

**ZONING BOARD OF APPEALS  
TOWN AND VILLAGE OF ARCADE  
17 Church Street, Arcade, New York 14009  
Village Office (585) 492-1111  
Town Office (585) 492-4685**

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At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, July 21, 2008, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Jeff Snyder, Lee Ameis, Gordon Cramer, Paul Sanders and Doug Eigenbrod

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Marvin Zielonka, ZEO; Ron Jaquish, Paul King

The Chairman called the meeting to order at 7:00 P.M. followed by introductions of Board Members, the Secretary and the ZEO.

**APPROVAL OF MINUTES:**

**MOTION** by Paul Sanders, seconded by Gordon Cramer and carried four yes votes and one abstention, to accept the minutes of the meeting of June 16, 2008. Doug Eigenbrod abstained as he was not present at that meeting.

**AREA VARIANCE APPLICATION, PERMIT NO. 1951-AV, SUBMITTED BY KOIKE ARONSON, REQUESTING TWO SIGNS PRESENTLY INSTALLED ON THE OUTSIDE OF BUILDING LOCATED AT 635 WEST MAIN STREET, EXCEEDING MAXIMUM SIGN SIZE ALLOWED AND MAXIMUM AGGREGATE OF 100 SQUARE FEET PER LOT:**

Chairman Snyder explained the variance process including the Public Hearing that will need to be held and the time frame the Board has to render a decision. The Chairman read the application and the criteria for an Area Variance. The answers given by the applicant were:

1. Is it possible to achieve your project by any other feasible means?  
No. Could not put sign of this size anywhere else.
2. Will your project cause an undesirable change in the characteristic of the neighborhood or to nearby properties?  
No. Two signs installed that say Koike Aronson Ransome.
3. Is this a substantial project?  
No. Two signs installed.

4. Will your project have any negative physical or environmental effects?  
No. They are on the building.
5. Have you caused the problem that you are requesting to change?  
We have installed two signs. We did not know a permit was required.

Mr. King, plant manager, stated:

1. The parent company, Koike in Japan, requested the signs be installed on the building.
2. The larger was placed because of the height of the building allowing it greater visibility.
3. None of the present signs are lighted, including the one by the road.
4. We have many people who state the manufacturing plant is difficult to locate.

The Board stated:

1. The sign by the road is partially blocked by the trees used in the landscaping.
2. The Ford Dealership was allowed larger signage due to the fact it was also requested by the company.
3. A public hearing needs to be held as the manufacturing plant is located on a State highway.
4. The Board determined this to be an Unlisted Action under SEQR, not having any adverse environmental impacts and not subject to further review.

**MOTION** by Paul Sanders, seconded by Gordon Cramer and unanimously carried to accept as complete Area Variance Application, Permit No 1951-AV, submitted by Koike Aronson, requesting two signs installed on the outside of building located at 635 West Main Street, exceeding maximum sign size allowed and maximum aggregate of 100 square feet per lot, and the Secretary was directed to publish a Public Hearing to be held on Monday, August 18, 2008, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York. Further, the Secretary was directed to forward the application to the Wyoming County Planning Board and the Arcade Planning Board for recommendation and comment.

**PUBLIC HEARING FOR INTERPRETATION OF VILLAGE LOCAL ZONING LAW, SECTION 806-OPERATION, REQUESTED BY DANIELLE KOPINSKI, FOR PROPERTY LOCATED AT 282 MAIN STREET:**

The Chairman opened the Public Hearing.

1. The Chairman inquired if anyone wished the application to be read. Everyone stated it was not necessary.
2. Ron Jaquish, President of the Masonic Lodge, stated he had no problem with the walk-up service window and he supported it.
3. The Board reviewed the recommendation and comment from the Arcade Planning Board which stated:

“The Planning Board does not consider the planned use of a slider window for food service to be subject to restriction. It is not the primary operation of the business and it is our belief that the intent of the paragraph regarding Operation is directed more at industrial or intensive commercial uses rather than a small food service. It is the Planning Board’s opinion and recommendation that the service window be allowed.”

The Chairman asked if there were any additional comments. There were none.

The Board determined this action under SEQR to be Section 617.5-31, interpreting an existing code or regulation.

**MOTION** by Doug Eigenbrod, seconded by Lee Ameis and unanimously carried to close the Public Hearing.

**MOTION** by Lee Ameis, seconded by Paul Sanders and unanimously carried, that the primary operation of the business, Doogie’s Dogs and Cones, located at 282 Main Street, will take place inside the building and a pass through service window is allowable under Section 806-Operation of Village Local Zoning Law.

Board Member’s Reasons:

Lee Ameis – Voted yes. The cooking and preparation is the primary operation of the business and will be done inside the building.

Paul Sanders – Voted yes. Handing food out of a service window is not the primary operation of this restaurant.

Gordon Cramer – Voted yes. I agree with both Lee and Paul.

Jeff Snyder – Voted yes. I believe the intent of Section 806 regarding Operation applies to more intensive commercial uses, not a pass through window.

Doug Eigenbrod – Voted yes. This is no different then the service window at McDonald’s or the drive-through windows at local banks. The primary operations are being done within the building.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 7:39 P.M. upon **motion** by Jeff Snyder, seconded by Doug Eigenbrod and unanimously carried. The next regular meeting of the Zoning Board of the Town and Village of Arcade will be held on Monday, August 18, 2008, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary