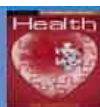




finger lakes community Health



For more information contact Dawn Shaffer 315-789-3333 X210

Tuesday, May 19th, 2009

SEARCH » GO!



News

[Print this story](#) | [Email this story](#) | [\[+\] Text Size \[-\]](#)

Fayette Town Board rules in SPCA's favor

By DAVID L. SHAW/dshaw@fltimes.com
Tuesday, May 19, 2009 11:59 AM CDT

FAYETTE ♦ The Town Board has overruled the town Planning Board, determining that the Seneca County Society for the Prevention of Cruelty to Animals is not violating town zoning code.

The decision last week followed a review of the Planning Board's determination that the SPCA facility at 4438 County Road 121 violated the code.

The Town Board approved a motion 4-0 saying the SPCA was "grandfathered" in under the current town code and can continue operating.

"We are convinced that the rules were followed and were properly interpreted, so this is the best resolution," said Edward Barto, town supervisor.

Jenny McWhorter and Stephen Webb have operated the SPCA for the past six years on Webb's property.

ADVERTISEMENT

In November 2008, Planning Board chairman and Town Highway Superintendent Roswell Parks told McWhorter and Webb that their facilities violated the town's new zoning law as well as the prior zoning code.

Parks said it was his understanding that the SPCA knew it was not in compliance and was supposed to come to the Planning Board with a plan to deal with the acreage requirement for housing three or more dogs.

He said he didn't think it could be grandfathered because it was in violation of the old code as a commercial dog kennel.

"This is such a load off our minds," McWhorter said of the Town Board's decision. "We were worried that the outstanding zoning issue would hurt our mission and damage our fundraising."

She said she was grateful to the board and Town Attorney Stephen Ricci for reviewing the matter with SPCA attorney Steven Getman of Ovid.

Getman, who did not charge for his services, was also pleased.

"It was also our position that the shelter was operating legally," he said. "Not only was it there before the current town zoning code was adopted, but as a duly incorporated SPCA, [it] serves a valid, public purpose in promoting animal welfare."

Parks said he was not part of any meetings to review the situation.

"I'm not upset about it. If they are not in violation, that's fine," he said.

The SPCA is a recognized animal welfare organization operating under New York state law. It operates on donations, sheltering adoptable animals and investigating cases of animal cruelty.

Town Board member Joseph Polito was absent from the May 14 meeting.

Weather in Geneva, NY



Search Classifieds

Keywords:

Our Paper

- [Home](#)
- [News](#)
- [State News](#)
- [Sports](#)
- [Obituaries](#)
- [Classified](#)
- [Place an Ad](#)
- [Archive](#)

Multimedia

- [Photos](#)
- [Photo- Stories](#)

Online Features

- [Features](#)
- [Financial News](#)
- [Food](#)
- [Health News](#)
- [Yellow Pages](#)

Fun & Games

- [Horoscopes](#)
- [Entertainment News](#)

Special Sections

- [All Around The House](#)
- [Real Estate](#)
- [Religious Directory](#)
- [Home & Garden](#)
- [Jumpstart](#)
- [Wedding Bliss Spring 09](#)
- [Auto Motion](#)
- [On The Road](#)

E-edition

- [Today's E-edition](#)

Announcements

- [Letter to the Editor](#)
- [Births](#)
- [Weddings & Engagements](#)
- [Anniversary](#)
- [Deans List](#)
- [In the Service](#)
- [College Graduate To College](#)

Customer Service

- [Advertising](#)
- [Subscriber Service](#)
- [Single Copies](#)
- [E-Mail Updates](#)

Online Poll

