

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Rick Stockburger
David Kulo
Marti Foster

OTHERS IN ATTENDANCE:

Mr. Todd Atkinson, PE
Gregory Folchetti, Attorney - Costello & Folchetti

ABSENT:

Janet Ward

Chairman Lowell led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

REGULAR MEETING:

Boardmember Foster made a motion to open the regular meeting. This was seconded by Boardmember Kulo and passed unanimously.

530 North Main Street:

Chairman Lowell said this is an informational presentation for review of the project after which the Planning Board will make a recommendation to the Trustees as Lead Agency.

Nasser Aqeel appeared before the Board as the owner of 530 Main Street and said no changes have occurred from the previous meetings. He said the building proposed at 530 Main Street will be a 3-story building that's going to have 12 units. Each unit is going to be a 2-bedroom, 2-bath unit, he said. We decided to put the parking lot in the front, he said, and the building in the rear for safety reasons so I'm in front of the Planning Board to discuss and see if there are any recommendations. He continued: we're going to put a small wall in the front of the parking lot to obstruct the car lights to prevent them from going on the street.

Boardmember Foster said in the paperwork I received a couple months ago didn't show how the parking lot was going to be laid out. Mr. Aqeel indicated on the drawing where the handicap spots would be near the front door. Boardmember Foster said where is the dumpster? Mr. Aqeel said if you are facing the building, it will be on the right side so when you come off North Main Street the truck will back up straight into the right side of the building, take the dumpster, and go right back out. He said there will be no parking on the right side of the building.

Boardmember Kulo said what kind of units will they be? Mr. Aqeel said they will all be 2 bedrooms, 2 baths and approximately 1200 sq. ft.

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

Boardmember Lowell said I don't see any rendering of a sidewalk going up Wells Street and we had discussed that previously. Mr. Aqeel said it's right here and there is a front sidewalk on North Main Street as well. Boardmember Lowell said if we can get the sidewalk to go to the crest of the hill that would really enhance safety because Wells is 50/50 automobiles and pedestrians. Mr. Aqeel said he would discuss that with his engineer and that could be one of the recommendations you could recommend to the Board.

Boardmember Foster said where will the laundry be done. Mr. Aqeel said each unit will have its own washer and dryer.

Boardmember Lowell said the shrubbery in the front of the wall should be kept down so that cars coming down Wells and trying to make a turn onto North Main will be able to see; maybe hedges would be good. Mr. Aqeel said maybe flowering pears.

Boardmember Kulo said I do like the buffer with the parking.

Boardmember Foster said what are you going to do with the snow? Mr. Aqeel said we're going to try to push it to the side with a buffer for the snow and if it becomes too much it will be removed from the parking lot. Boardmember Foster said by the side you mean at the end of the parking lot? Mr. Aqeel said by Wells we will push it and also there will be a buffer on the other side of the building.

Chairman Lowell said what's your setback on the right side? Mr. Aqeel said I am not sure. Chairman Lowell said is the driveway right on the property line? Mr. Aqeel said it's going to be about 10 ft. according to the plan and the driveway will not go around the building. He said the parking lot will be mainly in the front with the dumpster on the right side and will be enclosed.

Boardmember Foster said how do the people in the back get to their cars? Do they have to go through the building, he said. Mr. Aqeel said they will come out through the front entrance as the internal stairways allow that.

Boardmember Foster said on the drawing you have 530 North Main Street and 530 Main Street without the north. Mr. Aqeel said that is a clerical error on the engineer's part so that will be corrected.

Woman in the audience: Did the Village of Brewster finally approve the front parking?

Chairman Lowell said that is up to the Trustees as they are the Lead Agency on this project so we are here to make suggestions and reactions to this.

Woman in the audience: Did they agree to the front parking yet?

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

Mr. Aqeel said they agreed because the slope of the property will make the building very difficult to put in the front with the parking in the back. He said it will create a slope of 18-19 degrees and it would be too dangerous for the cars to go in and out. He continued: if we put the building to the front it will obstruct traffic flow on North Main Street so we came to a compromise for safety reasons to set the building in the back and put the parking in the front. Chairman Lowell said this is part of a process. He said there is a new procedure going on called a Special Exception Use Permit in order to avoid re-zoning the entire PB Zone and making one blanket treatment of every property. He continued: each time there's going to be a plan that differs from the allowed zoning it will have to go through this process and be overseen by the Trustees on an individual basis. Mr. Aqeel said I really wanted the parking in the back but the slope of the property didn't allow for it. Boardmember Foster there is information on the Village of Brewster Website that contain the minutes of the Village Board, the Planning Board, and other things that are public and anyone can look at them. Mr. Folchetti said this application was here on the Zoning Petition June 20 Meeting.

Chairman Lowell said if there are no other comments we should prepare a Resolution with the additional recommendation for the extended sidewalk on the Wells side. Mr. Folchetti said your obligation to the Board of Trustees is the make your Determination; you can have a Positive Recommendation, Negative Recommendation conditioned either way as to what your opinion is on the project and what your recommendation is with whatever conditions you feel are warranted. The Village Board is entitled to consider them and review the application for Special Exception Use Permit. Mr. Folchetti said you would need a motion of some sort.

Chairman Lowell made a motion to make a Positive Recommendation with the condition that the sidewalk on Wells Street be extended to the rear of the property, seconded by Boardmember Kulo and passed all in favor.

Brewster Library:

Ben Gailey, attorney representing the Library appeared before the Board. He said we are here seeking a Waiver of the parking requirements and I know Gina (Loprinzo) had sent over some emails that I had previously sent to your attorney. I am not sure if you looked them over, he said, or if you're looking for a presentation from me with respect to the Waiver request or if there are questions I can answer.

Chairman Lowell said you're asking for a Waiver from an indeterminate number and we'd like to nail that down and see exactly what is being waived, if it gets waived. He said you start out with 70 spaces required and it was broken down to 22. Mr. Gailey said the 70 is if you apply the public assembly requirement and that's for the entire building. Chairman Lowell said how did you calculate your areas, existing and new areas? Mr. Gailey said when we used the public assembly requirement because my engineer tells me that's what the Board had indicated we should use, that one is not the gross area and does not include the mechanical, storage, and stairwells. He said when we gave you the requirement for the traffic engineers standard, that was for gross floor

Village of Brewster Planning Board Meeting Minutes November 27, 2018

area. Chairman Lowell said did you calculate it less the area occupied by stacks and reference tables and desks. In neither case did we do that, Mr. Gailey said. Chairman Lowell said it's been suggested that that might be an advantage. Chairman Lowell said the 70 is based on the gross square footage including occupied by fixtures. Mr. Gailey said it says floor area available for use is the way the Code is written so that's why we deducted out the stairwells, storage, mechanical, and other items listed but we did not deduct out stacks and such. Chairman Lowell said because of the type of use there has been discussion that it would be more reasonable to deduct that space as well. He said what we'd like to do is come up with an actual required number that we can say this is what's needed and then discuss whether we want to waive that. Mr. Gailey said in terms of the new area there are 29 spaces required using the public assembly requirement and taking out the stairwells and mechanical area. Chairman Lowell said the use of that new space is not going to be just open floor area, correct? Mr. Gailey said no it will have stacks and tables and that sort of thing. Chairman Lowell said what's the minimum aisle requirement in between stacks? Mr. Gailey said let me converse with my client.

Chairman Lowell said we have been discussing with Greg (Folchetti), George (Gaspar), and Joe (Hernandez) that they need to calculate the net floor area that people can stand on. Boardmember Foster said under the law are they allowed to exclude it as they could remove them. Chairman Lowell said yes but they are still there, you are just moving them and there is still the same square footage and our lawyer says it is allowed.

Mr. Gailey said our estimation is that 50% of the floor area is going to be taken up with stacks, tables and chairs, and desks and that sort of thing. **Man in the audience:** we will be taking the stacks, which are about 8 ft. high, and cutting them in half and putting them in the new area so it's about 50%. Mr. Atkinson said the 2157 gets cut in half so that brings it down to 14 and Chairman Lowell said that's 14 additional spaces. Chairman Lowell and Mr. Atkinson reviewed the calculations. Chairman Lowell said so the 2157 is cut in half to approximately 1100 and requires 14 spaces so that's the possibility of what we would be excusing.

Man in the audience: I don't know if it makes a difference but I've had discussions with Tony Hay, Town Supervisor, and the 32 spaces in the Gold Lot that the Town currently uses for commuter parking will be allowed to be used by the Library after regular business hours and on weekends, which is when a lot of our programs might be going on so that's 32 spaces right there. Chairman Lowell said is he going to write you a letter to that effect? Man in audience said I have asked him for it and I will ask him again. Ms. Loprinzo said he actually said if we need it to say something different to let him know. Chairman Lowell said in the letter he said we'll look at it and we'll see. Ms. Loprinzo said well he told me personally 'if this is not what you need, let me know and I'll write something different.' Chairman Lowell said didn't you go back to him? Mr. Gailey said no we haven't. Chairman Lowell said we had asked you to go back and get another letter. Ms. Loprinzo said I didn't know exactly what we needed to have in the

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

letter. Man in the audience: when I spoke with him I did ask him for a letter stating that the Gold Lot was for use for the Library and other people after regular business hours and weekends and I have not followed up since then. Chairman Lowell said I thought cars needed to be removed by midnight from that lot. Man in audience said yes and we close at 7:00pm.

Chairman Lowell said I remember seeing somewhere that you already had 8 parking spaces that are dedicated to the Library but there were only four in that upper Gold Lot that are signed as being for the Library. He said we will need signs on all those spaces and in the letter it said you have 8 spaces in that lower portion for employees and none of them have signs either. Ms. Loprinzo said the employee spaces have signs. Man in the audience said it's the ones where the court used to be is where Chairman Lowell is talking about I think, on the right hand side. Chairman Lowell said on the left hand side where the dirt area is there are four spaces there that have signs for Library patrons. Man in audience said those are for the employees. Chairman Lowell said the letter alludes to four more spaces in the lower lot; is that the lot on the left when you go down the hill? Man in audience said the area with the grass and the light pole will be removed and we should be able to get 3 more spaces in there.

Boardmember Foster said whatever letter you get from Supervisor Hay, I would like to see precise numbers and not the word "about" because about doesn't mean anything so there's no argument. Man in audience said so you want the exact number added with the 32 from the Gold Lot? Mr. Gailey said I think they're just looking for how many spaces are going to be dedicated for Library use.

Chairman Lowell said if we have 14 required for this and they're going to get some more spaces given to them, I think I'm prepared to waive a half a dozen spaces.

Mr. Gailey said another think to keep in mind in the B1 Zoning District all the typical Uses have their parking requirements reduced by 40% from what they typically are so if you did that in this case and took the 14 and reduced it by 40% we'd be down to about 8 spaces. Chairman Lowell said I think it's already a small enough number. He said what we're talking about is the existing library basically doesn't have a requirement because it's already been grandfathered and the new part is going to require this many and if there is a 40% reduction of this that would take you down to 9 spaces and that would be how many spaces we're talking about waiving. If they get more spaces from the Town, he said, then they're covered so if we wanted to entertain a motion to waive the requirement we could do that tonight I would think. Mr. Folchetti said you're free to entertain a motion to waive the parking and I believe that was the crux of the Site Plan to the best of my knowledge. Mr. Folchetti said you can make a determination as to what you think the applicable number of parking spaces that are required and then make a motion to waive that or anything else you can include that. Boardmember Kulo said on the condition that we have those employee spots from the Town on the weekends because we don't have a letter on that. Chairman Lowell said we don't but sometimes I think you can take something on faith and we're talking about 8 spaces.

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

He said it's a library, how much business do they do in the daytime; it's all afterschool and weekends. I would be prepared to go ahead, he said.

Boardmember Foster said there was a debate as to whether the waiver should be done by the Zoning Board or by the Planning Board. Chairman Lowell said the Zoning Board would be a variance, that's a whole other procedure. Boardmember Foster right but does this properly belong in the Zoning Board or the Planning Board? Chairman Lowell said Boardmember Stockburger does feel that way but I don't know how he would feel if he were party to discussion that was happening today or if he was here tonight and saw it come down to this number. Chairman Lowell said we've been through a bit of back and forth and I know their attorney is satisfied with this number and I know our attorney was satisfied that this has been reached in a proper manner. Mr. Folchetti said if you're asking if you have the authority to do it I think I sent something to all the board members today that it is at your discretion to do it. Boardmember Kulo said I would agree that it's reasonable.

Boardmember Foster said I still don't understand why the Zoning Board wouldn't do it rather than the Planning Board. Is it more properly for the Zoning Board? Chairman Lowell said no, it's not more properly for the Zoning Board, it's in the New York State Village Law Section of the Code that we have the power to waive a site plan requirement and the discussion was what is it that we're waiving. He said when you want to have a Zoning change that's another story but they're not asking for a Zone change, they're increasing the size of an existing use and part of that modification of their property requires a few more parking spaces. It's not something that has to be constructed, he said. Mr. Gailey said both in your Zoning Code and the State Statute this Board has the authority to waive those requirements. Boardmember Foster said but the Zoning Board also has the authority to waive the requirements, is that correct? Mr. Folchetti said I'm saying you have the authority to do it in this circumstance if you choose to; it is proper for either Board to do it. He said the down side here is if the Board doesn't want to do it, then the applicant is forced to go to the ZBA, pay additional escrow and go through that process and still have the issue hanging out there about Site Plan approval. If there is anything past the parking that you wanted to review on the Site Plan then would have to come back to you after that and it prolongs the process, he said.

Boardmember Kulo said if we were to make a motion would it have to be unanimous because there are only three of us? Mr. Folchetti said you would need a majority of the full board for any motion tonight.

Boardmember Foster said is this motion just for parking or for the entire Site Plan Approval? Chairman Lowell said I think it is just for the parking waiver that they're requesting for now.

Mr. Folchetti said the motion is that the Board determines that 9 additional parking spaces would be required with this Site Plan and the Board moves to waive that

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

requirement pursuant to Section 182 of the Village Code and Section 263 of the Village Code.

Boardmember Foster said do we still require a letter from Tony Hay, Town Supervisor? Chairman Lowell said I do not feel the need to require it, do you? Boardmember Foster said no.

Chairman Lowell made a motion as per Village Counsel, Greg Folchetti, seconded by Boardmember Kulo, and passed all in favor.

Mr. Gailey said I have one other request. We have the Public Hearing requirement, can we ask to waive the Public Hearing as well? Chairman Lowell said is the Public Hearing required for the expansion? Mr. Gailey said it's not required. Mr. Folchetti said you can waive any part of Site Plan; you can waive all of it, portions of it, whatever you choose. Chairman Lowell said I don't know if I remember enough of this to say yes I'd like to waive it. Mr. Gailey said we definitely will come back as I talked to the engineer who says the only remaining issue was drainage calculations he has to do. Chairman Lowell said why don't you come back with that information. Mr. Gailey said my only concern is that if we come back next month and the Board decides not to waive the hearing then we're coming back still another month to have another hearing. Mr. Folchetti said if you're not inclined to waive the Public Hearing you should set the Public Hearing now and then they have it, they can submit whatever additional comments are needed to address the drainage and then you can have the hearing, take action, and do a SEQRA Determination and take action on it at the next meeting. Chairman Lowell said the trouble is the next meeting is set for the week before Christmas and I don't know who will be around.

Mr. Gailey said can the Board just consider this in the coming week as to whether you want to waive the Public Hearing or not. Chairman Lowell said as individuals we can consider anything but we can't get together. Mr. Gailey said no but you can have conversations with your attorney for instance or two of you can talk on the telephone at the same time without a foul of any laws.

Boardmember Foster said I'm not inclined to waive the Public Hearing for any reason as it sets a precedent and shuts out the public. Man in the audience: well the public has voted the bond so they seem to be 66% and it seems as though the public wants it. Boardmember Foster said that's not the issue, the public hearing is about the Site Plan; the how, not the what.

Chairman Lowell said we had already discussed the Site Plan with them and the question was that Todd (Atkinson) wanted more details on the drainage and the sedimentation during construction. Mr. Gailey said we've appeared about 3 times I think. Chairman Lowell said did you get Todd's (Atkinson) information on those questions? Mr. Gailey said our engineer hasn't done the calculations yet and that's the last thing that needs to be done for this Site Plan.

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

Mr. Folchetti said if you don't want to waive the Public Hearing why don't you set it for January 8, 2019. You can do a resolution, set a Public Hearing, and that way they can get their submission in and you can conduct it.

Chairman Lowell made a motion to set a Public Hearing and SEQRA for The Brewster Library to be held on January 8, 2019, seconded by Boardmember Kulo and passed all in favor.

Dominos Pizza, 162 Main Street:

Mr. Shearing appeared before the Board on behalf of Dominos Pizza.

Mr. Folchetti said to clear the record: the Board passed the conditional final approval resolution for this project I believe at the October meeting. Chairman Lowell said this Site Plan Approval Resolution is signed. Mr. Folchetti said so there's been an issue that's come up regarding unloading requirements and the hours of operation and that's why you're here? Mr. Shearing said that is correct.

Mr. Shearing said at the October 30 meeting we focused on the size of the delivery truck and how long it could be but essentially the decision was that the size of the delivery truck really didn't matter because it could be parked in front of the building without impact on any of the parking if it was done off hours. However, he said, the resolution identifies the time for deliveries between 1:00 am and 6:00 am and I don't know how the time worked into the program. Chairman Lowell said that was the time that Millie (Buhan) suggested; she said our off hours are going to be from 1:00 am to 6:00 am.

Mr. Shearing said well I guess I am here because no matter how it shaped up the timing isn't conducive for Dominos so I wanted to regroup and make a request that the deliveries just be made off hours because the main concern was that the parking spaces are not occupied. Chairman Lowell said if we're going to change it we need to set actual hours and the whole reason for that is if a tractor trailer is allowed to pull up in front of that establishment it negates all the work that they've done to relocate their parking to the side of the building as a tractor trailer across the front of that building at any time of the day or night when there's traffic on Oak Street means it's just in the way. Mr. Shearing said I understand completely and without having any customers there, because the parking in front of the building itself the size of the truck didn't matter because it could even extend beyond, we have dedicated parking area for the customers to the right side of the building plus the additional spots in front of the building. He said our request would be 1:00 am to 10:30am. Chairman Lowell said you are in commuter area at that time.

Boardmember Kulo said just to clarify, it would be a 53 ft. tractor trailer? Mr. Shearing said the size of the truck, we were talking about whether it was a 48 ft. or a 53 ft. truck, there's truly enough space to block our own driveway and be in the dedicated parking

Village of Brewster Planning Board Meeting Minutes November 27, 2018

spots in front of the building. Boardmember Foster said aren't those parking spots public parking spots that anyone can use? Mr. Shearing said they're actually within the property limits. Chairman Lowell said they may be but try to keep people out when you're not there and I don't want a truck like that on that street after 7:00 am. Mr. Shearing said essentially what it comes down to is two employees would have to come to unlock and unload. Chairman Lowell said the driver was going to have the keys to the establishment. Mr. Shearing said I'm not sure what Mille (Buhan) committed to previously but through the discussions we saw the conflict in the resolution and that's why I'm here as we'd like to request 10:30 am. Boardmember Kulo said Dominos has other establishments in small town areas; how do they mitigate the problem of having a large vehicle. Mr. Shearing said each scenario is different because of the traffic patterns and timing but the size of the truck is still 42 to 53 ft. depending on the route. Chairman Lowell said we were assured throughout the early stages of this discussion that it would be possible to specify a box truck. Mr. Shearing said we discussed the size of the truck at the last meeting. Chairman Lowell said yes because we relented that a tractor trailer was fine because you can do it during the off hours, you could fit in front or you could put the cab in the parking lot, but when we were talking back at the initial stages we said if you're going to park a truck there you can't do a tractor trailer.

Boardmember Kulo said how long does it take to unload a truck? Mr. Shearing said if they take 60 seconds to pull up and then back in so the impact to traffic or congestion is really minimized. Chairman Lowell said so you're telling me that the delivery guys want to come here between 6 or 7 and 10, that's when they want to come in and get out; they don't want to be here at 1 am or 4 am. He said there are innumerable cars lining up Route 6 to get to the train station, to get to Carmel and Mahopac and points west, to go Connecticut and Route 22 so I'm very reluctant to encourage you to do this. Mr. Shearing said I believe your concern is being able to get the vehicle in the designated area. Chairman Lowell said the other issue is the visibility on Oak Street and people coming west on 6 not seeing these cars nosing out on Oak Street. He said that was our biggest problem with this project.

Boardmember Kulo said we have talked about this intersection being problematic at length and I didn't have the impression that we were talking about a 53 ft. tractor trailer coming in at rush hour. Mr. Shearing said regarding the size, there's enough space within the limits of the property for that size vehicle. He said the vehicles pull into the lot and we're proposing the vehicles be parallel so with that in mind we physically have 80 ft. in front. He said you still have the visibility on Oak Street. Chairman Lowell said not enough. Mr. Shearing said the vehicle would be pulled back to free up the area near Oak Street and would come in from the east. Chairman Lowell said how likely is it that the driver is going to decide to pull in 40 ft. away and have to negotiate through snowdrifts to get the goods into the building. Mr. Shearing said we have control of the deliveries and Dominos doing deliveries at 6:30am isn't conducive to getting other deliveries done one right after the other. He said there's a circuit for deliveries and with those kind of restrictions it becomes challenging and what we're proposing is to make sure that we have complete control over where the vehicle parked. It's approximately

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

20 to 25 minutes for the unload, he said, and it's a couple times a week. Boardmember Kulo said it will always be during the weekdays? Mr. Shearing is not certain of that, it's whatever the current circuit that's in place. Chairman Lowell said I'm not trying to be difficult but we were told at various times that you had control over the time, the type of vehicle and now you're saying you don't have control over the time because you're not the dispatcher for the truck, which I understand, but knowing that in advance we shouldn't have been told that you had absolute control. He said you're still saying absolute control when you still don't have it because you're telling us about the time and extending it and you're telling us it has to be a tractor trailer when we were told 'oh yeah you want a box truck we can get a box truck.' Mr. Shearing said at the last meeting it was my understanding that the type of truck was a non-issue because we physically had enough space. Chairman Lowell said because you physically had the space and it was going to be during non-commuter hours. Boardmember Kulo said what we're talking about here is also consistent with other applicants that have tractor trailer deliveries in that they conform to certain time periods to mitigate noise and traffic issues so what Chairman Lowell is saying is consistent with other applications that agreed to do that and were able to work with their dispatch to make sure that times comply with what we would want so that it mitigates any of these disruptions. Mr. Shearing said every scenario has to be different: for the location, the intersections, parking spaces, allowable space, but it wouldn't be a visibility issue because we have control. He said we do have control where the vehicle parks and we can make sure the spaces are not occupied by signage and by saying what they're dedicated within the limits of the property so they would be available. He said we can make sure that the vehicle itself is back far enough for visibility and the size of the truck itself wouldn't matter because it would not affect anything with the visibility. It's still going to be 10 ft. wide, whether it's a box truck or not so if we're back far enough and not kissing this intersection here we still have the flexibility and it's only a couple of times per week. Mr. Folchetti said maybe you want to put signs up stating not to proceed past this point so that deals with the visibility coming off Oak Street a little better. He said whatever you end up doing hours-wise at least the trucks have signage restricting them from pulling up too far west. Mr. Shearing said we could manage that as well because we do have control so, we're trying to work with existing programs because this is not an exclusive shop and there's a circuit and we are trying to be efficient and I'm just requesting the Board's understanding. Chairman Lowell said are they delivering to all Ms. Buhans stores on this route or are they delivering to every Dominos in Westchester and Putnam? Mr. Shearing said I don't know but I would have to assume they have a circuit established.

Boardmember Foster said how do you know it will come from the east? Mr. Shearing said we have control over the direction. Boardmember Foster said I'm a lot more comfortable with the box truck that was said to be used because besides Oak Street we have Marvin Ave with a blind hill so a large truck and blind views can cause traffic concerns. Chairman Lowell said Marvin Ave is less of a problem and the real visibility issue is Oak Street.

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

Chairman Lowell said when they unload this truck do they use the small forklift? Mr. Shearing said no it's wheeled system. Chairman Lowell said like a dolly so it can fit on the sidewalk when the truck is parked. Mr. Shearing said it has to be able to fit through a 36 in. door.

Chairman Lowell said what's the actual timeframe of these deliveries? Mr. Shearing said it's approximately 20 to 25 minutes. Chairman Lowell said I mean the route. Mr. Shearing said it will vary as they wanted to flexibility to accommodate for storms, traffic, road construction so it's a gray area in that respect. Boardmember Kulo said there is always that concern but we are talking about the regular schedule. Mr. Shearing said the intent would be to be out of there by 9am as they are looking for flexibility to ensure it is efficient and safe and effective and someone isn't waiting outside in the truck because they missed their window. He said in the resolution we understood that it's a guideline for the operation of the business. They will be in designated parking spots, he said. Chairman Lowell said those spots are encroaching in the Right-of-Way of Route 6 as you know so there are parking spots but there is not a lane of traffic between the truck and the actual travel lane so it's tight. Chairman Lowell said how big is the trailer again? Mr. Shearing said between 42 and 53 ft. and that does not include the cab but we have 80 ft. here (and showed on plans).

Boardmember Kulo said I'm also worried about the inconsistency if we are telling other applicants to comply with the time and then they say 'well you gave an exception to Dominos.' He said I'm not talking about bad weather and such, just the regular schedule. Mr. Folchetti said I don't think in the last 11 years that I've done Planning Board Resolution where we've set times for parking for any type of loading or hours of operation but that said you can. Chairman Lowell said I think Brewster Honda is not allowed to get deliveries on Sunday or after a certain time on Saturdays and they have to lock those gates. Mr. Folchetti said it has not precedence or value; you are allowed to treat every application as an individual application. He said whether you want to hold them to a time because of the traffic, the sight distance and such and then with the next application you don't see that those factors are there, you're not bound to do it.

Chairman Lowell said I would be a lot happier if you said we want to do deliveries between 10am and 12pm because the traffic is so much less at that point. Mr. Shearing said the downside to that is that they have to be open for the lunch crowd. Chairman Lowell said I understand there are a lot of difficulties; I just don't like that we were told you can order it to be any way you want and now you come back after we've discussed

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

all this ad nauseam and now it's another tale. Mr. Shearing said I apologize because I was not aware of the previous discussions and the owner and I were both surprised to see the language in there but obviously it was something that she probably offered up early on so we're here to see if we can get back on track. He said she is investing a lot of money into the building. Chairman Lowell said we don't want to hurt her but we don't want to hurt ourselves either. Boardmember Kulo said or the public. Chairman Lowell said if it was after 8:30am to 9:00am then it would be after commuter time and more normal time. Mr. Shearing said what if we agreed to, and it has to be put through the system to see the deliveries...this is unique as I don't think there's another Dominos out there where you have to have deliveries before the store opens because in any other Town they just don't have these kinds of restrictions. Chairman Lowell said well you're in a lot of shopping malls where it really doesn't matter. Mr. Shearing said that's right so it's very unique. He said what if we added something to recommend that we avoid deliveries between 9am and 9:30am. Chairman Lowell said I would say that between 7:00am and 8:30am is probably the worst time for there to be a truck there and I don't know if there's any way to work around that. Mr. Shearing said the 60 seconds it takes to get the truck in place and then the 20 to 25 minutes it takes for the delivery itself and it's twice a week and that recommendation that we would try to avoid the deliveries.

Chairman Lowell said if these spaces are occupied then the driver is going to have to wait for the cars to be moved which could take a while because whatever signs you put up there those spaces are still going to get occupied and you don't know who's occupying them or how to find them so unless a tow truck comes and removes them the truck driver will be waiting for them to move. Chairman Lowell said can we write into the resolution that you do your best to avoid the heavy commuter hours between 6am and 7:30am? Boardmember Foster said I think 6:00am to 8:00am is safer. Boardmember Kulo said is there a possibility that you could have a 42 ft. truck instead of the 53 ft.? Mr. Shearing said I don't want to mislead you, the truck size is up to 53 ft. Mr. Folchetti said you can make a recommendation to amend the Conditional Final Approval Resolution to delete the prior condition and add whatever condition you think is appropriate.

Chairman Lowell said do you want to talk to them and then come back to us and say 'we can do this' or do you think that you have enough information to be able to say you can avoid the period between 6 and 7:30am? Mr. Shearing said avoid is such a strict...we don't want to complicate things but no deliveries between 6 and 7:30am. Chairman Lowell said I'm not going to come down with a hammer if you're there at 6:59am or 6:45am even, but the fact is... Mr. Shearing said what if we say 'it is anticipated the deliveries will not happen between 6:00am and 7:00am' or suggested or

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

recommended. He said they are going to be here for a while as they are putting a lot of money into this.

Chairman Lowell said I think we are saying 'with the condition that we recommend that deliveries not take place...' Boardmember Kulo said I don't see what the benefit would be. Mr. Shearing said my concern is if you're making it a hard number and they arrive late, if there was an accident or construction or snow or the area wasn't plowed; I mean I don't really know. He said I'm trying to think how the hardship is going to affect their business as they need the supplies. Chairman Lowell said our concern is that heavy traffic window. Mr. Shearing said understood. Chairman Lowell said if there is a way that we can write it so that you are going to do your very level best to not be there at that time. Mr. Shearing said yes, that is understood but I don't know how to put that into language for the resolution. Mr. Folchetti said you have to make a motion to modify the resolution to delete the prior restriction on deliveries hours and add that the applicant will use all best efforts to restrict deliveries to the business to this window, whatever window that is, and whatever you want about signage in those spots. Mr. Shearing said I can agree to the language, everything you said for the signage and identifying them as dedicated for customer parking, having a delivery sign posted saying 'no deliveries beyond this point.' He said whatever language we need so that we do not have to have another meeting. Mr. Folchetti said I thought you needed to speak to your client. Mr. Shearing said oh no, I'd rather not and just conclude it this evening if we could.

Boardmember Foster said I think we said 6:00am to 8:00am. He said there is no possibility of getting box trucks for the deliveries as I don't like the idea of tractor trailers doing the deliveries. Mr. Shearing said I know the delivery trucks that already perform the circuits with so many stops that I think it's unrealistic that they would have a box truck dedicated for this. Boardmember Foster said OK, because we were told that it was possible a couple times. Boardmember Kulo said I think it's safe to say it will be a 53 ft. truck. Chairman Lowell said how about if we say 'delivery times are to be discouraged'? Mr. Folchetti said either way, it's not a hard and fast enforcement so you can put 'to be discouraged' although better language would be 'to use best efforts' and that's how I would do it but you have to agree among the three of you on what that window is.

Boardmember Kulo said would the scheduled dates be arbitrary or would you know when the delivery dates will be once things are set up? Mr. Shearing said that has not been established yet, but we could let you know the approximate time, windows, and dates although I would rather not have that contingent on how we resolve things this evening.

**Village of Brewster
Planning Board Meeting Minutes
November 27, 2018**

Boardmember Foster said the signage for the spots: those spots are part private property and part DOT property, so it being part DOT property, are you allowed legally to put up such a sign restricting the parking spots. Mr. Folchetti said if the sign is on the property then I would say yes.

Chairman Lowell and Mr. Shearing reviewed the length of the parking on the plan. Chairman Lowell said he would like the truck to be no closer than 35 ft. to the intersection.

Chairman Lowell said "restaurant supply deliveries times are to be discouraged between the hours of 6:00am and 8:00am to the best of the proprietor's capability. Delivery truck is to park within the property or parallel to the building frontage, no nearer to the Oak Street intersection than 35 ft. Signage to restrict parking to customers in the two parking spaces in front of the building to customers during operating hours."

Mr. Shearing said we will put signs up stating Domino's customer parking only. Boardmember Foster said who enforces that? Mr. Folchetti said the proprietor should be making it clear if it's for their own customers or for deliveries. Boardmember Foster said if someone parks there that shouldn't would they be given a ticket? Mr. Folchetti said no the owner could ask them to move or call a tow truck.

Chairman Lowell said "signage to indicate street parking spaces for Domino's customers only to be erected by the property owner."

Chairman Lowell said I make a motion that we delete condition 15 from the Site Plan and replace it with "restaurant supply deliveries times are to be discouraged between the hours of 6:00am to 8:00am to the best of the proprietor's ability. Delivery truck is to park parallel to the building frontage, no nearer to the Oak Street intersection than 35 ft. Signage to indicate street parking spaces for Domino's customers only and to be erected by the property owner," seconded by Boardmember Foster and passed all in favor.

The Motion to approve the Minutes from October 16, 2018 was adjourned due to additional information to be added by the secretary.

Boardmember Foster made a motion to adjourn the meeting, seconded by Boardmember Kulo and passed all in favor.