

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Wednesday, January 12, 2016

Vice Chairman Sturniolo called the meeting to order at 7:38 pm in the Municipal Building.

Members Present: Vice Chairman Anthony Sturniolo
Ralph Vigliotti
Doug Hertz
Enrico Mareschi
Michael Bonforte
John Bainlardi (Alternate)

Members Absent: Chairman Joseph Cosentino

Staff Present: Jan K. Johannessen, Village Planner
Anthony Oliveri, Village Engineer
Peter Miley, Building Inspector
Whitney Singleton, Village Attorney

Vice Chairman Sturniolo led the pledge of allegiance.

Vice Chairman Sturniolo stated thank you everyone and welcome to the Mount Kisco Planning Board meeting of Tuesday, February 12th. We've got a couple of items on the agenda and they can be quite lengthy, it depends on. First thing is the minutes, how do we stand on a quorum for the minutes, Michelle?

The Secretary stated you have a quorum for October 27th but you do not have a quorum for November 10th. So you can pass October 27th, if everybody is amenable.

Vice Chairman Sturniolo stated only that one. Okay. Anybody have any thoughts, comments, changes, deletions, corrections or edifications for the 27th. If not, I'd like to entertain a motion that we approve the minutes of the Planning Board meeting of October 27th.

The Secretary stated Vice Chair, you were absent for that meeting.

Mr. Vigliotti stated we have a quorum for that, if you don't mind, I'll go ahead and move that we accept the minutes for October 27, 2015.

Mr. Mareschi seconded the motion.

Mr. Sturniolo stated there's a motion by Mr. Vigliotti and a second Mr. Mareschi.

UPON ROLL CALL VOTE:

Mr. Vigliotti	-	aye
Mr. Mareschi	-	aye
Mr. Hertz	-	aye
Mr. Bonforte	-	aye
Mr. Bainlardi	-	aye

The motion carried by a vote of 5 to 0.

Vice Chairman Sturniolo stated next on the agenda under formal, is Tesla Motors, 115 Kisco Avenue, we've got a memorandum. First of all, I'd like to introduce our new Building Inspector, in case you haven't met him, Peter Miley is the Building Inspector. And we've got a memo from him, from Jan, Anthony Oliveri and a copy of a T.C.O. and a resolution of a site plan approval, dated 2013.

- a. Tesla Motors – 115 Kisco Avenue
PB2013-0252, 69.65-2-3 (SBL)
Site Plan**

The Applicant did not appear.

Chairman Sturniolo stated the first thing we should go through is, Peter, if you want to talk about your end of it and anything that...

Mr. Hertz stated is there anyone here representing the applicant?

Mr. Mareschi stated there's nobody here.

Vice Chairman Sturniolo stated oh, you know what Peter, don't say a word.

Mr. Miley stated noted.

Vice Chairman Sturniolo stated thank you. Next is Devereux, 27 Radio Circle. Michelle, put a note in that Tesla did not appear.

The Secretary stated yes, sir.

**b. Devereux NY Cares – 27 Radio Circle (Former Little Garden Day Care)
PB2015-0304, 80.64-1-2 (SBL)
Special Permit and Change of Use**

Mr. John Lopez of Devereux NY Cares, Mr. Scott Blakely of Insite Engineering, Mr. Peter Russillo of Maser Consulting, Mr. Michael Zarin of Zarin & Steinmetz, and Mr. Donald Martabano and Mr. JR Martabano were present.

Vice Chairman Sturniolo stated if its easier to keep it down low, it's fine.

Mr. Zarin stated we're not there yet, we just wanted to set it up. Good evening, my name is Michael Zarin of Zarin & Steinmetz, I'm the other member of the firm. I have with me Scott Blakely as you know from Insite, we have standing-in for John Collins tonight from Maser, Peter Russillo and John Lopez from Devereux, the applicant.

Vice Chairman Sturniolo stated if you have business cards, if you would be kind enough to leave them with Michelle, please.

Mr. Zarin stated so I guess the last time I was here at least, I think I was working with this Board with respect to Kidville and just to bring things into context. I had the occasion to bring my granddaughter to Kidville and it was nice and the parking seemed to work, the entrance. I thought the parking lot looked good and there was plenty of parking and it was just a dynamic scene and it was nice to see you know, in this business you don't often get to see the fruits of your labor, so it was just a nice aside. So good evening, obviously we're here on the Radio Circle, Devereux application. I just want to start off with, before I get into some of the technical items, because I know we've all be putting in a lot of work, time, and effort and there's a spectrum of feelings and opinions and issues and perhaps its not absolutely necessary that I say this but I think at this juncture, I think we're getting to a point where its worth of saying it. As everyone knows, this is a school, it's a school under all the duly adopted definitions for both the Village and New York State and you know, let alone it's a school for students with special needs and put aside the obligations in our society that we have to try to provide for this education services for this special group. New York Law has special protections for educational uses and they are long established common law protections for both educational uses and for religious uses and in fact they're probably stronger than what you've heard as the sort Federal RLUIPA, I don't know if any of you follow that or you must in your – but the common law for New York Schools go way back and start from Cornell and I'll defer to Whitney and we'll include some of this in our written submissions. We were asked to only provide verbal today to the comment letters and not written, so that's the reason we're doing it this way. So the laws of New York State with respect to educational uses is to "make every effort to accommodate educational uses", its mandatory, you must accommodate educational uses and the axiom, the precept that's been out there for decades is that by their nature, schools singularly serve a public interest, public morale and general welfare. They are treated specifically in New York State and they are protected specially and finally the axiom, the precept that goes along with this is quote greater flexibility is required when you're dealing with an educational use because they do come under these protections. This is a mandatory requirement of all municipal bodies in dealing with educational uses. So I ask you please keep that in consideration as we work through these issues and try to come to finality on this application because I think we've all worked extremely hard to get there. This application has been before you for 8 months now, this is our third meeting with you all, as well as we had meetings with Staff and a couple of the Board members.

Mr. Vigliotti stated Mr. Zarin, it should be on the record that although you have been before us 8 months, there were a number of months where we did not have a meeting with you because you did not schedule a meeting with us. So while we have been meeting for 8 months, there were 5 or 6 opportunity meetings in which you either withdrew or you needed more time to search out new staff to represent you. So I don't want it to look like we have belabored this, I just want to make sure that you understand that. At the same time, I think you need to understand that we have an obligation to protect the health, safety, and welfare of the residents of the Village, as well as the applicants that come before us, okay. Yes, some greater

flexibility but if that means to diminish any kind of safety that would diminish the safety of the site to work for the children that its serving, or the tenants and their staff there and/or our emergency apparatus that needs to get there. We cannot jeopardize any of that to be that flexible. There are other things that we can do but I take it very, very serious. The safety and welfare of the kids there and those fire apparatus and our firemen and our EMS staff members who need to get to the site is there's an emergency to that lot. You'll notice most of what we're talking about is not really the facility itself, the physical brick and mortar, we haven't really talked that much about that, it happens just to be the queueing of buses and the parking lot and how that can be safe and work. I just want to mention that.

Mr. Zarin stated look, I can't disagree with anything you said, I was frankly just about to say that I think this Board has raised a number of legitimate issues and you've never heard me stand before this Board and suggest that we were getting to the end of that process. This is the first time because I know we have spent, as well as you have, as well as your staff, significant amount of hours, time, and resources, addressing those issues. And to your point, these, all these issues are legitimate issues, you never heard me suggest that you know, parking and bus queueing and circulation and those types of issues are not legit. I've done this long enough that in fact, these are, as far as I'm concerned, these are the three critical issues for this site plan.

Vice Chairman Sturniolo stated Michael, I'm sorry, I need to interrupt. I want to underscore something that Ralph just said and that is about health, safety, and welfare of people in Mount Kisco. Just as a general statement and its very applicable to this application, we can't compromise anything that would again prevent fire apparatus or EMT service truck or anything going into the complex because it's a worthy endeavor and it's a school and its that yes, schools are protected by certain laws within New York State, the City of Rye and the City of New Rochelle will surely understand what RLUIPA is all about and they're going through their own time with it. But as far as this Planning Board is concerned, that we're not going to throw unintentional roadblocks in your way but by the same token, we're going to stick fast, at least I am going to stick fast and hard to the fact that there is more at stake than providing for the education of the children and what's at stake is the overall complex. How it works and more importantly, how people can get to it to make it work if as we heard, if you need to send an EMT truck or a fire truck or something like that.

Mr. Zarin stated fair enough, so why don't we deal with the specific safety and issues that have been raised by your consultants and your experts and how we've responded to them. I should start off with that access for emergency vehicles and EMS and the like, has not been raised as issue and I'm assuming that in any of the necessarily in any of the comment letters, so I'm going to assume that...

Mr. Vigliotti stated that's not true, I want to stop you right there. I raised that issue on at least three separate occasions with regard to fire apparatus, EMS, even at our Planning meeting that we had several weeks ago. I have talked about safety issues, as one member of this Board, for months, since day one, maybe day three, the third meeting or so. So, to say that this has just come up...

Mr. Zarin stated I didn't say that it just came up, in fact I said that as an empirical issue by the consultants who I assume are reviewing it on your behalf, it's not one of the issues that they have highlighted as a deficiency in the plan based on the record. So that's all we can do for the most part is work with the consultants.

Mr. Vigliotti stated and I don't want to be pejorative here, if you're saying that what we say as Planning Board members has little or no value unless it comes from our consultants, then you're highly mistaken. I just want to make that clear, we're volunteer members on a Board, if we make recommendations and we ask information of you, which I have as one member and I know several members have then you need to take that to be very serious. Just because one of our, if our engineer or planner or legal staff or the Building Department hasn't put something in writing, that it doesn't mean it that has any value, you are mistaken.

Mr. Zarin stated what I was suggesting was that the plans that we have provided have seemed to address those issues because they've not been raised again as a deficiency in our plans. So why don't I go through it and you'll determine based on the record and based on the empirical data before you, whether you think we've addressed it or not.

Mr. Vigliotti stated sure, on the record, what I would like to see in writing, not in a plan that just shows buses queueing in and out of that back parking. I want it addressed in writing that is on the record saying that yes indeed, emergency vehicles will have absolutely no problem getting past the queueing buses at the 45 minutes range in the morning and the 45 minute range in the afternoon, which buses are blocking all of the aisles in the back parking area, that south parking lot. That needs to be answered in writing, not in oh there it is, I don't see any answer up there about EMS, okay.

Mr. Zarin stated fair enough, we were asked tonight, just to be fair to make an oral presentation, we were asked not to provide you with another set of written comments right before the meeting. So we will take

your request to heart, we will absolutely provide that when we summarize our comments in writing. It's a legitimate issue, there's no argument with that. So let's go through...

Vice Chairman Sturniolo stated excuse me, Peter, as Michael goes through his presentation, we have a copy of your memos, emails and memos. If there's something that you disagree with or you think is blatantly wrong, just interrupt, it has to be a joint endeavor to solve the issues. Michael.

Mr. Zarin stated okay, so what we've thought and what was suggested by staff that we go through each of the comments and provide you what the responses, as well as what we'll put it in writing subsequent, including anything else that is generated tonight, including the emergency access. So dealing with the memo from Kellard Sessions, Jan's of January 6, 2016, comment number one, there was the question of the use, of what is known as the tenant The Benefit Shop and whether it was a legal existing use as well as the parking calculations for that, we've committed in writing in our December 16th submission, that that tenant will vacate that premises.

Mr. Mareschi stated oh, they're not staying there, they're gone.

Mr. Zarin stated correct, we had specifically asked them to do that. We were on a month to month, specifically in response to the concerns expressed by this Board and staff.

Mr. Mareschi stated when are they leaving?

Mr. Zarin stated as soon as we have an indication that we're going to get approval and then we will make that happen, it will be a condition to any approval. Second, there was a question as to the number of parking spaces that we had calculated at the site, we had originally calculated 111. There was a question that Jan raised as to two of the spaces and the striping as well as one other space. We will modify our parking calculations to include 108, reduce it from 111 per the comment number two in the comment letter. Comment three, this was in fact, I think its more a note that based on the information, I think provided thus far, this office is in agreement with parking calculations provided, this was the...

Vice Chairman Sturniolo stated who's comment is this?

Mr. Zarin stated this was Jan's comment. As to the 54 parking spaces that will be required for the application, the Devereux application. So we're, I think we're in agreement on that. There was a request that we expand, we did as you know, Maser Consulting did a parking utilization accumulation study out at the site for a Wednesday, from I believe it was 12 to 6. We were asked to do one starting at 8 am and repeat that study, that accumulation on the ground study, parking accumulation study, we did that on January 5, 2015 from 8 am to I believe it was 4 pm on Wednesday, January 5th, that's a representative date when all the uses are again at the site.

Jan Johannessen stated that was a Wednesday, correct.

Mr. Zarin stated that was correct.

Jan Johannessen stated which is Wednesday, the church provides services on Wednesdays and Fridays, so it was important to have them study it on those days.

Mr. Mareschi stated that was a slow week too because a lot of people were away that week for the holiday.

The Secretary stated January 5th was a Tuesday.

Vice Chairman Sturniolo stated Peter and Jan.

Mr. Russillo stated it was on the 6th.

Mr. Mareschi stated that week was a slow week because a lot of people were away for the holiday but its fine.

Mr. Zarin stated the numbers were very close to the first date, so I think it was representative in that respect.

Vice Chairman Sturniolo stated Peter and Jan, excuse me, do we have, have we gotten a report from our traffic consultant on the issue.

Jan Johannessen stated Planning Board hasn't referred the project to the Village traffic consultant. I believe it asked myself and Anthony to look at it first and go through it and then we can make a

determination or the Board can make a determination as to whether that extent of review is necessary. Our office reviewed the parking utilization study and Anthony's office reviewed the queueing and traffic report. So after tonight, if you feel that additional review is needed, we can bring in a traffic consultant but its determined by staff that it could be, handled internally but that is completely up to the Planning Board.

Mr. Vigliotti stated just questioning that, good point. The traffic consultant would also be taking a looking at the queueing onsite and the parking onsite or just the traffic as it enters and leaves the site.

Anthony Oliveri stated well he could, I mean primarily it would be to review the traffic ingress, egress and the report that Maser completed.

Jan Johannessen stated and the impact on the intersection and the level of service.

Anthony Oliveri stated it would more...

Mr. Vigliotti stated is it still part of his review, does he have the expertise to look at internal movements because this is fully internal as far as queueing and moving through the lot. Do we need to get an outside look upon this?

Anthony Oliveri stated well the internal movements are really dimensional based on swing of the vans and it's something we could look at and comment on and we have commented on. I think it becomes more a function of, is it practical, I mention in my memo how dimensionally it fits on the plan but its more a question of management. Management and practicality, can it be implemented consistently that way. I'm not sure what else the traffic engineer would be counting on.

Mr. Vigliotti stated for me, I'm just looking at this as a layman, however I was in the field of education for 30-some odd years and I've seen plenty of school buses arrive at my buildings and I know what queueing is all about. And I know the difficulties of monitoring buses, monitoring the children here is not an issue, I had issues of monitoring bus drivers, monitoring the plows to make sure they left enough room for the buses to travel through. My question is, I don't think we have the expertise, this is, the queueing of the buses on this site, we've never had this, I've been on the Board 12 years. This is the first time we've ever had this type of queueing in a parking lot and my question is, if our engineer is saying that the numbers look okay but it may not work...

Anthony Oliveri stated I don't think you're going to get that kind of opinion out of the traffic consultant.

Mr. Vigliotti stated where are we going to get that opinion because this is so valuable.

Anthony Oliveri stated because its an opinion. One way or another you can fit the buses on the site.

Vice Chairman Sturniolo stated Anthony, I have to interrupt you, excuse me but Peter, is it, just the applicant has Peter, who's a professional traffic consultant, that's what we're talking about and its not to degrade anything that you've written, nor you observed...

Anthony Oliveri stated I'm not a traffic engineer.

Vice Chairman Sturniolo stated or your eyesight or the amount of fingers to count this, this, and that. I think Mr. Vigliotti and I are coming from the point of view that before you can move ahead and say yes or no and yes or no, one big question has to be answered for the Planning Board and that is the guidance of a traffic consultant. And just like Peter has supplied guidance to his applicant, we're looking for the same thing for the Planning Board unless Jan and Peter, you already have that information and I kind of doubt you do, otherwise we would have read it by now.

Mr. Hertz stated can I make a suggestion, if I might, I think there are two difficult questions here, queueing of the buses is the most significant one, traffic, parking counts and an acknowledgment of where we stand on that is the second biggest issue. I have some thoughts that aren't reflected in these plans, maybe it makes sense to have them address all of the nonessential issues and then I think we're going to be left with these two things that we really have to. So maybe they can address all the, I'm not going to say less substantial issues but the other issues that perhaps we can get through and then we'll see where we stand.

Mr. Blakely stated and we have prepared some alternatives to discuss with you with regard to queueing also.

Mr. Mareschi stated one child per bus?

Mr. Lopez stated it varies, it depends on the district.

Mr. Mareschi stated and the queue is 15 minutes per bus?

Mr. Zarin stated no, that was the separation between drop-off and pick up times to try to and we'll explain it to try to create two queueing methods. So to your point Mr. Hertz, really most of the issues that have been raised deal with parking and queueing, there were few, if any, there was a landscaping where Scott's office is looking at that landscaping, we'll address that. Almost every issue dealt with sufficient parking and queueing and I think the parking, there's a general consensus with your consultants. We have found that based on the parking utilization study, I think there's almost 83 or there was 83 available spaces during those times up to 3:30 pm, where we only will be using 54. So it wasn't a matter of practicality of available spaces, so then the issue became Code. What's required under the Code and is there sufficient parking? And we had obviously a significant deficiency with Code but as you know, we've been before you before, there's the sports use and the church, that are both after 3:30, and the church I think it just Wednesday and Sunday 5 pm and 6 pm respectively. We did those studies and under pursuant to the shared parking under 110-28 C 2 and I think there was a consensus with your experts that if we assign 0 to the Benefit Shop that we come fully within the Code and that use, that...

Jan Johannessen stated you're talking about the joint use of parking spaces or parking...

Mr. Zarin stated the joint use and we made a mistake in our December 15th, I don't think the other provision land banking, really applies here. There is if you take the Code, there is a, I think the 73.2 spaces would be utilized by the ministry and the sports after 3:30. There will be available, based on our parking surveys anywhere from 80, 90, and 100 during those hours so there was no problem if you apply the sharing provision about having available parking. With respect to the Code, even with that shared parking, at 108-113 or more if we apply the Benefit Shop, so what we are doing is we are assigning 0 to the Benefit Shop, the tenant vacating and we will be below the required Code and if we ever come before this Board for the Benefit Shop, we're going to have to...

Mr. Mareschi stated so that shop will be vacant?

Mr. Zarin stated it will be vacant. We're going to have to make our case before you and either show through the ZBA that there's a waiver or there's a possibility of creating more parking with the DEP, so forth. Not for all practical purposes, that's what our zoning utilization will show and we meet your requirements. That's highlighted in the letter. The real issues that, or the remaining issue is the queueing that were both reflected in...

Jan Johannessen stated Mike, can I just interrupt you for a second. We haven't seen the revised parking calculation with the Benefit Shop being a vacant space. Can you just identify what the required number of spaces would be without the Benefit Shop?

Mr. Zarin stated without the Benefit Shop, I think, go ahead.

Mr. Blakely stated the required number of spaces will 103.29.

Jan Johannessen stated and there's 108 on site.

Mr. Zarin stated and there's 108 utilizing, Jan, you reduced 3 spots from 111.

Whitney Singleton stated and is that number predicated upon the school having how many parking spaces?

Mr. Blakely stated 54.

Whitney Singleton stated where do you get that number?

Mr. Blakely stated 46 employees, 6 fleet vans and 2 visitors.

Whitney Singleton stated but that's not what the Code provides for. The Code provides for about 70 or 80.

Mr. Blakely stated well the provision, it doesn't really meet the Code requirements, and so it's a determination...

Whitney Singleton stated I'm not disputing with you the concept of overlapping uses and I'm not disputing with you the fact that it's unique but the Board hasn't made that determination yet.

Mr. Blakely stated I agree but we were given the direction that the Devereux use doesn't fall within the parking requirement so the Planning Board makes the determination on the number of spaces, correct?

Jan Johannessen stated the parking requirement for educational use is based on number of employees, number of children. Since all of the children are brought in by bus, it was felt by staff, that the parking requirement really didn't make sense for this particular use. So we recommended or discussed the parking calculation that would be based on the number of staff which is 46, number of fleet vehicles which was 6, and the Board had suggested that they include some visitor spaces at the last meeting. That has not been approved by the Board but it seemed to make sense to us, its something that we've discussed but certainly has not been approved by that Board.

Mr. Mareschi stated is the school open in the summertime?

Mr. Lopez stated yes.

Mr. Mareschi stated all summer?

Mr. Lopez stated 30 day session, July and August.

Mr. Vigliotti stated now Soundview Sport, do they run programs during the summer, during the day.

Mr. Zarin stated no, our understanding is they're just in the afternoon.

Mr. D. Martabano stated yes, they're basically, during the summer they're not ever there. I mean you can be trained there but most are going to be outside.

Mr. Vigliotti stated are they not in operation during July and August or are they?

Mr. D. Martabano stated no, no, they're in operation.

Mr. Vigliotti stated so if we're double counting and doing all sorts of things with parking, we have to take a realistic look at that.

Mr. Zarin stated we'll confirm that.

Jan Johannessen stated they did provide hours of operation for that use that were distinctly different than Devereux.

Whitney Singleton stated clarify one thing though and I am not in any way, shape, or form disagreeing with Jan, as a matter of fact, I would agree with him but the fact of the matter, the Code requires you to have 70 parking spaces for Devereux, not 54. So you have to have what's required under the Code and on top of that, you have to have your fleet vehicles, so it would be more like 76 because the Code requires one space per employees plus one space per two participants as inappropriate as that may appear, plus any fleet vehicles that you have. So for purposes of showing what's required, you should, I don't think that you should be reflecting what's staff has recommending because ultimately the Planning Board has to make that determination.

Mr. Zarin stated we will go back and look at that and frankly Whitney, you were at the meeting, we've sat down with everybody, we worked out, we all cooperated in collaboration to come up with the number that would be what we'd be govern by and there was a consensus at the table that 54 was the appropriate number.

Whitney Singleton stated Michael, and maybe its less than that, I don't know but what I'm saying is as a consultant I can't authorize you to use that as the required number.

Jan Johannessen stated educational, we don't have to get into it, we probably won't resolve this tonight but education facility is a defined term and I do believe that the Building Inspector reviewed that definition and determined that it didn't fall within that because it talks about awarding degrees, it talks specifically about grade, middle, and high schools.

Whitney Singleton stated right and this school does not award degrees.

Jan Johannessen stated so it was determined not to be an educational...

Whitney Singleton stated it was determined not to be a school and that's why I disagree with Michael on another point because if it were a school, it wouldn't be allowed in this zone. It has to be an educational facility.

Mr. Zarin stated schools are allowed by common law in every zone, in the municipality.

Whitney Singleton stated according to our Code...

Mr. Zarin stated I'm saying about the law.

Jan Johannessen stated the parking standard you're referring to is for educational facility, correct?

Whitney Singleton stated correct.

Jan Johannessen stated educational facility is a defined term.

Whitney Singleton stated there's also a defined term for school.

Jan Johannessen stated okay but we're talking about parking, the parking standard for educational facility, that definition, I think the Building Department determined it didn't line up with their use.

Whitney Singleton stated right, so it still needs to be...

Jan Johannessen stated they determined it to be potentially a unique that the Board has to determine.

Whitney Singleton stated and we're all in agreement on that and all I'm saying is that until the Board opines on that, it's not the law of the case.

Mr. Zarin stated Whitney, I think the point that's being, if I could sort of mediate this. I think the point is that it's not governed by the 70. Your point is that the Board must find that 54 is an appropriate number, but not necessarily start with 70 as the base line because it doesn't fit within that use. So your point is well taken.

Vice Chairman Sturniolo stated and Michael that also bring us to the point that you said you had a meeting with staff and in the go around at the meeting, you came up with X number to you believe would be appropriate. As you're hearing from us tonight, we want to look at that X number with the guidance of a professional to make sure that what we approve is appropriate and the appropriateness goes to the issue of having a professional traffic consultant. And that's where we're going with this right now and in due respect to my colleague, Mr. Hertz, I think we've addressed some of the side issues already. It still boils down to this last one or one and half points that the ultimate decision on a parking space, on a count, on a number, on an aisle width, on anything else is rests with this Board for us to do what we believe to be the right thing by the applicant and the right thing for the citizens of Mount Kisco.

Mr. Zarin stated let me just address that because I've heard the expert now raised probably for the second, or third meeting, third time and this is a good example, you know reflex. I think we always say look, we need the expert and I think Anthony brought the point up, this is not a traffic expert issue, this is you have the professionals, you have the education, we're provided you with certified information, accurate information. There's X number of employees, there's X number of vans and you asked us for a couple of visitor spots. It's really not a technical traffic transportation issue, it's not as if there's somebody else out there, none of the children drive to school individually. In fact, if anything the numbers are less because not all of the people are there at the same time, many of the facility are part time or come and go, so...

Mr. Mareschi stated there are part timers?

Mr. Zarin stated I think there are a few part timers, so respectfully, the point about us, you know, being delayed again for another couple of months to bring in an expert to just confirm something like this, again, I would just say is unnecessary and will cause harm to the school and cause harm to our ability to get a use that is permitted under the Code and I think we have addressed your safety, welfare, and health issues, with the guidance of your staff. I mean we've gotten very technical feedback on dimensions, circulation, Ralph has certainly weighed in heavily on this issue to and we've been informed by that, based on his experience but also your professionals. So, our plan is based on very technical feedback that you have provided us and if I could, why don't I get into that because the parking is much more an objective analysis at this point, I think the traffic circulation is still a little bit of the outstanding and I would submit again, we have to demonstrate to you that this works. We have to demonstrate that it meets safety and health issues. I think there were some comments in your letters that it does work, it has management issues, they're practical management issues but I would submit to you, Ralph, with all due respect, go to any school, any private school, any public school and stand there and watch the morning drop-offs. Every one of them have management issues, it happens to be that they all come within a condensed time.

Mr. Vigliotti stated your drop-off as you know it, is very, very unique, which is you queue the buses until 8:30...

Mr. Zarin stated I see schools and you see schools where the queue into the main streets, this is much better...

Mr. Vigliotti stated the driver drives up, the child gets off the bus, if a bus arrives at 8:05, that bus goes up to the ramp, lets the child get off and leaves, the next bus comes up, if it's 8:06, they don't wait in line, blocking aisle space to queue until 8:30 to drop the kids off. That's the uniqueness of what you present to us.

Mr. Zarin stated I see schools, kids get dropped off in the middle of blocks and to your credit or to whatever, this is going to be, first of all, our ability to queue our buses on site is somewhat unique for schools. I mean, if you go to most schools queuing, you'll see buses over, queuing out into roads, you'll see parking everywhere, so let me just present what we've done. Because we accepted your challenge and we worked very hard at parking, to get a plan that addressed your concerns, so the first thing, one of the changes that we've made is we divided 15 minute intervals between the two pickup and drop-off times. So we have an 8:45 am and a 9:00 am in the morning and a 2:30 pm and a 2:45 pm. What that allows us to do is to divide the buses into two sort groups and so there will be someone there at this line with a walkie-talkie, as they come in off of Lexington they then come, drop-off, these will drop off the students here, one, two. This is counter-clockwise plan.

Mr. Mareschi stated is the same school schedule for the public schools?

Mr. Zarin stated I don't know.

Mr. Sturniolo stated highlight where the Post Office is as you describe this.

Mr. Lopez stated similar but it could be different.

Mr. Bonforte stated well, Radio Circle Drive is the road that's not labeled at the bottom of the plan.

Mr. Hertz stated its essentially off the plan.

Mr. Blakely stated the post office is down here.

Mr. Zarin stated and we're staying away from that.

Mr. Bonforte stated and could you just, Michael, for my benefit, since your body's blocking it, where it starts again?

Mr. Zarin stated comes off of Lex and comes in...

Mr. Mareschi stated coming south from Lex or north?

Mr. Blakely stated the way John Collins is they're going to come in Radio Circle arrival path and come in this way.

Mr. Bonforte stated and that's what the diagram shows, thank you. Because that...

Mr. Hertz stated you're using 1-A, you're using your scenario 1-A?

Mr. Blakely stated that's the one that's up, correct. The other two, B and C, really just vary these five.

Mr. Zarin stated so just to also deal with traffic because we did do the traffic counts, and again with respect to experts, these are pretty straight forward traffic counts. The level of service increases at this intersection from B to C...

Mr. Russillo stated it decreased from B to C but that decrease is rally 1.6 seconds which, to go into a C, you need 15 seconds of delay under the building it goes to 16.6 [seconds].

Jan Johannessen stated can you just clarify which intersection that is and at which [inaudible].

Mr. Russillo stated well that's actually at the unsignalized intersection that would be at this point. The signalized intersection the level of service are maintained.

Jan Johannessen stated going which direction does the level of service drop.

Mr. Russillo stated left going out.

Jan Johannessen stated it's only affecting their site.

Mr. Russillo stated exactly and I might add that the three tenths of a second is enough to go from a B to C. That's all it is, you're really talking about...

Anthony Oliveri stated so it's the exiting traffic onto Lexington from your site.

Vice Chairman Sturniolo stated repeat that part again about three tenths.

Mr. Russillo stated what is it when you get over 15 seconds of delay, you then flip into a level of service C, so from 10 to 15 seconds is a B. What you have is currently you're just underneath 15 [seconds], when you add this traffic in you're just over 15 [seconds], so you're just at three tenths difference what you were under to what you are over, is enough to flip you from a B to a C.

Mr. Mareschi stated so how long does each bus have to drop off the kid?

Mr. Russillo stated that's totally independent of the passing analyses that is a separate issue.

Mr. Vigliotti stated let ask a question, you're still, you're going to queue the buses, you will not drop-off until a certain time and then the buses will move one at a time to drop off the children.

Mr. Russillo stated into the site, well they could do tandem, you could line up like they do at some schools, you line up 4 buses at the front, release the 4 and let them go and then bring the next 4.

Mr. Vigliotti stated I don't know how safe that is...

Mr. Lopez stated it would typically be one, yes. One bus dropping off at a time.

Mr. Vigliotti stated they will queue up, get in line, wait until the hour, is it 8:15?

Mr. Zarin stated the first one is 8:45.

Mr. Vigliotti stated so at 8:45 the buses will be queuing up prior to 8:45, they will be idling if it's the winter or sitting or whatever they're doing.

Mr. Lopez stated and they won't all necessarily be queuing but 8:45 will be the first bus that release a student and then it would cycle through. Some buses would be getting there at the tail end of the queue, so they might just drive in and drive right out.

Mr. Vigliotti stated yeah, I mean, I've been on the site, I know exactly how it works, it works very well at that site. Which is the buses start queuing at 8:05, 8:03, at 8:30 pretty much 80% of the buses are there and they're idling and their waiting for magic beep and they start dropping off one at a time.

Mr. Lopez stated and it took a while to get to that fluidity and I think the same would occur here.

Mr. Zarin stated and the point is that we do have enough queuing space on it, we do have enough to divide it so that we're not blocking, the ones we're blocking will be this, these will be employee parking, employees will get there at 7:30 am, before...

Mr. Vigliotti stated now, where does the late employee go when your queuing and I did notice an employee that arrived early and a couple of employees that left early and they kind of work around the buses.

Mr. Lopez stated yeah, that's the penalty for being late.

Mr. Vigliotti stated you're dropping the children off on the opposite side of the bus?

Mr. Zarin stated not on this plan, this plan is counter-clockwise, so they're coming in, coming this way, dropping them off on this side, coming back here and then coming out.

Mr. Mareschi stated are there any buses stay on site for storage? Do they all leave?

Mr. Lopez stated they all leave.

Mr. Vigliotti stated and you want to double the buses in the travel lane? Up at the parking lot, I see double buses.

Mr. Zarin stated alright, so 24 feet between here, the buses are each 8 ½ feet in width so that's 17 feet, so there's more than sufficient area in here to double up in this area...

Mr. Vigliotti stated that's where the fire and emergency apparatus become an issue.

Mr. Zarin stated we will address that, I mean your point is well taken but it's all the way up in the corner, that's not even the access but we'll address that.

Vice Chairman Sturniolo stated Peter, can you go back to your conclusion about the change in level of service, was from what to what?

Mr. Russillo stated it was from a B to a C on the movement out of the driveway in the afternoon peak hour, B to a C. Now, normally most agencies during the peak hours would accept D as ample, as more than sufficient. Here, I just wanted to make the point that, in this analysis by the way, didn't consider the signal that's only a couple of a hundred feet away. If you take into consideration the gaps that are created by that signal because these signals usually run 3 seconds yellow, 2 seconds all red, all around. So you have a 2 second gap, you have a 90 second cycle that happens 40 times an hour, that's 80 seconds of gap time that you have during that same hour when a car could come out without having to wait. The whole thing is based on delay, how long you have to wait, so we're talking about a less than 15 second delay that goes to 16 second delay. So you're talking really, three-tenths of a second...

Mr. Mareschi stated are those buses owned by the school?

Mr. Zarin stated no.

Vice Chairman Sturniolo stated finish it, so its 15 seconds.

Mr. Russillo stated right which would be if this didn't get occupied, existing is a B with it operating it would be a C, its three-tenths of a second over.

Vice Chairman Sturniolo stated and the fact that it becomes a C or stayed as a B, how does that impact the applicant?

Mr. Russillo stated it doesn't.

Mr. Zarin stated it means and what I said it increases the level of service, increase of means, it degraded the level of service from a B to a C under the classification but when you do, when you measure levels of service, you measure it by time that you know, you're queuing up, you're sitting, so it increases it by 1.8 from a B to a C, 1.7 low C, respectfully is not what someone would consider an adverse traffic impact in our world.

Vice Chairman Sturniolo stated now that you clarified that point for me and I need to just ask my colleagues at this side of the table, did anybody else understand the change in level of service or did you expect to be educated on that subject.

Mr. Bainlardi stated I mean, the conclusion that was reached in Maser's report is that while there's this temporary degrading in the service that at the end of the day, it will not result in operational problems on the adjoining roads. So from a traffic impact standpoint on the roads, it appears, from my experience that there's not an issue. Let's talk for a moment about who is doing our reviews. On this point, if Jan and/or Anthony were to state to me or to this Board that they felt that they do not have the ability or the expertise necessary to give us an opinion as to where we stand, although we can clearly reach our conclusion as to whether or not we agree with this. I would then say it would be necessary for us to refer to our own traffic consultant but if they're going to indicate to us that they have the ability to review this and advise us accordingly, I don't think its necessary, if going forward, I would ask that if this Board is going to require as a matter of course, that traffic items, whether they be parking, traffic impacts on the roads or otherwise be reviewed by our traffic consultant, they should be done so at the onset, not this late in the game. Fine, we are where we are and if we're going to do it and its necessary to do it, I think possibly the one place where I see, where it may be necessary to have the traffic consultants take a look, will be on this queuing issue inside but again from my view, that would only be necessary if Anthony and Jan didn't have the expertise to opine and advise the Board. So that's where I fall out on it, on the parking analysis, from what I read from the parking analysis that was submitted, it seems pretty clear to me that based upon the various uses and the difference of time, there's not a parking issue on this property, whether or not the queuing

impacts that parking and movements around the site is a separate issue and whether or not we can get ourselves to a place where we feel comfortable that emergency can get in and out of property is a separate issue but in Jan's recommendations, his view in reading the parking analysis was that he didn't see an issue either and if we're willing to accept that as a Board, I am, unless Jan tells me otherwise that he doesn't feel he has the expertise to opine that way, that's where I fall out on this.

Mr. Vigliotti stated the point I think I was trying to make was, I read the traffic report and it appeared to be where it needed to be, I wanted someone beyond our expertise to look at what you put on paper for queuing and turning radiuses and all of that to say they're on the money, it's going to work, I've done 9 of these for schools, I've done 20 schools across the state, this is state of the art, it works, it doesn't work, the bus sizes that are out there can make that turn. What you put on paper we have to either accept or not accept. Now, I guess I know Anthony has indicated that on paper it looks like it may work but he's not sure whether it will work so what does that really mean? Now, I don't need a traffic person to do that, I need someone who's an expert in designing parking lots and looking at bus queuing around parking lots and ingress and egress to make sure that this is okay, it works that what you put on paper is correct. That your numbers and your calculations are on the money, now if...

Anthony Oliveri stated if you want me to comment on that. As far as the queuing, the turning radiuses, we're qualified to comment on that. What you're looking for you're not going to get from the traffic engineer either unless we have an expert on bus queuing and parking lots, I don't know that's something...

Mr. Vigliotti stated all that, I mean, when we design new schools...

Vice Chairman Sturniolo stated Anthony, what we don't want to do is create a division between what you're saying and what Jan is saying.

Anthony Oliveri stated I don't think there is a division.

Vice Chairman Sturniolo stated versus what the Planning Board is saying, that's wanting to get a professional traffic person to do the analysis of this entire site and it's not a, I don't mean to besmirch your reputation and capability and the same applies to Jan...

Mr. Vigliotti stated why don't you speak...?

Anthony Oliveri stated there's one thing we're not qualified to do and that is the nuts and bolts of the traffic report, we're not traffic engineers. I could comment on turning radiuses, queuing, dimensions of buses, the opinion of whether or not this could work, is not, that's an opinion and with all due respect, I think it's going to end up being a decisions of the Board, whether it's practical, its manageable, if it could work.

Vice Chairman Sturniolo stated agreed.

Anthony Oliveri stated okay, no one is going to come and say this works or it doesn't work in terms of the buses queuing. The parking analysis, Jan's office is fully capable of analyzing the parking...

Jan Johannessen stated and we've done that.

Anthony Oliveri stated and so is the Building Inspector. So the one thing is the nuts and bolts of the calculations in the traffic report that we are not qualified to do.

Vice Chairman Sturniolo stated okay, now since you're not qualified to do and we're talking about a person, whoever they may be, has chosen, who is qualified to do it, then they would obviously take some of your guidance and expertise, Anthony and incorporate it in their overall report.

Anthony Oliveri stated what they're going to do is tell you whether or not they agree with the level of service predications and the timeframe predictions, that's it.

Mr. Zarin stated and this respectfully, that's not the issue here. Levels of service is not the issue.

Mr. Vigliotti stated the issue is the internal traffic movements...

Mr. Zarin stated and they're telling you they understand that your experts have opined, have opined as to the dimensions, to the circulation and I think to Anthony's point is, and he's absolutely right, a big part of this is going to be practical management, how do you manager your traffic, that's been and believe me, I've done schools, I've one these things, that's what it comes down to and the traffic experts don't tell you.

Mr. Bainlardi stated for a moment, just so I can understand as part of that, there will be someone physically out there, hired who will be responsible.

Mr. Zarin stated not just one person, there will be somebody here with walkie-talkies releasing the buses so that we queue it here, when these leave then they...

Mr. Vigliotti stated you know why they have to do that because the 23 ½ feet at that bottle neck will not allow two buses to pass at the same time. The reason why is the building, if the building corner wasn't there, there would be space where a mirror on a bus could overlap the curb.

Mr. Zarin stated and to your point and we'll get into that because again, your experts, they opine on that, exactly on that, on the throat issue.

Anthony Oliveri stated I think there's confusion before you go forward, what is the circulation on that plan in the back lot because the tires on the buses are reverse to the arrows and a couple times you said it was counter-clockwise and then we're saying its clockwise, we're not sure at this point.

Mr. Blakely stated the latest circulation plans that were submitted showing the queuing...

Anthony Oliveri stated I'm interested in the back lot.

Mr. Blakely stated buses are going to enter here and this is the movement that they will do and they'll come around, they go this way, they queue back here and when they're released they come here.

Anthony Oliveri stated so they're going to go around twice.

Mr. Blakely stated in this plan, they're going to go around twice.

Anthony Oliveri stated I went with the arrows on your plan and they were going counter-clockwise.

Mr. Hertz stated you understand that your buses are drawn backwards. That's why it was confusing.

Anthony Oliveri stated excuse me, I went with the arrows which was counter-clockwise, where they get dropped off or they queue and they'd have to come around, drop-off and go back into the queue.

Mr. Blakely stated that's the way it was originally setup, correct.

Mr. Vigliotti stated gentlemen, you can't have 24 buses on that site at any given time, the end. You can't, if you're setting up times, set up enough distance where's only 12 buses on the site, they come straight in, 12, not 24, you can't have coupled buses in a drive lane. I'm trying to give you upfront advice, you can't have 24 buses on that site at any given time, the poor folks, the tenants who may arrive early to work, they're not even getting in those parking spaces.

Mr. Zarin stated there's three tenants, there's three spaces during that time, during our parking utilization study.

Mr. Vigliotti stated what you have proposed right now, for me, I have a problem with it.

Mr. Zarin stated and you've expressed but respectfully and this is where you know, at some point I understand your feeling of this is complex, this is a...

Mr. Vigliotti stated its not complex, its ridiculous, its not complex. It is an unsafe queuing.

Mr. Zarin stated that is not supported by the empirical data.

Mr. Hertz stated Ralph, can I make a request. I still haven't heard the queuing plan, I legitimately have not heard from them what the queuing plan is, so I know everyone had an opinion but can we just let them explain their...

Jan Johannessen stated I thought you were going to have 12 buses, 15 minutes and then 12 buses.

Mr. Zarin stated exactly.

Mr. Vigliotti stated well that's not what you're showing.

Jan Johannessen stated are you showing 24 buses on the site at one time or not.

Mr. Zarin stated yes.

Mr. Vigliotti stated we don't want to see 24 buses on the site at one time.

Mr. Hertz stated can I make the request that they get a chance to just present so I understand it. I know we all have strong feelings but let's just have a presentation.

Mr. Zarin stated let me try, they come on to the site, they come on, there's going to be two release times, there's going to be a, this is the morning at 8:45 am which will be these, they will come in first and start queuing up and then there will be ones that come later at 9:00 am, they'll queue up here. If for any reason they come at different times, they stop here. One of the questions that they asked us to do, there was a visual line here that Ralph was talking about. We pushed this line up so any buses that are coming down here and turn, see this, we also cut back on the vegetation here and removed one of the parking spots and we double lined this and we can do some mirrors and the otherwise. This works, the visual line is this bus will see this bus but there will be someone with a walkie-talkie here...

Mr. Bonforte stated do that again, something for me on this side of the room.

Mr. Hertz stated you understand, we just can't see right, we just can't see through your body, it's a little frustrating.

Mr. Zarin stated I'm sorry.

Mr. Bonforte stated just go back a sentence or two. I understand queuing starts at Radio Circle, that's great. What was your last sentence or two, you said right there.

Mr. Zarin stated there will be a walkie-talkie here, one of the concerns was that the buses that are queuing up here and are waiting for these buses to release, is that these buses, one of the comments that were made by your requisite people, buses that are coming out here, there's a turn in here. When these, before we had here the queue, we also had vegetation in here, we also had a parking spot in there. There was a concern that this neck or throat as they called it was too narrow. Ralph was out at the site and he mentioned that and your experts, it's narrow.

Vice Chairman Sturniolo stated our expert hasn't been hired yet.

Mr. Zarin stated there were experts of yours that did comment on that. So we pushed up the line so the visual sight lines, you can see the buses and these buses can see buses turning. We're cutting back on and this will be on the new plans, the vegetation here, so we're...

Mr. Mareschi stated that's being cut, Mike, I'm sorry.

Mr. Zarin stated all this vegetation in here, so the sight line, we also removed the parking, that was one of the parking spaces that got us down to 108 which gives us wider turning radius in here.

Mr. Bonforte stated and Michael, right in that throat, just to reiterate because I think you'd already said this, both structures are coming out, there's like a shed and a post, right.

Mr. Zarin stated correct.

Mr. Bonforte stated both are coming out so there's not going to be anything at all because I think I was seeing, oh, that's the parking spaces coming out, okay, that was labeled as a parking space.

Vice Chairman Sturniolo stated excuse me, Michael, I just got interrupted, I'll wrap things up. Does anybody have a problem if we end this at 9 o'clock, based on the empirical evidence you all have in your back pockets that you'd love to share with everybody on both sides of the table. I'm not being cut, I'm being realistic.

Mr. Zarin stated from Devereux's perspective...

Mr. Vigliotti stated we should give them as much time as they need Mr. Chair. I mean they're here this evening, we don't have a big, large agenda, let's give them the time that they need.

Mr. Bonforte stated so may I ask Michael, as you go through, a bus driver is not only going to know, mentally how to start and move through the property, they'll also be assisted by someone by throat, they'll also have line of sight, they'll be some vegetation cut back, they'll come through right and given the

timing, the buses don't all, there's not 24 all at one time, although there could, be right but technically not always there all at one time because...

Mr. Zarin stated correct.

Mr. Vigliotti stated technically they are.

Mr. Bonforte stated may I finish?

Mr. Vigliotti stated yes, I'm sorry.

Mr. Bonforte stated because technically you don't intend for that to happen, right? So that's your queuing of your two different slots there, right?

Mr. Zarin stated correct.

Mr. Bonforte stated okay, thank you, that's all I wanted to know.

Mr. Vigliotti stated that's misinformation though, John you have to help us on this. The whole idea is at one time you're going to move all the buses all up to let them off, is that correct.

Mr. Lopez stated yeah, they'll come through one by one and I believe, correct me if I'm wrong...

Mr. Vigliotti stated okay so at one time Mike, all of the buses will be on site, all 24, its just that 12 will be there earlier queuing up in the parking lot, waiting. For the other 12 buses...

Mr. Lopez stated having them all on site was to ensure that they weren't just picking streets on the side to wait since we're not letting them...

Mr. Vigliotti stated but I don't think they were answering your question.

Mr. Bonforte stated that's clear now, thank you Mr. Vigliotti.

Vice Chairman Sturniolo stated and also those buses are not going to sit there in the wintertime and they're not going to freeze, so they're going to have those buses sitting there idling throwing all kinds of CO2 emissions in the air, as well. Separate issue and I'm sure you thought about it...

Mr. Zarin stated and we face that in a lot of project similar and many Boards put conditions on idling, if they get there at a certain time period they must shut off, remember, and that will be in your conditions and we'll work with you on that idling is a common issue that most boards deal with in that respect. So essentially when they come here, then they, correct me if I'm wrong, this group comes through here, the release, drop-off, they come as mostly individual children because of their conditions so there will be someone John, there to escort the child in, we'd like to have them come on, we did this this way, counter-clockwise so the children could come in on the bus side, it makes it easier and safer probably. Then they will come back into the queue and then they will come out and we'll leave it depending on how we manage this and to everyone's point, this is the contemplated plan, I think Anthony brought it up, it will evolve in management, we will manage it in a way that its more efficient and it works well and we'll work with the drivers and the drivers will get to know the routine, some of them may say well look, it'd probably be better if you wait until we're all gone and then let us in, or it may be that we release them, you know in groups but those are the types of management issues that every single school deals with.

Mr. Vigliotti stated John, for the record, when the buses, after the buses drop the children off, 24 buses will be leaving the site within 10-15 minutes, correct?

Mr. Lopez stated yeah.

Mr. Vigliotti stated okay, so you need to that gentlemen, that while there may be 12 buses getting there 15 minutes early then queuing, then another 12 buses 15 minutes, we know 15 is going to become 5 but at the end when they start receiving the children at the door, one bus will drop off, that bus will leave, the next bus will drop off, that bus will leave, you'll have 24 buses leaving the site within 10 minutes.

Mr. Zarin stated not 10 minutes.

Mr. Vigliotti stated it goes pretty smooth, 10-15 minutes, I've been on the site.

Mr. Lopez stated 15 is probably.

Mr. Zarin stated its almost a half an hour, that's why we spaced them per your suggestions...

Mr. Vigliotti stated you have to be careful because on one end all this is going to take place in 45 minutes and now you're saying a half hour, an hour...

Mr. Lopez stated that's why they're spaced 15 minutes apart.

Mr. Mareschi stated does this bus have the stop sign...

Mr. Lopez stated yeah, they meet all the codes that a district bus would have to meet.

Mr. Bonforte stated Mr. Vigliotti, you've observed this at their current site?

Mr. Vigliotti stated yes.

Mr. Mareschi stated we were out there a couple times.

Mr. Bainlardi stated if I may add one thing just from my own personal experience with a situation similar to this. All of my kids went to World Cup Nursery School in Chappaqua and that's a similar situation where instead of buses, although I think that from time to time there were some buses as well but it was mostly parent drop off and the way it would be is you would queue in advance of the drop off, there'd be as many as 25-30 cars at any given time, they had several people who worked for school who would stand out there, some of the queuing would be actually in the street in front of the facility and then they had a driveway in front and then there was some queuing in a parking area. So I understand this correctly, most of this drop-off and queuing will be happening independent of people coming in and out of that rear parking lot.

Mr. Lopez stated most of the traffic for employees would have occurred before the queuing starts.

Mr. Bainlardi stated and from start to finish, you're looking at a period of somewhere in the approximate time, from the time buses first start showing up to the time they're all gone, is about a half an hour.

Mr. Zarin stated max.

Mr. Lopez stated I would say 30 to 45 minutes is...

Mr. Vigliotti stated here's what I witnessed and I want to get the facts on the table here and I've been to that site 4 times. 8:05 the first couple of buses arrive, at ten of 9 the last bus typically, could be 11 to 9, it could be 9 minutes to 9, it takes 45 solid minutes to the first bus queuing up right in front of the building, because they're there early until the last bus drops off the child. It's 45 to 50 minutes.

Mr. Mareschi stated at least.

Mr. Zarin stated look, let's say its 45 minutes...

Mr. Vigliotti stated but we have to have the facts, a half hour versus 45 minutes.

Mr. Zarin stated let's accept that, it's a max of about 45 minutes, there's also, this is a different site, this is a site that's going to get managed, it may get reduced. It can't get more because their class schedules will not permit that. So if anything, done efficiently, it may be 45 minutes or less, as a max, alright, let's accept that premise. There's not a school, Ralph, there's not a school or a daycare of size...

Mr. Vigliotti stated have you been on the site.

Mr. Zarin stated I haven't.

Mr. Vigliotti stated until you go to the site and observe, then you will know, you're just working off paper and I'm sorry, I don't want to – this is going to take a little longer because you're going to have people telling a bus wait, this bus is going to go in, you have to wait, now you can come through. At the other site, they just roll right around, so the other site is 45 to 50 minutes without anyone telling bus drivers to wait, stop, okay you can come through. If they come through, they're coming through this neck, they could be coming through at the same time or not, if they're not, that's the wait. That extra 30 seconds, minute per bus, 15 seconds, whatever, it's going to take longer, that's going to be a fact.

Mr. Hertz stated can I change the conversation for a second and I don't know if this has been looked at but I've looked at this site, the arrows of the site, I've looked at the map, there's a street right here...

Mr. Vigliotti stated Lindy Lane.

Mr. Hertz stated its listed as Lindy, Bing Maps calls it Clover Street, don't ask me why but I don't trust Bing Maps but there is a road right here, that has no elevation issues with getting into site. It's not the way the site currently works, have you guys looked at a discussion with property owners over here and the possibility of creating a secondary access.

Mr. Zarin stated we've talked about, we've looked at it, Scott, do you want to, you've got DEP issues that could be major because you're creating additional impervious surface in the watershed which could take months, years to get. That was one of the main impediments.

Mr. Hertz stated well it's already a paved road, you're talking about...

Mr. Bainlardi stated do you have a legal right to go over it?

Jan Johannessen stated it's a town map...

Mr. Zarin stated it's a town map, we'd have to...

Whitney Singleton stated its not on the official Town map but it is part of...

Jan Johannessen stated it's a Town right of way, right.

Whitney Singleton stated it is part of the map, a road on the filed subdivision plat.

Mr. Zarin stated so we would fly from DEP getting it, we'd probably have to go to the Town and get it, it would be a long...

Mr. Hertz stated forgetting impervious surface, but assuming that you could create because I think you might be able to create a net zero impervious surface, you're only talking about that much.

Mr. Blakely stated we're in a Designated Main Street, so it does trigger DEP.

Mr. Hertz stated even if you got it at net zero.

Whitney Singleton stated by the way Michael, I do think its not only a street on our filed but I that your client's parcels are part of that filed map.

Mr. Zarin stated I would say this, if you wanted to make it a condition of our approval that we in good fair continue to pursue that as an alternative. And we have to report back to you and demonstrate you know, good faith and diligence in pursuing that, I think that would be an appropriate provision.

Mr. Hertz stated because I'll be honest, we have some very heated differences of opinion and whatever you know, I think everyone would love to make this work. We clearly have some issues there but I'm looking at this thing going, you know, we've got 5 feet of hedges to remove and we've got an answer.

Mr. Bainlardi stated I am thinking the same thing that Doug is thinking but I was really thinking of it more as potentially a possible way to get your emergency access in, without having maybe to do any improvements there.

Mr. Zarin stated that may be, if necessary, certainly a good option for that aspect, the EMS.

Mr. Bainlardi stated from my personal standpoint, I have not made a determination in my own mind as to the circulation, I'd like to hear, at the end of the day, what our consultants have to say on this point. The other issues I don't see, personally, I don't see an issue on the parking, I don't see an issue on the traffic impacts we discussed, my feeling is that you know based upon, this could be managed I mean, the fact that it might take a little bit longer that you have people out there managing it. I feel more comfortable that there are people out there managing it because they're not going to send people through that next when oncoming traffic is coming, you're going to have somebody physically there kind of directing but that's just my view at this point.

Mr. Zarin stated but that's fine, we're committing to have a person there playing that role, both to manage that and we'll have people in front to do that loading and unloading. One of the advantages to this, as

opposed to other schools is, you know don't have parents walking their kids, I mean lot of these drop-offs, if you've seen them, the car stops, the parent walks them in, that's where the time takes. Here is the bus, pulls right in, facing this, the employee comes out, meets them, boom, walks them right in and it keeps going.

Mr. Mareschi stated what days is school closed?

Mr. Lopez stated it follows close to a public school schedule, we may be different from one district to another, they vary slightly, we've got a Friday instead of Monday, that kind of thing.

Mr. Mareschi stated same thing, winter recess.

Mr. Lopez stated yeah, we're off Christmas, New Year's, two weeks there, we'll be off President's week, spring recess.

Mr. Mareschi stated and the summer is open for 30 days.

Mr. Lopez stated summer we usually end of June through the July 4th, then we have 30 days and then we do an August to Labor Day.

Mr. Zarin stated another condition that you may want to consider and it's something that I've done in other projects is we come back to you in 6 months with an operational report to show you how it's working and what if it any deficiencies there are and how we intend to address those. That's something we've done in a lot of traffic issues.

Anthony Oliveri stated Michael, not to rehash it but we still have some confusion here. Based on what's been discussed on the circulation pattern in the back, now can you walk us through it. The bus comes in, drops off, or the bus goes into the queuing position, comes back around, drops off, goes back in and then at what point, do they then leave individually or do they leave as a mass of 12 buses?

Mr. Lopez stated there's a couple versions I think with this versus the back lot group...

Mr. Blakely stated with the versions that we submitted, Anthony is correct, you would have to make a double loop because of the drop-off with the child on this side of the building. Our original plan had it reversed, because we felt that it worked a little better and then once we worked up the queuing it was decided that we would switch it to make the drop-off a little bit better, a little bit safer. So, what happens was is that once these 12 are queued, then these 12, the first bus will come in and drop off but then he gets back in line and he's got wait until...

Mr. Vigliotti stated see I had a misunderstanding, what I thought with that 15 minute lapse that the first 12 buses coming in the first 15 minutes would be dropping off their children and then those second set of 12 buses would then queue and then at some point they would be moved forward and the other buses would be gone, you would only have 12 buses on the site. I just...

Jan Johannessen stated why can't that happen? Why can't you have 12 buses come in, drop-off, leave the site, a certain period of time lapses and then the next round of 12 buses come in. I don't understand why you can't make happen because that would resolve all these issues.

Mr. Zarin stated a couple of reasons and John, anybody, jump in. My understanding of the reasons are multi-fold. One, you only have so much control over these buses because their school district buses, so they're not our private buses, so we can't tell someone to...

Mr. Lopez stated we can tell them, we can't force it.

Mr. Zarin stated we can tell them but we can't force it and what they do...

Jan Johannessen stated you have somebody with a walkie-talkie come on site, why don't they park in the park and ride and wait.

Mr. Zarin stated but Jan, we had that discussion with your Board or with you guys initially...

Jan Johannessen stated you talked about queuing in a public right of way. But there's got to be some other way for you manage these buses, so we have 12 in, do their thing, get off the site and bring in the next twelve. That would resolve all your issues.

Mr. Lopez stated I mean we can certainly say here's what the plan is for your district, you're going to come at this time other times you're offsite and then whatever happens offsite is not on us.

Mr. Vigliotti stated this way, if you look at the circulation, 12 buses, drop-off come around and out.

Mr. Lopez stated the concern was that the afternoon drop-off, the bus driver's going to get lunch, they're going to find a place to wait, where are they going to go if they're not here, they're going to find another street nearby.

Jan Johannessen stated the site is problematic, I think that you have to...

Mr. Zarin stated Jan, it's so interesting because I've been in a number of these types of matters where the ability to queue buses on site is encouraged. They don't want buses driving around the neighborhood, parking on side streets, idling and wherever, as you say, they'll come when they come and they'll sit there and they'll sit wherever they can sit and we don't get to control them like plus if we start spacing out too much which may occur if we do this. There are and I asked you guys today and why can't we do that and there are schedules and timetables for the kids in the classes and the teachers, it's very specialized, they need to have them there.

Jan Johannessen stated isn't it up to you to set the schedules.

Mr. Zarin stated many of the kids are in the same classes, it's not as if you can divide it by, we'll let the lower school come in at, this is another school. We're going to have the lower school "grades 1-5" to come in at 7:30, we'll have the middle school come in at 8:00, all these kids, many of them are on the same grade, same class, have the same teachers.

Mr. Mareschi stated 8 to 3:30.

Mr. Lopez stated student 1 through 3, it's a set length of day.

Mr. Mareschi stated then school shuts down at 3:30.

Mr. Lopez stated class instruction is 8:30 to 3:00 but staff are there earlier.

Mr. Vigliotti stated I think what Jan is saying has a lot of merit, I think you need to look at that a little closer.

Mr. Lopez stated I think we have but we may have student 1 through 3 in a classroom...

Mr. Vigliotti stated its something that you need to work out...

Jan Johannessen stated no, what you brought to the Board was you wanted the Board to approve a site plan that allowed queuing in the public right of way, that was going to be your plan, you were going to show it on Radio Circle Drive, these are where the buses are going to be and that wasn't acceptable, what we're saying is just manage the buses, make sure that there's not more than 12 buses in the site at one time, so we don't have queuing problem.

Mr. Zarin stated we will certainly go back.

Jan Johannessen stated as an option, as an alternative for the Board to look at.

Mr. Zarin stated we did look at that, we'll go back and look at it again and as you can tell, I'll show you notes and I called John today and said I know this is going to be an issue. Can this work and if it can't, why not?

Mr. Vigliotti stated it's bad enough they're looping around the parking lot, now you have them looping twice, so the chances are the bump on a car...

Mr. Lopez stated do we want to go to the other flow, its different than that.

Mr. Zarin stated it all involves 24 buses on site...

Mr. Blakely stated all the queuing plans that we have to date...

Mr. Zarin stated some clockwise, some counter-clockwise. This plan, if you bringing all your buses pretty much on site and you're spacing them by 15 minutes which is what we feel we have to do, this plan

addresses most of the issues. The only thing it doesn't address, is can you just put the 12 somewhere else and we tried and we'll go back and take another look...?

Mr. Lopez stated are you saying we have to account for the other 12 or for only what's onsite?

Mr. Zarin stated we almost have to account for it, just as a management tool. Otherwise you're going to have buses driving around Mount Kisco and you're not going to be happy about that.

Whitney Singleton stated no, they're parked at Target.

Jan Johannessen stated can I ask you a question, the number of districts that you serve, has that, I think is 24...?

Mr. Lopez stated I think we used the max of 24, it's not currently 24 but...

Jan Johannessen stated how has that number fluctuated over the years?

Mr. Lopez stated 24 has been our max.

Jan Johannessen stated is there any possibility that that number is going to increase.

Mr. Lopez stated I would not see it increasing.

Mr. Vigliotti stated you would probably have to come back before the Board because...

Mr. Zarin stated I would suggest a condition that we'd have to come back.

Jan Johannessen stated are you able to manage that number, to reduce that number?

Mr. Lopez stated realistically, no. Districts have different needs over the years, some districts may not have a student for a number of years and then all of a sudden someone is not able to be met in their district program, so they would make a referred to a program like us.

Jan Johannessen stated you can set that number, you're not mandated to have a certain number of districts served?

Mr. Lopez stated not by district, no. We have a capacity of 48 students, obviously we want the seats filled or we can't stay in business.

Mr. Bonforte stated if I could just add something, and with all due respect to my other Board members, especially Mr. Vigliotti because I have the same reservations that he has voiced and others. I also did an observation yesterday and the week before, it was very orderly, it was very smooth, I only counted 21 buses, so I think that fits into some of the fact pattern. Again, I still have the reservations others have but it seemed to work quite well and the last suggestion that came up about 12 in some manner. Just reducing the number of queuing, it will only improve the situation but it was, for the 21, it seemed to work very nicely, and it's a different footprint and all but anyway, I just wanted to say that if anyone hasn't had the opportunity to see it, I wanted to state that for the record.

Mr. Zarin stated we will go back, we will obviously, EMS, we will look at the 12, if there's any way we could do it and we'll put this in writing and we would respectfully request if there's any issues before the next meeting, staff convey this to us and we'll try to work through it with them. And we would really ask with, you know, all humbleness, if you could please consider, if we meet and address these issues, approving this at your next meeting. Devereux is caught in a real catch 22, obviously these are students that have significant needs, need schedule, need certainty, as it is, they may have a midyear move, which is going to make it more complicated and they need to do it sooner rather than later and we're open to all suggestions, Jan, you know...

Jan Johannessen stated I understand what you're saying but there's one issue with having a resolution at the next meeting or a couple. There's open items, I mean you're going to make a submission, you have three or four alternative queuing plans, so the Board needs to make a decision on one of them. The parking calculation that the Board needs to make a determination on, I think that the Board's going to need, I don't want to speak for you but an opportunity to review your next submission is in order to make a decision.

Mr. Zarin stated well Jan you know and this is a little bit of the catch 22 in these things, you know we make submissions, I think our submission was December 15th, we are required to make a submission to you so its

in advance of your meeting, so you have time to read them and consider them and hopefully come to some...

Jan Johannessen stated but there needs to be a reconvening of the Board to identify which alternative they want to approve.

Mr. Zarin stated again, hopefully our response, you're able to provide whatever comments you have, you can make recommendations and hopefully at the next meeting. The Board can select the alternative if that's, I mean, I think there's going to be this alternative and then we'll look at the 12. If we have a dramatic change of plans and we're able to do 12 somewhere else, we'll set forth that, hopefully we'll have deal with all your issues. And at worst, if for any reason you feel you can't, then I might ask if the Board would consider, respectfully a special meeting.

Anthony Oliveri stated if I can just make two observations...

Vice Chairman Sturniolo stated and Michael, I need to, excuse me, remind you of a point that Mr. Vigliotti made about 45 minutes ago when we started this conversation, about how many meetings there were scheduled and how many meetings are actually taken place, so it wasn't that every meeting, X, Y, and Z was accomplished. You know your count better than I do and it seems to me and I've been at most of them, that the meetings are either postponed or cancelled because of whatever reasoning but anyway, putting that aside. Peter, what is involved in getting a traffic expertise on board for the Planning Board, for this project only.

Mr. Miley stated I would defer to the engineer on a traffic engineer. I'll deal with the parking calculation, I'll deal with access, ingress, egress, and access obviously to you know FDC connections for the fire department that will be my dealing. I'm going to view the site myself, is that plan the same plan you submitted to us, can you hold that up for a second. Michael, it looks a little bit different than what we have.

Mr. Zarin stated there's a lot of different plans, this is VQ 1A.

Mr. Miley stated 1A, go there.

Mr. Blakely stated its similar to what you have but what we added onto the plan that Michael had in front of him, we added some additional directional arrows, we added a double yellow line separating that.

Mr. Miley stated and you removed the loading space, is that correct?

Mr. Zarin stated yes, and those were per the comments that we received in the comment letters and we were told to present them verbally.

Mr. Miley stated so you're going to submit the new set of drawings, in addition to, while we're on the parking calculation, with removing the Benefit Shop as zero...

Mr. Zarin stated correct.

Mr. Miley stated and for the Board, under the assumption that there may be an approval to use the shared parking scheme, does the Board want both analyses done as far as with and without? Unless the Board has already conceded to the fact that they're going to approve that shared use parking analysis because that's what we're determining here.

Vice Chairman Sturniolo stated the Board has made no commitment.

Mr. Miley stated so would the Board want both calculations done.

Vice Chairman Sturniolo stated absolutely everything.

Mr. Miley stated okay, I'll make that clear because what we're making a determination on is what was submitted with the unique use and the specified number of parking spaces determined by...

Mr. Zarin stated I think we have that...

Vice Chairman Sturniolo stated as long as the Board has a chance to sit down and go over this in a condensed manner with the parking consultant that is chosen, so that we're all on this side of the table, so to speak on the same page with the parking consultant chosen.

Jan Johannessen stated can we just specify what you want the traffic engineer to review.

Mr. Hertz stated yeah, if I might, Tony, no disrespect, I can't see why we need why a traffic consultant. Again, there are no traffic issues that we're dealing with. We're dealing with the internal circulation issues. I don't think we're going to get any wisdom from a traffic consultant.

Mr. Vigliotti stated I think its coming down to everything internally. The traffic seems to be somewhat under control, I'm not sure about the parking but the traffic for me, as one person, I have to say that right. However, if you're going to resubmit these without doing the modifications that several members of the Board has asked you to do, you may be here again and again. So, I hope you're listening to, as one member of the Board, if it comes back like this, without any modifications, I'm not going to be pleased and yet your business plan...

Mr. Zarin stated Ralph, its not fair to say we haven't been listening.

Mr. Vigliotti stated from Millwood, this is very, very different than what your business plan or parking or queuing plan can be for this site. You really have to think out of the box, this is not Millwood, that's a very even flowing, queuing set up there and it still takes 45 minutes. This site is very, very different, if the queuing, in my mind, doesn't work, I can't move forward in my head. For me, as one person and individual people have spoken, including the Chair, that this still needs a lot tweaking to make it work. That's one member of the Board, if anyone has anything they want to say.

Mr. Bainlardi stated I would just like to, if we could go back and close out the issue as to whether we feel there is a need to have anyone else look at this. I'd like to put that to bed, I'm of the same opinion as Doug is, I don't see that we need any additional review of this from a traffic engineering standpoint or from the viewpoint of someone looking at it from the parking standpoint. I think the reports that have been submitted, have been submitted by some of the best in the business, we'd have our own consultants look at them and say that they have expertise to look at them. I don't think we need to waste time or money having anybody else look at it, that's my opinion, if other members of the Board are in agreement, then I'd like to get there, if not then let's determine precisely what needs to be looked at by a traffic engineer, again, I don't think anything needs to be and if so, let's designate just that specific item and ask the traffic consultant to look at it before the next meeting and respond accordingly.

Mr. Bonforte stated I'm in agreement with Mr. Bainlardi but I want to just ask, we just covered. Mr. Vigliotti brought up the emergency access and fire, you just addressed that Peter, you would look at that.

Mr. Miley stated correct, absolutely.

Mr. Bonforte stated because that is key, I guess we didn't really have any information from the applicant about that and I guess I'm just not knowing about this. Are there any codes or something for something to come in there?

Mr. Miley stated there are codes.

Mr. Bonforte stated okay, so then I don't want to get into that discussion, I just want to make sure that wasn't lost because Mr. Vigliotti made a good point to being with.

Vice Chairman Sturniolo stated and it's on the table for the traffic consultant to look at as well as everything else that he's being asked to do.

Anthony Oliveri stated I had noted that as well in my memo for Peter to look at it from a Code perspective for access to the building in these queuing scenarios.

Mr. Miley stated sure.

Anthony Oliveri stated and the only other observation I would make would be our conclusion on the queuing was that dimensionally it fits but we feel it's problematic and would have to be managed and I would say if they came back with the same type of queuing, with the 24 buses, I don't see that opinion changing. If they came back with fewer buses, then that could change but I'm just, for what it's worth and I think if that's the case then its going to come down to the Board either going along with this type of scenario where its highly managed or concluding that it can't work. The notion that does it work or doesn't it work, I don't think anyone is going to answer that definitively.

Mr. Mareschi stated how many people will be outside queuing the buses?

Mr. Lopez stated we can make that work, it would be a couple of people because most of the people are inside working with the students. Just to clarify, if we can limit the number of buses on site and set strict

parameters around the time frames, how are we handling the buses that are outside of that. I mean, are we responsible for that? Or we just dictate here's who can be here at what time and what number and then here's...

Anthony Oliveri stated well it would end up being a requirement of your site plan that you couldn't have more than 12 buses on site.

Mr. Zarin stated I think what John is saying, is we can manage, arguably we can...

Mr. Lopez stated I can say bus 13, you don't come until this time and if bus 13 comes, or goes next door...

Mr. Vigliotti stated you can say Bedford Central, you have the earlier time, Mahopac you have the earlier time and then the other 12 have the later time and is designated who needs to be there at what time.

Mr. Lopez stated so if bus 13 decides to hang out across street, what falls on us?

Mr. Bainlardi stated exactly, I think the point is he's trying to make is that if they go down and park at the Dunkin' Donuts or park wherever...

Mr. Vigliotti stated I hate to say it but they do that now.

Mr. Lopez stated yeah and I think we were trying to be cognizant of that because we realize that's what's going to happen.

Mr. Zarin stated and Ralph, that's why, quite frankly, we know this is a condense, we know it needs it management, we started addressing that, we will embellish that in the written and layout a more robust management plan but from our perspective, if we can get keep these buses on site, that is typically viewed as positive.

Mr. Vigliotti stated but if you keep all these moving...

Mr. Zarin stated all of the intended reasons.

Mr. Vigliotti stated I mean, I had 30 buses arrive at my building, you got there early, you dropped your kids off, go have coffee, go have lunch, if you got there late, you would be reported that you were late but we wouldn't wait for 10 buses to get there to queue up to let the kids out. When the bus arrived, you let your kid out, next bus arrives, you let your students out. Now that creates a little bit more work on your part but it gets the buses in and out and in a lot of cases, it gets the bus drivers to think a little differently, if I get there early, and I can drop my child off, I can get in and get out.

Mr. Zarin stated we'll look at that. If there's...

Mr. Mareschi stated Mount Kisco Elementary is the same way, there's 5 monitors outside, I'm there every morning at 8:35.

Mr. Zarin stated we hear you on the management, we'll lay it out, we'll be more specific. I don't know and we'll go back and confirm, we did discuss it that we have the ability to manage the times with school districts as succinctly as your suggesting, Ralph.

Mr. Vigliotti stated you probably have more ability than you think. John, you know that, you have a special need that needs to be services.

Mr. Lopez stated yeah, we can set the parameters and again, where they end up outside of that, we'll see what happens.

Mr. Vigliotti stated I can repeat it again, if that bus came in and you allowed that bus to drop off that child and not wait in queue.

Mr. Lopez stated and we'll look at queuing as well.

Mr. Blakely stated and I think as part, as Michael said, as part of our queuing plan, we'll put together a detailed management plan. We'll include who's going to be notifying the buses to move, how many people are going to be there to unload the students. We'll include that in that plan.

Mr. Zarin stated and we'll do a plan that you could monitor, that's, I'll be honest with you and Whitney is shaking his head, because I know we're in this business, we agree to conditions now, a year from now...

Whitney Singleton stated that's not why I'm shaking my head.

Mr. Zarin stated year from now, nobody's got anything to look at in accountability.

Mr. Vigliotti stated the ball is in your court right now, we've laid out a few scenarios...

Mr. Zarin stated so, we'll prepare a plan that you can monitor.

Mr. Lopez stated no, this is clear.

Whitney Singleton stated can I ask a questions that's kind of been lead to here but hasn't evolved...

Mr. Zarin stated only if it's positive.

Whitney Singleton stated its not legal. I just don't want this issue to come up later. Can you explain once there's a drop-off of the first phase, what happens with the rest because I don't see how 12 buses exit and at the same time the new buses get in.

Mr. Bainlardi stated they're stopped here in the queue until another one comes out.

Whitney Singleton stated 12 buses will have fully dropped off before the first bus leaves.

Mr. Zarin stated and there's plenty of room coming out. They drop off and they come out.

Whitney Singleton stated what happens when they can't turn and they back up, how do the other 12 buses get in?

Anthony Oliveri stated so in other words because the buses that queue in the driveway before...

Mr. Lopez stated the first group would have to full exit before, in that proposal, before that next group would come in.

Whitney Singleton stated then you should include that in your proposal if that's what its going to be. Otherwise its going to be blockage in all directions.

Mr. Blakely stated as part of that we'll work with Collins office and showing that the buses can make these maneuvers, can make these turns. We've prepared some plans that we have, I don't want to get into that tonight but you know, it's something that we can show you that these buses can pass, that they can do what they need to do.

Mr. Mareschi stated the buses are vans, is that correct?

Mr. Lopez stated they're mini buses.

Vice chairman Sturniolo stated Scott, I'm sure those plans that you prepared tonight and you said you've got some other changes that you have to make, that's all going be more material for our planning consultant to digest along with everything else he has already received. So the more information our planning consultant gets obviously the better it is for everybody and it includes all these things you're chatting about tonight.

Jan Johannessen stated can the Board just go back on the issue of the traffic engineer and resolve that.

Mr. Bainlardi stated I don't think we reached the final consensus on what we're doing as far as, you've heard from three members on the issue of whether or not an additional traffic consultant is required for any aspect.

Mr. Vigliotti stated at this point, I don't think we need a traffic consultant for the exterior movements. But I would like Anthony Oliveri and his office or someone who has the expertise to look at the queuing of buses and the movement of buses and the turning radiuses of buses inside the property.

Mr. Hertz stated can I make an additional request?

Vice Chairman Sturniolo stated if we're going to talk, let's speak and where we are. We know, Enrico.

Mr. Mareschi stated I'm fine, I agree with Ralph, he's right about that, it's all about internal.

Mr. Hertz stated I agree, it's internal but I have a second comment after we get to the end of this.

Mr. Bonforte stated I was going to wait and see what you said but I'm in agreement with the rest of the Board on the internal aspect and if we can get someone to judge that for us, to help us judge that because it's a judgement, wonderful. Is it full cost effective, if that Mr. Sturniolo, that's what your recommending, I'm with you, it can hurt to have another opinion, an expert opinion because to me it's not a traffic study, it's just a judgement call.

Vice Chairman Sturniolo stated based on observation within the complex.

Mr. Bonforte stated and we get an expert, yeah, right, it can't hurt, if it's feasible, whatever and that, so I support that request from the Planning Board, along with Mr. Sturniolo.

Vice Chairman Sturniolo stated Whitney, at this point what is the best path to follow predicated on what everybody just heard.

Whitney Singleton stated I don't know what the best path is, I think that you know, candidly more than half of the adjournments were at the applicant's request but at the same time, they have their own internal concerns as to timing and planning. So to the extent that these comments can be turned around as quickly as possible by your consultants, whoever they may be, I think that that should be done. Then there's going to be new submissions that address emergency egress and ingress, access for emergency personnel, the queuing, the rest of it to me, comes down to whether or not your Board is comfortable with the propose plan. And whether or not you feel as those the queuing as propose or as modified by the Applicant works, and you're going to have to make a determination from the Planning perspective whether or not it works. There are certain aspects of this plan which are just not compliant and your Board is going to have to make that determination.

Vice Chairman Sturniolo stated that part I realize but...

Whitney Singleton stated I mean right now the Code provides that access to parking spaces has to remain [inaudible], you're taking half the parking spaces on the site and blocking access to them. Right now, the Code requires that a minimum access for deliveries be 25 feet, and its 24 feet. Right now, you're talking about blocking access with a delivery vehicles, you have a delivery vehicle come in, you can't get anyone to be dropped off but your Board is considering whether or not by allocating all the parking spaces on the southern end of the property for one tenant and putting management under their control, its feasible. That's for your Board to determine and I think that the quicker you get responses back and recommendations back from whatever consultants, the better off everyone is.

Mr. Zarin stated your consultants, respectfully, have opined and given us feedback on the blocking of spaces, this was, that was something that they did take into consideration, not quite accurate that we're blocking half the spaces, we indicated on here where their blocking, there's maybe 10 or 15 that's blocking, where employees will be parking at 7:30 am, therefore their not affected. We included that in our December 15th, we will elaborate in this other submission.

Whitney Singleton stated with the buses queued, can anyone get to the back lot? That's 55 parking spaces.

Mr. Zarin stated yeah, they can get to the back lot.

Whitney Singleton stated that's half the parking.

Mr. Zarin stated and we'll show you how they can, plus Whitney, there's three spaces during that time in the bus utilization studies, are being used at that time, on the entire site.

Whitney Singleton stated I'm not sure that I follow that, but the point is Michael, I'm not agreeing or disagreeing with you. The point I'm making is that this Board is going to have ultimately make the determination, in its discretion and to the extent that you have the input that you're seeking as quickly as possible, benefits everybody.

Mr. Zarin stated but again to the so-called timing, I think it was stated even by Ralph, the internal issues which are not really the issues here that this staff was capable of addressing that, as they've been addressing it and we've been trying to respond and we heard that there are still some outstanding issues, EMS and others that we will layout and traffic management plan, elaborate on it and the like. So, it's been working, your consultants have been giving us the feedback that you are seeking and respectfully, I don't think there's a need to go out, solicit, retain because I understand that you weren't going to use our existing people who have done your traffic studies previously, so then there was, you have to go out, you're going

to have to maybe do an RFP, put out a request, they're going to have to get retained and they would submit, per Ralph, that the people you have been relying upon have been giving us the feedback that's being articulated today and we need to go back and respond to some of it. And you're getting the expertise and that feedback.

Mr. Vigliotti stated Michael, the issue is it's so convoluted that we feel the need to take, it's just very, if it was a smoother queuing and it worked, we wouldn't need...

Mr. Zarin stated its not so convoluted in the sense that, remember where we've come from. There were a lot of issues including parking and others. We're really now down to internal circulation, we're down to a couple of issues with respect to internal circulation, management, EMS and can we limit the number of buses on the site at any one time. Those are three specific...

Anthony Oliveri stated so with respect to that, new questions really come up tonight with respect to that, how are all the buses leaving, are they leaving at one time, one at a time, dropping, so other questions came up tonight, maybe if there's time before the next submission deadline, we sit down and have another staff level meeting, go over the queuing and any other ideas with 12 buses or, you know, really walk through it, really look into the Code issue for access to the building, maybe that's the thing to do before the next meeting.

Mr. Zarin stated we agree wholeheartedly. We sat down at a work session prior to this meeting and it was very valuable.

Vice Chairman Sturniolo stated can I go back to the conversation that I was having with Whitney here a while ago. What do we do at this juncture, Whitney? You can hear where people's focus are on this side of the table. I don't want to dismiss anything...

Whitney Singleton stated let me cut you off, Tony. You've delegated to Anthony to look into this, if he requires the input of a traffic consultant or some other expert, then you can authorize him to retain those services. Let's face it Michael, we're not going out for an RFP, he can consult with a traffic consultant if he so deems it to be appropriate. If he feels as though there's not an area is within his wheelhouse for lack of a better term.

Mr. Bainlardi stated that's an acceptable solution to me.

Whitney Singleton stated and then Anthony can report back and we can have another staff meeting. I mean personally, I know that you see 2017-2018, I would very much like to see whether or not you can utilize the access next door and do away with all of these issues.

Mr. Zarin stated like I said, if that's a condition that you want to put on as a good faith effort, I think it's a reasonable condition. We've done that in plenty of other applications.

Whitney Singleton stated I know I did some preliminary research on that just to ascertain that you are part of the same subdivision that included that road, so you would theoretically have rights to use it.

Mr. Zarin stated Whitney, share and we'll work through that. We've done obviously some of our own, if that was an easy attainable solution we would be there.

Whitney Singleton stated do you think the issue is more...

Vice Chairman Sturniolo stated so Whitney are suggesting...?

Whitney Singleton stated I'm not suggesting anything, I'm just exploring as many possibilities for you as possible.

Vice Chairman Sturniolo stated does your exploration draw us to a conclusion that we shouldn't, we don't need to engage a traffic expert on our behalf at this juncture.

Mr. Bainlardi stated correct.

Whitney Singleton stated I didn't say that you don't need or you do need. What I'm saying is I think that's better left in the hands of Anthony [Oliveri] to make that determination.

Vice Chairman Sturniolo stated hold on one second, repeat it again Whitney.

Whitney Singleton stated as Anthony reviews the submissions that they make and the submissions that they've already made, he may choose to consult with a traffic consultant that he knows if he feels it's necessary or will lend some sort of value to the process.

Vice Chairman Sturniolo stated it sounds to me, it's crystal clear to me that we are not going to go ahead and engage a traffic consultant tonight for this project. We're going to let this verbiage go on and on for a while. Now it's not verbiage anymore, then if the conclusions require to bring in an outside traffic consultant we'll do it at a later point. Does that sound equitable to you? I'm looking at everybody.

Mr. Bainlardi stated can I say it another way, Vice Chair?

Mr. Hertz stated yeah, again, I've...

Mr. Bainlardi stated Vice Chair, can I say it another way? I think what we're saying, what I'm hearing, what I'm proposing is that Anthony will be our consultant for purposes of analyzing this. And if Anthony comes back to us and says that he does not have within his wherewithal the ability to properly analyze it, he will either consult with someone to gain that knowledge or he will come back and tell us that we need to retain someone else. So at this moment, I think what we're saying is we don't need to retain someone because we have Anthony.

Anthony Oliveri stated are we delegating that just to queuing question?

Mr. Vigliotti stated all the internal.

Anthony Oliveri stated just the internal circulation.

Mr. Zarin stated can I just offer a tweak to that...

Vice Chairman Sturniolo stated one second Michael. Ralph and Enrico.

Mr. Vigliotti stated I'm fine with that.

Mr. Mareschi stated we're fine with that.

Mr. Zarin stated if he feels that that's necessary, he has the authority to do it automatically so we can expedite the process.

Mr. Bainlardi stated correct.

Mr. Vigliotti stated do we need a motion on that or we're okay, we're okay?

Mr. Mareschi stated yeah, we're okay.

Anthony Oliveri stated we would sub-consult with a traffic engineer if we feel it's necessary on the internal queuing question, we're authorized to that. And are we going to do that before or after we have another sit down...?

Mr. Zarin stated I would leave that to your discretion. Anthony, we will work with you.

Anthony Oliveri stated well I'm just saying because you're going to have some other scenario, you're going to have another scenario on queuing.

Mr. Zarin stated why don't we discuss it.

Mr. Vigliotti stated Michael, if you don't come up with several more scenarios, we're going to be back to square one and there's going to be a delay.

Mr. Zarin stated what we don't have is a scenario that limits the number of buses.

Mr. Blakely stated we have different scenarios, its just we don't have anything that reduces the 24 right now.

Mr. Zarin stated if we can we will.

Vice Chairman Sturniolo stated let's do this, let's adjourn this meeting tonight to a future date and we'll get

the future date once we know, one we have more information from Anthony, from peter and the Building Department. Enough to make sense to having a meeting.

Mr. Mareschi stated yes Vice Chair.

Mr. Hertz stated Mr. Chairman, I'd really would like to make my second comment now.

Vice Chairman Sturniolo stated sure.

Mr. Hertz stated I've sat for a while now. So, just very, I made my comment about the alternative road, you've looked at that, I would request that you look at that very seriously because I do see that as the solution. The use of Lindy as an alternate queuing, there are 50 ways to use, assuming it would be allowed. My second comment would be, I am most nervous in this scenario about the double stacking of buses, that you me is the single largest issue on this queuing plan. These are 18 ½ foot spots, people don't park well, you do have 7 feet, 7 feet goes, you're dividing 7 feet into three aisle widths between two buses and between bus and car, and bus and car, so you're down to two and change if you're even. If you got rid of two buses here, if you single filed them if that's your drop-off area, you can get 10 or possible 11 in single file before you start and then it would make your movement as you drop-off and circulate, even using this exact same concept of circulation, you'd only drop a bus or two out of that loop, you do have extra space in other areas. I would seriously ask you to consider something that doesn't require a double stacking.

Mr. Blakely stated we have.

Mr. Hertz stated I'm sure you have, I'm sure but that would be this members request that that because as functional as it is, it will ultimately result in a fender bender, somewhere at some time, it just will.

Mr. Zarin stated like we said, we have something that will...

Mr. Hertz stated I'm sure you do.

Vice Chairman Sturniolo stated alright gentlemen, we're going to wait until some of this gets filtered back together and proceed from that point on.

Mr. Zarin stated thanks for your time, good meeting.

Vice Chairman Sturniolo stated there are two things we need to do. **I'd like to have a motion to reschedule the public hearing for Mercedes Benz which was on for the 26th of January and move it to the 9th of February at the request of the applicant.**

Mr. Hertz stated Mr. Chairman, I'll make that motion that we reschedule the public hearing.

Mr. Bonforte stated I'll second.

UPON ROLL CAL VOTE:

Mr. Hertz	-	aye
Mr. Bonforte	-	aye
Mr. Bainlardi	-	aye
Mr. Vigliotti	-	aye
Mr. Mareschi	-	aye
Vice Chair Sturniolo	-	aye

The motion carried by a vote of 6 to 0.

Vice Chairman Sturniolo stated Michelle, what do you want to do about our other item.

The Secretary stated well you have to make a motion to accept you 2016 Planning Board schedule. You've received it a couple times in your packet now, and you haven't made a motion on it, so if everybody is amenable to it...

Vice Chairman Sturniolo stated has anybody commented on it?

The Secretary stated nope, nobody has commented on it.

Vice Chairman Sturniolo stated and you've got all the holidays shifted.

The Secretary stated everything is shifted. Your meetings were not impacted by the Village Board's schedule at all.

Vice Chairman Sturniolo stated Whitney, the rules and procedure, do we have to get them regenerated...

Whitney Singleton stated recirculated, yes. I mean, you have them or you don't have them?

The Secretary stated I have them, Chairman Cosentino has asked me to share them with Mr. Grunthal and the Task Force and they have not had a Task Force meeting in order for them to be shared.

Vice Chairman Sturniolo stated share them with who?

The Secretary stated Mr. Grunthal at the Planning Board Ad Hoc Task Force meeting and they have not had that meeting.

Vice Chairman Sturniolo stated okay.

Whitney Singleton stated before you make a motion, I have two items I want to discuss.

Vice Chairman Sturniolo stated is there anything else?

The Secretary stated are you accepting your schedule for 2016.

Mr. Bainlardi stated I make a motion that we accept the schedule for 2016.

Mr. Vigliotti stated I'll second that.

Vice Chairman Sturniolo asked for all in favor. The motion carried by a vote of 6 to 0.

Whitney Singleton stated I have two other things. I realize that Tesla's not here tonight and I'm worried about the position and I'm just talking off cuff, the position its going to put the Building Inspector in because it appeared as though they were given a short window to get before your Board and to get an approval before the temporary C.O. would be deemed expired.

Jan Johannessen stated its already expired.

Whitney Singleton stated well we said we're going to hold off on enforcement until you get an update approval. Is there, was the applicant told that they needed to be present tonight?

Mr. Miley stated correct.

Whitney Singleton stated they were and they're not here.

Mr. Miley stated and they'll be issued a court appearance ticket. The only way to compel them to come back here.

Whitney Singleton stated okay, I just want to clarify that and the other thing was and I don't know whether you want to go into it not but you had inquired as to what the purpose of putting Mercedes on the agenda was tonight. The part about them missing the publication date that was just kind of after the fact. Originally, the reason was to discuss with the rest of the Board what happened at the staff meeting and I don't know whether you want to do that at this point in time.

Jan Johannessen stated I distributed staff meeting notes.

Whitney Singleton stated we were also going to talk about the concept a conditioned neg. dec.

Jan Johannessen stated at the staff meeting the applicant made the request that the Planning Board write a letter to the Town of Bedford, so I think that was one of the main reasons why we put them on for discussion tonight to see if the Board was okay with you generating that letter.

Whitney Singleton stated and then subsequent to that, I spoke to the Town Planner in Bedford to find out that they were already on the agenda in Bedford, they're on right now and that's why they're not here. So there was no need for that, Tony had inquired why they were on the agenda and I wrote him back a response saying as long as you have them on the agenda, we can take care of the rescheduling of the public hearing and I said its always a good opportunity to bring the Board up to speed with what went on in the

staff meeting because sometimes they're not all. I apologize for bringing it up now but that's what Tony and I discussed earlier today. So I don't know if you want to briefly have a rundown as to what happened.

Mr. Bonforte stated sure.

Whitney Singleton stated I mean we had a very positive meeting with Mercedes with regard to our traffic consultant is in concurrence with their traffic consultant as to maintaining Ice House Road level of service at a good solid E, if goes down to an F but they're going to bring it back up to an E by taking away 2 seconds of time from the Subway site.

Mr. vigliotti stated with permission from the state.

Whitney Singleton stated if they get permission from the state, correct. And basically, Jim Diamond has bought the Subway property now. He has, so what he's going to do is take away their green time and reallocate it to Ice House Road. We originally thought they were taking away from Brookside Village, which was a problem but they clarified that its coming from Subway.

Anthony Oliveri stated but the signal remains at Subway.

Whitney Singleton stated the signal will remain at Subway...

Mr. Vigliotti stated but I thought we were taking it away.

Anthony Oliveri stated just taking green time.

Jan Johannessen stated also, what Seth said in a follow-up e-mail was that when they take the two seconds away from Subway and give it to Ice House Road, the level of service on [Route] 117 goes down which doesn't make any sense. But like the guy said tonight, you know, the difference between a C+ and a B-, and sometimes it can be a second. So the other things that were happening, so Seth concurs with John Collins that that change should be sufficient to allow Mercedes to operate at 27 bays, correct? The question is how do they get back up to the 40 eventually.

Jan Johannessen stated 36.

Whitney Singleton stated 36...

Mr. Vigliotti stated well when they widen the road and line up, I would think.

Whitney Singleton stated they said that they're going to have to show further mitigation. We did convey to them because Jim Diamond does have realistic issues in that there is a 12 or 14 year lease to the audio/visual guy. That he's going to deal with and I conveyed to him that if they come back with another stealing time from another intersection or new phasing or something and not some sort substantial improvement to Ice House Road, like a big wide intersection coming into the property, aligned, that your Board would be disappointed and he said that they understood that.

Jan Johannessen stated I don't think that we need to really consider or even evaluate the 36 bays at this point. The resolution of approval is just going to be on the 27 bays, we're not even going to mention 36, if they at some point want to come back for the 36, they know what the Board is going to be looking for.

Whitney Singleton stated by the same token, the other thing that they're asking you to do is to lift the maximum cap on trip generation at the site, it's currently capped at 495 per hour, per peak hour and they're already telling us that they're going to go well above their current cap. They said, they characterized it as a big deal, we just need to come back to your Board to get your Board's permission to increase it. I don't know if they're going to do the same thing...

Vice Chairman Sturniolo stated because they do have a certain percentage,,,

Whitney Singleton stated they're going to be over 110% of their cap. It's stupid that way its worded, it says that you're supposed to have no more than 450 cars per hour, peak.

Mr. Vigliotti stated so they're going to be over 1,000.

Whitney Singleton stated what they're saying is, once they go over 10%, they have to come back to the Board. They're already at the 495 now, they're going to be at 550 or something like that. I didn't get all the appendices for their traffic report, their total traffic is like seven to ten thousand a day now.

Anthony Oliveri stated they mentioned it in the meeting, it was something like seven thousand.

Whitney Singleton stated so you're talking about it going up because now they're going to put the CPI, so your Board is going to be asked to do two things, one whether or not the mitigation of Ice House Road by taking green time from Subway is sufficient and two, you're going to have to consider whether or not the cap that was imposed by your Board a couple of years ago, whether that's something you're comfortable authorizing and exceeding or resetting it. Those are the two things. Procedurally, what we talked about, Jan and I talked about the possibility of how to handle this with SEQRA and the thought was that if we, if your Board at some point in time, when you feel comfortable, we're guessing the month of February?

Jan Johannessen stated I think we're there.

Whitney Singleton stated sometime in the month of February, issues a condition negative declaration, then what we can then do is that will authorize the applicant to go out and deal with DOT, DEP, Board of Health, Town of Bedford, rather than and this is actually Jan's idea and it was a good one. Rather than make them all conditions of approval and then have them come back to you with all sorts of changes that were not authorized.

Jan Johannessen stated let them get all their approvals that they can from the outside agencies.

Whitney Singleton stated before you guys finally approve, which seemed to be a very and obviously that neg. dec. would be conditioned upon the fact that all these things would come in, all the mitigation that they're proposing. And if it doesn't, that's...

Vice Chairman Sturniolo stated so that's the positive spin to a conditional neg. dec. and it just helps things move ahead in the future, with as Whitney just outlined all the other various agencies that an applicant has to deal with. So what we're faced with is very simple and we all, I think have come to the same conclusion that by the adjustment of the traffic light at Subway/audio/visual, buys enough time and gives it to [Route] 117, doesn't impact Brookside but buys enough time to get their count up to 27 bays and that's, you know, kind of the beginning of the end of this scenario called Mercedes Benz 333. And the next step is as Ralph said, if you're going to look beyond that then we're going to see what Diamond Properties can do to change that number in a positive manner. So, in a nutshell, a very, very small nutshell, that's what took place at this staff meeting, those two issues.

Mr. Mareschi stated thank you very much Vice Chair, thank you Whitney.

Mr. Bainlardi stated can I make suggestion for us to think about for future meetings. Can we have the applicants do their presentation at the outset of each, in full kind of, let them do their overview of what's going on before we all start pouncing on them. I'd really like to be able to hear what they have to say in a complete way, and get the context of everything before we...

Mr. Vigliotti stated I happen to agree with you but when there's false truths coming out in their presentation...

Mr. Bainlardi stated and I think that's appropriate at times when you see where you want to jump in.

Mr. Vigliotti stated and that's the only reason why I would jump in, I just hate to see false truths, half lies, fibs, misinformation come out that's on the record and then you forget at the end to correct it. We need to adjourn, yes.

The meeting adjourn at 10:08 p.m.