8)(c) of BOTM 158.13-3-56.11 as shown on 2100 West Parkway East, West N.Y. not to exceed 338.9 square feet as presented to the board.

Conditions to Motion: N/A  
None of Discussion None

| Member   | Yes | No |
|----------|-----|----|
| Chairman | X   |    |
| Member   | X   |    |
| Member   | X   |    |
| Member   |     |    |
| Member   |     |    |
| Member   |     |    |
| Member   |     |    |
| Member   |     |    |
| Member   | X   |    |

Present: \_\_\_\_\_

Passed:   X  

  
 \_\_\_\_\_  
 (Chairman N.Y.)



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Paul Houle  
George Gerner  
Attorney - Matt Butler, ESQ.  
Alternate: Eugene Burns

**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

RECEIVED  
JUL 19 2016

TOWN CLERK'S OFFICE

In the Matter of the Application of

VIP PETCARE, LLC.

**DECISION**

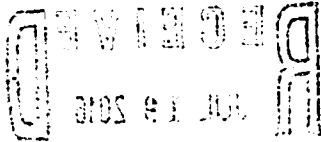
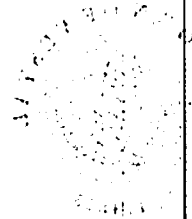
For a Special Permit as required by  
Chapter 24, Article V, Division 2, Section  
24-333 of the Code of The Town  
of Vestal, Broome County, New York  
(Zoning Ordinances)

At a meeting duly scheduled for May 26, 2016, the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application VIP Petcare, regarding the premises situate at 154 Vestal Parkway West, (tax map no.: 157.79-1-1) for a Special Permit as required by Chapter 24, Article V, Division 2, Section 24-333 (Zoning Ordinances) of the Code of the Town of Vestal, Broome County, New York pertaining to applicants' request for permission to occasionally use a portion of the interior space within the store (Tractor Supply) for the providing of preventative pet care services through licensed veterinarian supervised community clinics in this "C-1" General Shopping District. The typical services would include public education, diagnostic testing, vaccinations, microchipping, prescription medications along with wellness check-ups. A portion of the store, currently not accessible to the public, is proposed for said use.

Katie Madonia, Field Operations Manager of VIP Petcare, and Kelly Blatt of VIP Petcare appeared at the hearing in support of the application. Board members Mark Johnson, Chairman,

REAL ESTATE BROKERS  
 Chairman - Mark S. Johnson  
 Vice Chairman -  
 Tom S. Johnson  
 Paul J. Johnson  
 George S. Johnson  
 Anthony S. Johnson  
 Raymond S. Johnson

TOWN OF VESTAL  
 ZONING BOARD OF APPEALS  
 605 Vestal Parkway West  
 Vestal, New York 13850-1686  
 Telephone (807) 788-0980 Ext. 301  
 Fax (807) 788-0981



TOWN CLERK'S OFFICE

MEMORANDUM

TOWN OF VESTAL  
 ZONING BOARD OF APPEALS

In the Matter of the Application of

VIP PETCARE, LLC

for a Special Permit as required by  
 Chapter 24, Article V, Division 2, Section  
 24-233 of the Code of the Town of  
 Vestal, Broome County, New York  
 (Zoning Ordinance)

At a meeting duly scheduled for July 20, 2016, the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application VIP Petcare, regarding the premises situated at 157 Vestal Parkway West (tax map no. 157.79-1-1) for a Special Permit as required by Chapter 24, Article V, Division 2, Section 24-233 (Zoning Ordinance) of the Code of the Town of Vestal, Broome County, New York pertaining to applicant's request for permission to occasionally use a portion of the interior space within the store (fractor supply) for the providing of preventative pet care services through licensed veterinarian supervised community clinics in the "C-1" General Shopping District. The typical services would include public education, diagnostic testing, educational, microchipping, prescription medications along with wellness check-ups. A portion of the store currently not accessible to the public, is proposed for said use.

Katie Robinson, Field Operations Manager of VIP Petcare, and Kelly Blinn of VIP Petcare appeared at the hearing in support of the application. Board members Mark Johnson, Chairman,

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

George Gerner, Paul Houle, Thomas Smallcomb and Mark Tomko were present and all stated that they had visited the site and were fully familiar with the characteristics of the area and shopping center.

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

Prior to the hearing, the applicants supplied the Board with a detailed letter from Ms. Madonia setting forth the reasons for the special permit request as well as a rendering of the proposed interior layout for the pet care services.

Ms. Madonia testified that VIP Petcare operates wellness clinics all over the United States. They are completely self-sufficient and set up in stores for the purpose of providing care to animals. They are looking to expand into Vestal at the Tractor Supply site. They have serviced Elmira and Johnson City but feel that Vestal could use their services. All animals would be leashed or in a carrier and there would be no boarding or overnight services. At the conclusion of the clinic, the area is cleaned and the providers return the premises to its previous state. Typically, the clinic is provided on a monthly or bi-weekly basis. Upon closing up, there is no trace of the clinic having been there. There are usually 3-4 employees plus a veterinarian at the clinic. The clinic hours are 9:30 AM to 5:30 PM on Saturday or Sunday.

On the issue of parking, it is clear that there is ample parking at this store to cover any and all veterinary customers. This is especially true given the store's location, and the limited scope of the services.

The hearing was opened to the public, and hearing no comments, the public portion of the hearing was closed.



ZONING BOARD OF APPEALS  
TOWN OF VESTAL

George Gerner, Paul Hinder, Thomas Smallwood and Mark Tomko were present and all stated that

they had visited the site and were fully familiar with the characteristics of the area and shopping

center.

After the deliberation, the Zoning Board of Appeals makes the following findings of fact

and conclusions of law:

Prior to the hearing, the applicant supplied the Board with a detailed letter from Mrs.

Melonia setting forth the reasons for the special permit request as well as a rendering of the

proposed interior layout for the pet care services.

Mrs. Melonia testified that VIP Petcare operates wellness clinics all over the United States.

They are completely self-sufficient and set up in stores for the purpose of providing care to animals.

They are looking to expand into Vestal in the tractor supply store. They have serviced training and

Johnson City, but feel that Vestal could use their services. All animals would be housed on in a

center and there would be no bonding or overnight services. At the conclusion of the clinic, the

area is cleaned and the providers return the premises to its previous state. Typically, the clinic is

provided on a monthly or bi-weekly basis. Upon closing up, there is no trace of the clinic having

been there. There are usually 3-4 employees plus a veterinarian at the clinic. The clinic hours are

9:30 AM to 5:30 PM on Saturday or Sunday.

On the issue of parking, it is clear that there is ample parking in this store to cover any and

all veterinary customers. This is especially true given the store's location and the limited scope of

the services.

The hearing was opened to the public, and hearing no comments, the public portion of the

hearing was closed.



## TOWN OF VESTAL ZONING BOARD OF APPEALS

This Board is in possession of Broome County's 2391 and m review. There have not been identified any significant countywide or inter-community impacts associated with the proposed project.

A motion was made by Board Member George Gerner to grant VIP Petcare's request for the Special Permit as required by Chapter 24-333 to allow for the occasional use of 154 Vestal Parkway West for preventative pet care services through licensed veterinarian supervised community clinics, as presented to the Board. The motion was seconded by Paul Houle. A vote was called, and:

Therefore in consideration of the above, and in balancing the factors of 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, and it appearing that the proposed home occupation would have a negative impact on the character and/or nature of the neighborhood, the application for a Special Permit to allow for the occasional use of 154 Vestal Parkway West for preventative pet care services through licensed veterinarian supervised community clinics, as presented to the Board, is **GRANTED** by a vote of 5-0.

The application was unanimously granted. The votes were cast as follows: Chairman Johnson-Aye, George Gerner-Aye, Thomas Smallcomb-Aye, Mark Tomko-Aye, Paul Houle-Aye.

In the event that the special permit is not utilized within four months from the date hereof, then the variances and/or special permit shall be deemed revoked.

TOWN OF VESTAL  
ZONING BOARD OF APPEALS

This Board is in possession of Broome County's 2391 and in review. There have not been

identified any significant concerns or inter-community impacts associated with the proposed

project.

A motion was made by Board Member George Connor to grant VIV Petitioner's request for the

Special Permit as required by Chapter 24-333 to allow for the occasional use of 124 Vestal Parkway

West for preventative pet care services through licensed veterinarian supervised community clinics.

As presented to the Board, the motion was seconded by Paul Houde. A vote was called, and:

The motion is considered in light of the above, and in balancing the factors of: (1) Change in

character of locality; (2) Alternative methods to achieve what the applicant desires; (3) The degree of

concern sought; (4) Effect on the physical conditions existing in the locality; and (5) Any other

related difficulties, and it appearing that the proposed home occupation would have a negative

impact on the character and/or nature of the neighborhood, the application for a Special Permit to

allow for the occasional use of 124 Vestal Parkway West for preventative pet care services through

licensed veterinarian supervised community clinics is GRANTED by a

7-2-07

The application was unanimously granted. The votes were cast as follows: Chairman

Thomas-Alex George (Aye), Thomas Smallbone-Aye, Mark Tomlin-Aye, Paul Houde-Aye.

In the event that the special permit is not utilized within four months from the date hereof,

then the variances under a special permit shall be deemed revoked.

**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

Dated: 7/19/2016

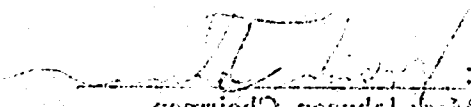
**ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL**

BY:   
Mark Johnson, Chairman

ZONING BOARD OF APPEALS  
TOWN OF VESTAL

Date: 10/15/15

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Mark Johnson, Chairman