

**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, October 19, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. and Mrs. Charles Heslin, ZEO Marvin Zielonka

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

**APPROVAL OF MINUTES:**

**MOTION** by Lee Ameis, seconded by Paul Sanders and carried four yes votes to one abstention, to accept the Minutes of June 20, 2011. Doug Eigenbrod abstained as he was not present at that meeting.

**APPLICATION FOR INTERPRETATION OF VILLAGE LOCAL LAW, CHAPTER 64, PARAGRAPH 71 – SERVICE ESTABLISHMENT; SUBMITTED BY CHARLES HESLIN, REGARDING A CAN/BOTTLE REDEMPTION BUSINESS AT 34 LIBERTY STREET, LOCATED IN A NEIGHBORHOOD COMMERCIAL DISTRICT:**

The Chairman explained the interpretation process, that a Public Hearing must be held and that the Board then had 61 days to render a decision.

In discussion:

1. The Zoning Enforcement Officer has denied the Certificate of Zoning Compliance, Permit No. 2118, citing a Bottle Redemption Center is not a listed permitted use in the N/C District.
2. A Service Establishment in Village Zoning Law is defined as, "A business or non-profit organization that provides services to the public, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including but not limited of repair services such as saw sharpening and furniture upholstery; health, legal, engineering and

other professional services; and educational services. Service establishments do not include retail businesses, restaurants, offices or other uses separately listed.”

3. According to Section 420. NC District: Neighborhood Commercial of Village Zoning Law, Uses Permitted by Right include, “Retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than any permitted use permitted by right in the NC district.”
4. The Board stated that this property has previously been used as a gas station, snow mobile shop, sign business and a paint store, among others.
5. The applicant submitted a letter (see Attachment A) stating his reasons for believing that a Bottle Redemption Center is a Service Establishment.
6. The applicant has been operating the business for the last six weeks but is not able to be paid by his distributors until he receives his permit from the DEC. The Certificate of Zoning Compliance is needed to obtain the DEC permit.
7. The applicant currently operates three other Redemption Centers: one in Nunda, Fillmore and Franklinville. He stated that there were no issues with any of the Boards in those towns or any of the neighbors. There have been many compliments regarding the cleanliness of the businesses. Jubilee grocery store in Fillmore redeems their returned bottles and cans at the Redemption Center so they do not have to deal with the germs.
8. All bottles and cans will be bagged and stored inside the building and picked up once a week. The pick-up process takes approximately 30 to 45 minutes. There will be no outside storage of any kind including no semi-trailers parked permanently in the yard.
9. The Board informed the applicant that they would visit the Arcade establishment before the next meeting.

**MOTION** by Doug Eigenbrod, seconded by Lee Ameis and unanimously carried to accept as complete the Application for Interpretation of Village Local Law, Chapter 64, Paragraph 71 – Service Establishment, submitted by Charles Heslin, regarding a Can/Bottle Redemption business located at 34 Liberty Street in a Neighborhood Commercial District. Further, the Secretary was directed to forward the application to the Arcade Planning Board for recommendation and comment and to publish a Public Hearing to be held on Monday, October 17, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 7:21 P.M. upon **motion** by Doug Eigenbrod, seconded by Lee Ameis and unanimously carried. The next regular meeting of the Zoning Board of Appeals of the Town and Village of Arcade will be held on Monday, October 17, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully,

Holly L. Almeter  
Secretary