TOWN OF VESTAL
ZONING BOARD OF APPEALS
605 Vestal Parkway West
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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 24-333 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinances)

DECISION

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,

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.

[illegible]

This Board is in possession of Broome County's 239 l 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

Dated: 7/19/2016

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: _____
Mark Johnson, Chairman

KATHIE S. YOUNG
Notary Public, State of New York
Qual. in Tioga Co. No. 01YO6089484
Commission Expires March 24, 2019