



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:

Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Thomas Jackson, Jr.
Paul Houle
Alternates: Eugene Burns
John Taylor
Attorney: Philip Grommet

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of:

VetIQ -- Walmart
2405 Vestal Parkway East
Vestal, NY 13850
BCTM#: 158.14-1-1

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SEP 10 2019

VESTAL CODE

At a meeting duly scheduled for July 11, 2019, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the special permit application of VetIQ as required under Chapter 24, Article IV, Division 1, Section 24-152 pertaining to a proposed veterinary office in the "C-2" Community Business District at 2405 Vestal Parkway East (BCTM#: 158.14-1-1).

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 the application was read. It was noted that the applicant had previously submitted a letter to the Board signed by Andrew Christensen as well as submitted materials regarding the site location and VetIQ's operations. Jennifer Kakusian, ZBA Chairwoman, asked if the Board Members had visited the site and all members answered in the affirmative. She also had designated Alternate Board Member Eugene Burns as a Board Member for tonight's matters.

Steve Foster presented on behalf of the applicant. He described the applicant's business model, noted the procedures that they do and do not provide, and generally described the applicant as an affordable veterinary clinic.

Board Member Tom Jackson, Jr. asked further questions about the applicant's operations and its association with Walmart. Mr. Foster noted that their business model is a growing concept.

Board Member Tom Smallcomb asked about the site's entrances and exits and his concerns regarding dog waste on the sidewalk and the parking lot areas.

Board Member Gene Burns asked questions as well and it was clarified that the applicant's site was inside the Walmart but that it had a separate entrance to the sidewalk and parking lot area in the Walmart shopping plaza.

There was then further discussion amongst the Board Members regarding the issue of dog waste and the Town's existing ordinances with respect to this issue. Mr. Foster was not entirely certain of the applicant's plans to address this issue.

A motion was made by Board Member Tom Smallcomb to table this application for further review and discussion, which was seconded, and all Board Members present voted in favor (Jennifer Kakusian, Tom Smallcomb, Thomas Jackson, Jr., Eugene Burns). The application was tabled and would be scheduled for further discussion at the Board's meeting on August 8, 2019. The Board and the applicant agreed that the public hearing would be opened for any further comments at the meeting scheduled for August 8, 2019 and that, as a result, the time that the Board has to make a decision on the application would be effectively extended until after the August 8, 2019 meeting.

The meeting was resumed on August 8, 2019 at 6:50pm to decide the application of VetIQ. Attending this meeting were Chairwoman Jennifer Kakusian and Board Members Mark Tomko, Tom Smallcomb and Thomas Jackson, Jr. Jennifer Kakusian noted that the proof of publication of the additional hearing was submitted and noted that since the last meeting on July 11, 2019 the Board had received an email from the applicant which was accompanied by additional materials explaining its dog waste system dispenser proposal and other issues. Board Member Mark Tomko then noted he had visited the site at issue and that he read minutes and other materials regarding the meeting on July 11, 2019.

Steve Foster then presented on behalf of the applicant again wherein he explained the dog waste system dispenser proposal, which proposal included certain bag dispensers mounted near the entrance to the applicant's store and a commitment to require its employees to frequently monitor, maintain and keep clean the outside store entrance vicinity as well as install certain parking lot signage in the site area regarding dog waste.

Board Member Tom Smallcomb asked about committing garbage cans to address the dog waste issue. Mr. Foster noted that there were garbage cans throughout the Walmart parking lot in the site area. There was then further discussion regarding the placement of the bag dispensers. Mr. Foster clarified that the applicant was proposing to mount the bag dispensers near the front door to its store and that it would make sure garbage cans were near the front door.

Jennifer Kakusian opened the hearing for public discussion, however there being none heard, the hearing was then closed.

The Zoning Board Attorney explained to the Board the standards to consider and apply in determining whether to grant the applicant's special permit request.

There was no General Municipal Law 239 review and there is no SEQRA review required.

A motion was made by Board Member Tom Smallcomb to approve a special permit as required under Chapter 24, Article IV, Division 1, Section 24-152 of the Code of the Town of Vestal for VetIQ for purposes of a proposed veterinary office in the "C-2" Community Business District at 2405 Vestal Parkway East (BCTM#: 158.14-1-1), as presented, on the condition that the applicant mount the bag dispensers near the front door to its store, that it would make sure that the garbage cans were near the front door, that garbage bags would be used with the garbage cans and that the waste from these garbage cans be taken away regularly. The motion was seconded by Mark Tomko, a vote was called, and all Board Members present voted as follows:

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
Jennifer Kakusian	x	
Mark Tomko	x	
Tom Smallcomb	x	
Thomas Jackson, Jr.	x	

The special use permit was thus granted and the Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: SEPTEMBER 16, 2019

Affirmed: Jennifer Kakusian
Jennifer Kakusian, ZBA Chairman



Surrena A. Gould
Notary Public, State of New York
Qualified in Broome County
No. 01G06337098
Commission Expires February 16, 2020