

**April 21, 2015 6:00 pm**  
Council Board Room  
One Batavia City Centre, Batavia NY

Mr. Preston read the summary of the proposal. Ron Viele, developer, and Tony Mancuso, realtor, were present to discuss the project. Mr. Mancuso showed the photos of the restaurant prototype to the board and Mr. Viele laid out the large scale drawings of the site. Mr. Viele explained that they had optioned three parcels of land amounting to .5 acres, which would be large enough to accommodate the restaurant. The model selected for the project, referred to as the "Inspired 2000," was developed by the Arby's Corporation. Mr. Viele stated that 10-

12 variances would be needed to accommodate this particular parcel. He asked for the board to offer guidance on the variances and to discuss the feasibility of the project.

Mr. McGinnis asked if they had considered purchasing the property at 2 Vernon Avenue. Mr. Viele answered that the purchase of the property would put the project over budget.

Mr. McGinnis asked about snow removal. Mr. Viele said that there are a couple of buffer areas where snow can be pushed but that it would have to be removed at some point.

Mr. McGinnis pointed out that the drawing shows a truck exiting onto Vernon Avenue. He said that he lives on Vernon Avenue and it is a narrow street. He wanted to know if trucks could use that entrance/exit during non-peak traffic hours. Mr. Mancuso responded that he did not know what arrangement would be made for deliveries and that he would have to check on it. Ms. Tabelski asked if tractor trailers would back out or make a loop. Mr. Mancuso replied that they must use the loop.

Mr. McGinnis asked about Arby's schedule and Mr. Mancuso answered that they serve lunch and dinner. Mr. McGinnis asked how late the restaurant is open and Mr. Viele replied that they close between 9:00 and 10:00 pm.

Mr. Preston asked if the proposed location is larger than the location of the current Arby's. Mr. Mancuso stated that it is. He said that the Arby's parcel is just under .5 acres and the proposed parcel is just over .5 acres. According to Mr. Mancuso, the current Arby's is 4,000 sq.' and the proposed Arby's will be 2,000 sq.'. Mr. Mancuso said that the restaurant will seat 4-5 more patrons, and will provide a couple of additional parking places.

Mr. McGinnis asked about the industry ratio of sit-down versus drive-through patrons, but Mr. Mancuso was unsure of the answer.

Mr. Preston once again raised the question of purchasing additional property. He noted that parking vehicle horizontally, pointing down Vernon Avenue, presents problems. He said that additional space might allow for vehicles to be parked parallel to Main Street. Mr. McGinnis asked if the residents of the three properties have been served eviction notices. Mr. Viele answered that they were awaiting City approval of the project.

Mr. Preston noted that there is insufficient room for the landscape buffer along Vernon Avenue. Mr. Viele responded that a fence would be needed. Mr. McGinnis asked if they had spoken with the neighbor on Vernon Avenue and Mr. Viele said no.

Mr. Preston expressed concern about the lighting in the parking area reflecting onto the neighbors. Mr. Mancuso said that the intention of the lighting plan is to prevent light from being cast onto neighbors by using wall packs. Mr. Preston said that he expected the lights would be on all night but Mr. Mancuso said that he did not know. Mr. Viele, however, said that the lights would be set on timers and would not remain on all night. Mr. Preston

observed that some fast-food restaurants have begun staying open all night, and they could not be sure that Arby's would not make a similar decision at some point in the future.

Ms. Tabelski pointed out that vehicles exiting onto Vernon Avenue could possibly create a lighting issue for the resident across the street. Mr. Mancuso said that they would check into it.

Mr. Viele referred to Mr. Randall regarding a possible issue with the driveway entrance. Mr. Randall suggested that they might want to consider a traffic study. Mr. McGinnis said that Vernon Avenue residents were already having an issue with traffic at the other end of the street, and they would not want to encounter a problem that left residents in a bottleneck situation. Mr. Viele commented that they would not expect that kind of problem to occur since it does not currently happen at the present Arby's.

Mr. Preston said that the situation is different because with the current Arby's, the Main Street entrance is commercial and the side street exit is also commercial. With the proposed Arby's, he said that it would be commercial zoning at the Main Street entrance, but residential on the Vernon Street exit. Mr. Mancuso pointed out, however, that the zoning of the first few houses on Vernon is still commercial. He said that there are few other places in the City zoned for Arby's and with this location, they are trying to accommodate what the City wants.

Mr. Preston asked if both Arby's would be running at the same time. Mr. Mancuso said that the old one will close when the new one opens. Mr. McGinnis said he would like to know what the traffic numbers are for the current Arby's owner.

Mr. Preston called for a traffic study. Mr. McGinnis asked if they would take care of landscaping and Mr. Mancuso said they would. Mr. Preston asked if they would put a line of bushes or a fence in front of the dumpster area and Mr. Mancuso said they would do whatever was required of them.

Mr. Gray expressed concern about the landscaping buffer facing 2 Vernon Avenue. Ms. Tabelski and Mr. McGinnis added that signage would be a concern in that area also. Line of sight would have to be clear.

Mr. McGinnis asked about the time frame and Mr. Viele answered that the project would take 90-120 days to complete.

Mr. Randall asked if the Arby's model comes in other sizes. Mr. Mancuso replied that there are other sizes; the proposed model is the smallest. Mr. Gray asked if there were any prototypes where just one side could be used for a drive-through instead of going all the way around the building, as a possible way to free up some space for the buffer. Mr. Mancuso said that he has not seen any models like that; this model is the one used for these types of locations. He asked Mr. Randall if there is anything in the code regarding the issue. Mr.

Randall responded that it is a matter of queueing and the number of vehicles expected in line at one time. He added that if they could get away with using one side, it might fit the site better. Mr. Preston asked about the number of vehicle in the queue and Mr. Mancuso responded that it could fit seven. Mr. Preston observed that they are only requesting a single drive-through lane. Mr. Viele asked if it would be an issue if they wanted to add another lane at a later date. Mr. Preston answered that he did not believe a vehicle would be able to maneuver in the lane and three parking places would be lost.

Mr. McGinnis asked about landscaping along the West Main Street side. Mr. Viele noted that the submitted plan was just a tentative one and that when the site plans were drawn, a landscaping plan would also be developed.

Mr. Mancuso asked if the board believed that it was worth going forward with the process at this location. Mr. Gray responded that the buffers are problematic. Mr. Mancuso said that it would depend on whether the adjacent neighbor would accept a fence. Mr. McGinnis and Ms. Tabelski advised the applicant to speak with the owner of the adjacent property. Mr. Preston stated that it would be helpful if they had more space. Ms. Tabelski pointed out that they should check on lights from exiting vehicles shining onto the property across the street. Mr. Randall suggested that planting bushes might help with that issue. Mr. McGinnis said that they would like to speak to the franchise owner and Mr. Mancuso reported that the owner would attend the next meeting.

City attorney George Van Ness addressed the board. He reminded the board that they only have the authority to approve plans consistent with the City code. He stated that the purpose of the sketch plan is to perform a preliminary analysis and share those comments and concerns. However, if the applicant chooses to move forward and develop a full scale plan and submit a formal plan, then the board, consistent with its charter and mission under the City code, cannot approve a plan that does not meet all the requirements of the City code. They would have to deny it, and the applicant would have to move forward to the Zoning Board of Appeals (ZBA). According to Mr. Van Ness, given the size of this plan and the size of the structure and the number of variances that are necessary, it is impossible to forecast what the ZBA can do with respect to each one of those variances.

**V. New Business/Updates/Other: Planning and Comprehensive Plan Development**

City Manager Jason Molino provided the board with an overview of the comprehensive planning process in which the City is about to engage. He explained that the purpose of the Comprehensive Plan is to identify the goals and objectives of the community, primarily through a large public engagement process. Once the plan is adopted by the City Council, it would become a tool for the City to use for making decisions and solving problems. Mr. Molino explained that, according to the City Charter, the planning board has the capacity to act as the Steering Committee for the design of the Comprehensive Plan. Mr. Molino described the process to the board and said that at the next Council meeting he would recommend that the planning board begin the process of updating the Comprehensive Plan.

**VI. Setting of Next Meeting: May 19, 2015**

**VII. Adjournment**

Mr. Preston moved to adjourn the meeting at 7:05 pm; Mr. McGinnis seconded. All voted in favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Meg Chilano". The signature is fluid and cursive, with the first name "Meg" and last name "Chilano" clearly distinguishable.

Meg Chilano