

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
April 16, 2009**

**AGENDA & MINUTES**

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| <b>1) DGF Properties Case #07-09</b>     | 1 – 14  | Public hearing closed;<br>Special Use Permit for light manufacturing granted |
| <b>2) Patterson Crossing Case #08-09</b> | 14 – 61 | Public hearing opened and closed, and reopened;<br>Tabled until May meeting  |

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Gerald Herbst

**PLANNING BOARD**

Shawn Rogan, Chairman  
David Pierro, Vice Chairman  
Michael Montesano  
Maria DiSalvo  
Charles Cook

**Zoning Board of Appeals  
April 16, 2009 Meeting Minutes**

Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Board Member Lars Olenius, Anthony Mangone, Special Counsel Attorney with Santangelo, Randazzo & Mangone, and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:05 p.m.

There were approximately 16 members of the audience.

Sarah Wagar was the secretary for this meeting and transcribed the following minutes.

Chairman Buzzutto stated Sarah, will you read the roll call.

Roll Call:

Board Member Bodor	-	here
Board Member Burdick	-	here
Board Member Olenius	-	here
Board Member Herbst	-	here
Chairman Buzzutto	-	here

**1) DGF PROPERTIES CASE #07-09**

Mr. Bill Finney was present.

Chairman Buzzutto stated you want to...

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Thursday, April 16, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**DGF Properties LLC Case #07-09 – Special Use Permit**

Applicant is requesting a Special Use Permit in order to allow 1,800 square feet of an existing commercial building to be rented out for metal fabrication contractor. Light manufacturing is a use that is permitted in the C-1 Zoning District by Special Use Permit under §154-108 of the Patterson Town Code; Light manufacturing. This property is located at 2644 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated okay. Who is representing DGF.

Mr. Bill Finney stated Bill Finney.

Chairman Buzzutto stated you want to give your name into the mic please.

Mr. Finney stated Bill Finney. DGF.

Chairman Buzzutto stated you want to raise your right hand. You swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Finney stated yes.

Chairman Buzzutto stated okay, thank you. You want to give us...What you want to do.

Mr. Finney stated sure. Strong Hold Equipment wants to rent part of the building to weld. They want to rent a piece of our building to use as a welding shop.

Chairman Buzzutto stated okay.

Mr. Finney stated so we're here before the Board to try and get it okayed.

Chairman Buzzutto stated well, what part of the building is that.

Mr. Finney stated there's three places that can rent.

Chairman Buzzutto stated is there...I thought it was totally rented at one time.

Mr. Finney stated yeah. The guy moved out last month and just left.

Chairman Buzzutto stated what...

Mr. Finney stated he was landscaper.

Chairman Buzzutto stated he was a landscaper.

Mr. Finney stated yes.

Chairman Buzzutto stated okay. And you want to use that for this...special use for welding equipment.

Mr. Finney stated right.

Chairman Buzzutto stated (inaudible) equipment or...

Mr. Finney stated he welds on trucks and cranes...

Chairman Buzzutto stated oh.

Mr. Finney stated and backhoes and dump trucks.

Chairman Buzzutto stated oh. It's just a welding process.

Mr. Finney stated yeah.

Chairman Buzzutto stated not welding equipment.

Mr. Finney stated right.

Chairman Buzzutto stated okay.

Mr. Finney stated his card is on the heading there [referring to a paper that was submitted]. It tells you what he does. Strong Hold Equipment Repair and Welding.

Chairman Buzzutto stated okay. That would go well with what you use the other part of the building for there.

Mr. Finney stated exactly.

Board Member Bodor stated what...

Mr. Finney stated we do excavation anyway.

Chairman Buzzutto stated yeah. You have heavy equipment you use.

Mr. Finney stated we have heavy equipment there.

Chairman Buzzutto stated so that would be beneficial to you also.

Mr. Finney stated yes.

Chairman Buzzutto stated to have that. Okay.

Board Member Bodor stated is this the building diagram that we're talking about in this front space. That's the spot [referring to a survey].

Mr. Finney stated yes.

Board Member Bodor stated okay. What exactly are in the other two spots. I don't remember.

Mr. Finney stated we're in the big one...

Board Member Bodor stated yeah, okay.

Mr. Finney stated and then there's a guy in there that does powder coating. He just moved in last month.

Board Member Bodor stated oh.

Chairman Buzzutto stated okay.

Board Member Olenius stated is there enough yard area up there for, you know, if he's working on trucks and whatnot, I would assume...

Mr. Finney stated yeah. Plenty of yard there.

Board Member Olenius stated okay.

Mr. Finney stated there's plenty of yard there.

Board Member Bodor stated with your equipment and other things that are going on there because I'm looking at what he does here, okay.

Mr. Finney stated yes.

Board Member Bodor stated welding and fabricating as needed for equipment and trucks including, but not limited to, small cranes, dump trucks...

Mr. Finney stated yes.

Board Member Bodor stated backhoes, hydraulic repairs, dump trucks, excavators, trailers, fabrication of hoses...

Mr. Finney stated yes.

Board Member Bodor stated also weld and fabricate gates, railings, steel beams, and other structural components. Manufacturing and sale of equine equipment, powder coating services. Some of these things are pretty big. They're going to be coming back in there to receive the welding attention.

Mr. Finney stated yeah. A dump truck; like our dump truck. Whatever. An excavator. We have an excavator there. And (inaudible).

Board Member Bodor stated and there is enough space for...

Mr. Finney stated yes.

Board Member Bodor stated you know, negotiating around the buildings and all. Alright. Not related to this, I just need to let you know though, there are a lot of signs out on [Route] 22 that are indicated for your business in the back, or whoever else is back in there, and it's pretty messy looking, frankly.

Mr. Finney stated well, we have signs for rent, because we needed to rent right now.

Board Member Bodor stated okay. But that's not the only sign that's sitting there.

Mr. Finney stated that's not mine. Right. There's another one from Macal Development. He's renting a spot in his. His prior renter, they moved out.

Board Member Bodor stated alright. We had given you a variance...

Mr. Finney stated yes.

Board Member Bodor stated to make a very nice sign. And everybody's going to be on that sign.

Mr. Finney stated yes.

Board Member Bodor stated and then you go by there, and you see all these little...

Mr. Finney stated yeah. I think there's two signs there, right.

Board Member Bodor stated I'm not...

Mr. Finney stated one of them is mine.

Board Member Bodor stated sure today exactly how many are there. But it caught my eye the other day. I said wait a minute. Now, we gave you permission to put everything on one sign so it would look neat...

Mr. Finney stated right.

Board Member Bodor stated and we have all these little things sitting there. And...

Mr. Finney stated well, it's a sign for rent, is what it is.

Board Member Bodor stated alright, but, you know, it's still...

Mr. Finney stated okay. We'll take it down.

Board Member Bodor stated is not appealing to the eye.

Mr. Finney stated yes.

Board Member Bodor stated okay. You're big sign is very nice.

Mr. Finney stated yes. Thank you.

Board Member Bodor stated but, let's get rid of the little things...

Mr. Finney stated okay.

Board Member Bodor stated if we can. Thank you.

Chairman Buzzutto stated well the sign that's on that dumpster there, there's a lot of advertisement on that, which belongs to the paintball place.

Mr. Finney stated they're renting.

Chairman Buzzutto stated yeah.

Mr. Finney stated the people that are renting there, they're using spots. And now the people that aren't there, the sign is missing where they were renting.

Chairman Buzzutto stated yeah. Okay. You'll have to clean that up like Mary said.

Mr. Finney stated okay.

Chairman Buzzutto stated alright. Are you involved with this function in any way.

Mr. Finney stated I just...

Chairman Buzzutto stated name wise, or anything like that.

Mr. Finney stated building only.

Chairman Buzzutto stated just the building.

Mr. Finney stated he's going to be a renter.

Chairman Buzzutto stated you're not involved with the welding of it.

Mr. Finney stated no.

Chairman Buzzutto stated okay.

Board Member Bodor stated one of the conditions here regarding what you're asking for, the permit for this type of...light manufacturing, talks about things that are not offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor, or obnoxious waste. Is there anything like that going to be emitted from this welding...

Mr. Finney stated not that I know.

Board Member Bodor stated activity.

Mr. Finney stated it's just a welding, cutting...I don't think there's anything, you know, emitted that I know of.

Chairman Buzzutto stated well, what about the storage of settling and stuff like that. Do you need...

Mr. Finney stated he has to go by a guideline I think anyway.

Chairman Buzzutto stated yeah. Does that require a fire permit.

Mr. Finney stated we are...fire code... right now.

Chairman Buzzutto stated fire codes.

Mr. Finney stated we need it, yeah, right now.

Chairman Buzzutto stated okay. Let's see.

Board Member Olenius stated is there fencing around the existing structure.

Mr. Finney stated there's fencing and guard rails up.

Chairman Buzzutto stated which building is that. This one here, this big one [referring to a survey].

Mr. Finney stated the one with the "X" in it.

Chairman Buzzutto stated oh, the one with the "X" here.

Mr. Finney stated yeah.

Board Member Bodor stated that's one building. And this is the space we're talking about.

Mr. Finney stated it's just one big building with different spaces in it.

Board Member Bodor stated that's your building and that's the first building.

Chairman Buzzutto stated yeah. And to get to that, they have to go all the way around the building.

Mr. Finney stated no, no. There's a drive right...

Chairman Buzzutto stated there's another drive...

Mr. Finney stated there's another building above us.

Chairman Buzzutto stated driveway.

Board Member Bodor stated on the big map.

Chairman Buzzutto stated oh yeah, okay. I see.

Board Member Bodor stated the next building is over here.

Chairman Buzzutto stated yeah. Alright. Do we have any input from the audience on this particular project. Okay, none.

Board Member Bodor stated what's going on in the other building up in the back there.

Mr. Finney stated there's a party rental space, but he moved out.

Board Member Bodor stated okay. Oh, he's gone too.

Mr. Finney stated yeah. And there's a guy there that fixes cars...

Board Member Bodor stated uh huh.

Mr. Finney stated old cars.

Board Member Bodor stated he's still there.

Mr. Finney stated yeah. And of course, Macal Development has his yard there.

Chairman Buzzutto stated approximately how many employees will he have there.

Mr. Finney stated he told me six to eight. But when there's cold weather, he lays people off. And then when it gets warm again, he has more.

Chairman Buzzutto stated do you have enough parking area to...

Mr. Finney stated yeah.

Chairman Buzzutto stated accommodate.

Mr. Finney stated I think there are 16 spots.

Chairman Buzzutto stated enough to take care of his parking.

Mr. Finney stated yes.

Board Member Herbst stated where exactly on [Route] 22 is this located. I can't find it anywhere on the map (inaudible)...

Board Member Olenius stated you know where the sporting goods store is.

Board Member Herbst stated

Board Member Olenius stated the sporting goods store.

Board Member Bodor stated does that building have a garage entrance so that he can put...

Board Member Herbst stated it used to be there (inaudible).

Board Member Olenius stated no, it's there right now.

Mr. Finney stated yes.

Board Member Bodor stated work inside...

Mr. Finney stated yes.

Board Member Olenius stated just south of Noletti's. Noletti's (inaudible – too many talking).

Board Member Bodor stated on some of the equipment.

Mr. Finney stated that's where he's going to do his work, inside the building.

Board Member Bodor stated okay.

Board Member Olenius stated you know where Noletti's cheesecake shop was.

Board Member Bodor stated it's been awhile.

Board Member Olenius stated (inaudible – too many talking).

Mr. Finney stated yeah.

Board Member Olenius stated to the right of that is a sporting goods store now.

Board Member Herbst stated oh, okay.

Board Member Olenius stated and it's behind them.

Chairman Buzzutto stated well, we've seen it before.

Board Member Olenius stated you can't see it from [Route] 22.

Board Member Bodor stated no.

Board Member Bodor stated it's up the hill right behind...

Board Member Herbst stated behind (inaudible).

Board Member Olenius stated yeah. Yup.

Board Member Herbst stated now I know where it is.

Board Member Olenius stated and I think that the cell tower would probably be like right here.

Board Member Herbst stated yeah. The cell tower is in the middle of the property. Because when...I remember walking on the cell tower.

Board Member Olenius stated I'm assuming by the size of the projects he's working on, there's not going to be a lot of additional traffic going in and out of there because it sounds like these are jobs that would be a little time consuming where he's not doing ten a day.

Mr. Finney stated yeah. He's got to go out and work in the field.

Board Member Olenius stated okay.

Mr. Finney stated so if he fabricates something, they'll take it and install it. So they're not all there all the time. They're in and out...

Board Member Olenius stated I see.

Mr. Finney stated with work.

Chairman Buzzutto stated and in the past, where did you take your equipment to have it welded. Or did you do your own.

Mr. Finney stated we do a little bit, but some of it we need to use somebody that came to do it.

Chairman Buzzutto stated so you won't have to travel out now.

Mr. Finney stated exactly.

Chairman Buzzutto stated well that's a convenient thing. Okay. You are representing them...

Mr. Finney stated DGF.

Chairman Buzzutto stated DGF.

Mr. Finney stated I'm the owner of the building, yes.

Chairman Buzzutto stated oh, you're the owner.

Mr. Finney stated yeah.

Chairman Buzzutto stated okay.

Board Member Bodor stated where is this business going on now.

Mr. Finney stated somewhere in Brewster.

Board Member Bodor stated in Brewster. Okay. I was looking at the phone number, and it's not helping me.

Chairman Buzzutto stated what is it, Iron Works or something there.

Mr. Finney stated just Strong Hold Equipment in Brewster.

Chairman Buzzutto stated I think there's an Iron Work there, right next to the...

Board Member Bodor stated that's not the one though.

Chairman Buzzutto stated that's not the one.

Board Member Bodor stated I don't think so.

Chairman Buzzutto stated okay. This is for a special use permit, right.

Board Member Olenius stated it seems to meet...

Chairman Buzzutto stated what.

Board Member Olenius stated it seems to meet most everything. It seems to meet most everything according to this.

Chairman Buzzutto stated okay. I heard no comments from the audience. I guess they still feel that way. So, you want to close the public hearing.

Board Member Bodor stated I make a motion to close the public hearing.

Board Member Olenius stated second.

Board Member Herbst stated second.

Chairman Buzzutto stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated public hearing is closed. Alright. Can I have a reso blocked out on that one Lars.

Board Member Olenius stated yes.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*DGF Properties LLC, Case #07-09*  
*For a Special Use Permit for Light Manufacturing***

**WHEREAS, *DGF Properties LLC* is the owner of real property located at 2644 Route 22 (C-1 Zoning District), also identified as *Tax Map Parcel #14.19-1-21*, and**

**WHEREAS, *DGF Properties LLC* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §*154-108* of the Patterson Town Code; Light manufacturing, and**

**WHEREAS, §*154-108* states that on a lot of not less than two acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District located on Route 22 only, for a plant for light manufacturing. A permit may be issued, providing that:**

- A. All requirements of the district as to frontage, setbacks and building coverage shall be met.
- B. A seventy-five foot densely vegetated buffer shall be provided along any property line which abuts a residential district. No aboveground or below-ground utilities or structures shall be placed in the buffer.
- C. All access must be from a county or state road.
- D. Exposed metal-sided buildings shall not be permitted.

**WHEREAS**, the Zoning Board of Appeals acknowledges that there is an existing building on site which constitutes a pre-existing nonconforming metal building, and

**WHEREAS**, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby determines that the proposed action *will not* have significant effects on the environment and issues a negative SEQRA declaration for the following reasons:

1. There *will not* be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There *will not* be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There *will not* be removal or destruction of large quantities of vegetation or fauna.
4. There *will not* be substantial increase in traffic or the use of existing infrastructure.
5. There *will not* be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

**WHEREAS**, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 16, 2009* to consider the application; and

**WHEREAS**, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit pursuant to §154-108 of the Patterson Zoning Code, and

- 1) 1,800 square feet of the existing building will be used for metal fabrication contractor (light manufacturing).
- 2) All setbacks and frontage requirements are met without a need for variances.
- 3) Access to the site will be off of Route 22

**BE IT RESOLVED**, the Patterson Zoning Board of Appeals wishes to *grant* the request for a Special Use Permit *to allow light manufacturing in a Commercial (C-1) District as set forth in §154-108* of the Patterson Zoning Code; Light manufacturing, and

**BE IT FURTHER RESOLVED**, that the special use permit granted herein is subject to the following special conditions:

1. The new tenant's signage will be placed on the previously approved sign, and all accessory, ancillary signs will be removed from the frontage.

Mr. Finney stated right.

Chairman Buzzutto stated yeah.

Board Member Bodor stated alright. Is that it.

Board Member Olenius stated yes.

Board Member Bodor stated you ready.

Board Member Olenius stated I just need a second.

Board Member Bodor stated okay. I'll second.

**UPON ROLL CALL VOTE:**

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	yes
Board Member Olenius	-	yes
Chairman Buzzutto	-	yes

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. You can go to the Building Department tomorrow.

Mr. Finney stated tomorrow.

Chairman Buzzutto stated and pick up your...

Mr. Finney stated thank you very much.

Board Member Olenius stated yeah, good luck.

Chairman Buzzutto stated good luck to you.

Mr. Finney stated thank you.

2) **PATTERSON CROSSING CASE #08-09**

Chairman Buzzutto stated next on the agenda would be Patterson Crossing.

The Secretary read the following legal notice:

**Patterson Crossing Case #08-09 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations. The Code allows a structure to be 35 feet in height in the C-1 Zoning District. While majority of the buildings will not exceed 35 feet in height, the Applicant is proposing a number of architectural features that will exceed the 35 foot maximum allowable height, with the highest proposed structure at 72'. The variance requested is for 37'. This property is located at NYS Route 311, Patterson and Kent, New York.

Mr. David Steinmetz stated good evening Mr. Chairman, members of the Board. David Steinmetz from the law firm of Zerlin and Steinmetz, representing Patterson Crossing Realty this evening. Pleased to be here in connection with this application. While we're getting set, let me briefly introduce our entire team. Paul Camarda and Fred Koelsh from Patterson Crossing. Saul Silverman and Julia Khomut from the architect DCAK-MSA. Chris Robbins from Tim Miller's Office. And Zach Pearson from Insite Engineering. I apologize while we're getting our logistics nailed down. We have a excellent presentation for you tonight of some visuals, of some boards, and some cross sections, all of which are designed to walk you through some aesthetic features associated with the Patterson Crossing Realty retail center. As I'm assuming you're all quite familiar, the matter has been pending before your Town, before your Planning Board, as well as before this Board in connection with a special permit. It has been the subject of an extensive SEQRA review pursuant to the New York State Environmental Quality Review Act. A findings statement was adopted by the Planning Board including the lead agency SEQRA review. And we are here tonight because the design that Mr. Silverman and his team have tentatively reached, shows a number of aesthetic architectural features that exceed your 35 foot limitation in the I-Zone. So that we're all clear, the I-Zone has a 35 foot height limitation with the exception that purely architectural features can sit atop the 35 feet. You can actually get to 41 feet if it's a purely architectural feature. We have a number of architectural features that sit below that 6 foot level; none of which require a variance from this Board. There are, however, several architectural features, that do exceed that 6 feet height, and we're going to walk you through those. We furnished you, and you should have all received, a submission letter from my office dated, for the benefit of the record, a submission letter from my office dated March 31, 2009, where we walk you through the statutory and local code elements. We also tried to make it easy and more understandable by furnishing a zoning compliance chart, where we walk through each of the features on the various buildings, A through F, and illustrated which walls, which turrets, which towers might actually exceed the 35 feet. And Mr. Silverman and Julia are going to walk you through that in a moment. We have also conferred with Mr. Williams, with Mr. Mangone; we are aware that the Planning Department did refer the matter to the Putnam County Planning Department, which they are required to under Section 239m of the General Municipal Law. We were pleased that a prompt response was elicited from the County, and the County, as you may know, found no objections and supported the variance application. In addition, on April 2<sup>nd</sup>, we made a presentation to the Planning Board much like what we're going to do tonight with the visuals as well as the computer video animation. And the Planning Board was pleased with the design and the drawings and supported...and preferred us onto your Board, and supported this application. Are you guys fairly close [referring to the setting up of the plans]. The purpose of the

variance, as I indicated earlier, is almost entirely for aesthetic purposes. Most, if not all of the spaces that we're going to walk you through, are open air, nonfunctional. There are some areas where there is some office space that will be illustrated to you, but virtually all of these are really just for architectural purposes to be consistent with what was presented to and studied as part of the SEQRA process in front of the Planning Board, designed to have a historic rural retail feel and character. A great effort has been made by the design team to come up with something that does not look like a standard commercial retail shopping center. Something was designed with the intent that this lend itself to the character of Patterson, the surrounding area. Architectural features were borrowed from various vantage points and various other buildings. There were similarities that I'm sure you'll see to buildings and structures that you're familiar with, not the least of which is here at Town Hall, with a very similar structure in terms of an architectural feature in the tower. The variance standards are briefly, basically boils down to the benefit to the Applicant weighed against the detriment to the community. The benefit to the Applicant here, we believe it provides a more attractive design for the center and for the retail tenants who ultimately will occupy it and maybe most importantly for the patrons in the community who will visit the center. The detriment to the community, we believe, as we're going to demonstrate, that it has been adequately mitigated. That from a visual standpoint, when we walk you through the cross sections you'll see that most of these features really are not visible from primary focus points and there is no significant detriment that it's not otherwise counterbalanced by the benefit. However, it's an aesthetic benefit. It is not a critically necessity of the design or of the center. The center can be built by my client without these variances. We're here tonight because we think it's good. We think it helps the community. We think it helps the design and it's been supported by the County, by the Planning Board, and we hope by your Board. But, this is not something that is critical without which the project does not go forward. I'm going to walk you through the five factors of the Town Law and the Zoning ordinance after we go through the presentation. What I think would be most useful is to allow Saul Silverman to walk us through the elevations that are shown on the boards. We will then go through the cross section plans prepared by Tim Miller's Office, and then finally for the video presentation. I think Mr. Camarda might want to say a couple of words and then we'll come back up at the end; we'll go over the legal standards and make sure we've hopefully addressed your concerns. I know there is a draft resolution that was prepared by the Planning Department and circulated, and we look forward to discussing that with you after you conduct your public hearing. Thank you.

Chairman Buzzutto stated thank you.

Mr. Paul Camarda stated hello. My name is Paul Camarda. What you're going to see tonight is a continuation of a concept that was developed about a year and a half ago when we had Street Works come to Patterson, and go through what we thought were interesting concepts that brought in some of the native features of the area. They created concepts for architecture and all of that is in the DEIS and FEIS. From those concepts we hired an architectural firm to take those concepts and put them on the building here. We looked at these buildings, as basic shopping centers are usually long and low. They lose scale. They don't give you a warm feeling sometimes. We thought by adding these features, it gives these buildings a different feel. Quite frankly, if you were to deny this variance tonight, we're still going to build the center. We don't think it would look as nice as this. And quite honestly, you'd probably save my company a ton of money by denying this for me tonight. I'm here to show you what we think is the right look. The end decision is yours because we're asking for a variance. We don't have a right to build some of these architectural features. So, we think this is the right look. It's our opinion. At the end of the day, if we get the variances, I think you'll have an outstanding center that has nice architectural features to it. And if you decide not to grant the variance, we believe the look will not be as nice. Okay. With that I'll turn this over to Saul, and he'll take you through it. Thank you.

Chairman Buzzutto stated thank you.

Mr. Saul Silverman stated Mr. Chairman and members of the Board, good evening. My name is Saul Silverman. I'm principal with the firm DCAK-MSA Architecture. I'm going to be assisted tonight with by associate principal Julia Khomut and we will try to get you through this. Basically what we were trying to do on this thing is create a lifestyle center. A center that was friendly to the shopper and friendly to the observer, alright. And with working with the vernacular of the general area, which is in many respects Connecticut type area, Brewster area, Patterson...the Town of Patterson, has much architecture that has elements like this. And we've tried to incorporate them to create, let's call it a one sided main street, alright, that we have in the village now. And this will become a people place. We've asked for, and Mr. Camarda said, if you look at the length of buildings, and this is one of the building on the site, alright, that happens to be a one story building [referring to plans]...

Board Member Olenius stated can I interrupt you for one second, Sir.

Mr. Silverman stated absolutely.

Board Member Olenius stated could you please just take the mic with you. It's removable. Just so that it all gets on the record.

Mr. Silverman stated okay.

Mr. Camarda stated can we use this portable mic; is that portable.

Board Member Olenius stated it's portable. Yes.

Mr. Camarda stated okay.

Mr. Silverman stated if you look at the lengths of the facades you realize that unless we can...We used to always do, when we did enclosed mall shopping centers and major strips, we used to draw a box; a 300, 400 foot long box and put a giant arrow and tell the designers, the young designers, okay, now you have to identify the entrance to this thing, as you have to identify to the retailers. And if in fact you don't elevate the one line façade at 35 feet, then you end up with a very static composition that you can't follow. So the object is then to come up with towers or amenity patterns. All of these, without one, are nonfunctional. They're purely decorative. And the code does address decorative features, primarily it relates to it on cupolas. Cupolas like this, that are attached or raised on top of buildings. We need for the scale, that we believe on an aesthetic basis, purely on an aesthetic basis, we're trying to relieve the façade and enhance the façade. These are the reasons. We discussed this at length. And you're going to see a very interesting video, and I think it should be an exciting evening, alright, to the Planning Board, to get their feel on it, and their answer to us at the end of the meeting was...A matter of fact, they watched it five times. They kept saying, can we play it again, can we play it again, can we play it again. And we'd be happy to replay this to this Board as many times as you want to. But I think you'll see that driving through the site and approaching the site, there is a relationship to heights, alright. These heights are purely decorative; you'll see from the line studies that Chris Robbins is going to talk about the sight lines, you'll barely even see the towers from all of the adjacent areas and roadways. And when you do, you see the tops of the tower, as if you saw a cupola on a church. So we've endeavored to go through this thing, and we've prepared a table for you which list which items. For instance, this item and this façade, this is the area that we talked about. This is actually an open lower level. The façade of this building is a single story façade. So this is what faces the main parking lot...Let me slip this up for a second [referring to the plans]. The façade that you're looking at is basically this façade, which is a one story façade. It's only...

Mr. Steinmetz stated can you identify which building you are referring to for the record.

Mr. Silverman stated this is Building E, F, C and D. And because of the configuration of the site topography, this becomes a two story façade, which basically serves as to service the upper stores on the second level on this side and the lower level. That's this picture that you're looking at. So this is approximately 20 to 25 feet below the upper level. This upper level is going to be used for possibly snack area, umbrellas, places to sit. We've filled up...The Camarda Realty has agreed to having oversized sidewalks so we can make it pedestrian friendly, so that a woman with a stroller can stop and have a snack with a baby, alright, as she's shopping within the complex. And also to make it connectable so that you can go through and around the entire shopping center. Question. So this is the address that we have. The only reason...This is the area that has the offices. It's not just management offices, it's also community space. It's for the use of the community; i.e. a community meeting...meeting room, and functions like that that can be held there. So, a lot of this is basically either management or give back space, alright, to the community. The rest of these, all of these, are nonfunctional, they have no internal space. They are purely decorative. This façade, because of the relationship to roofs as you come around and join the building, is higher only because we measure it from this lowest level, which is in working and keeping with the topography of the site. We certainly don't want to go out and disturb and bulldoze everything around, so we're working with the tearing of the site. It will be heavily landscaped, extensively so, alright, and we invite the Board for any questions or comments. We can talk you through the schedule. Julia can count exactly which of these towers is higher than, and how many feet it is higher than (inaudible – too many talking).

Chairman Buzzutto stated is there any way you could just left it up and show it to the audience [referring to plans].

Mr. Silverman stated oh, certainly.

Chairman Buzzutto stated I'm sure some of the people back there can't see it. This is what it's going to look like.

Mr. Silverman stated if it pleases the Board, let me turn the easel.

Chairman Buzzutto stated yeah. If you can. I mean...

Mr. Silverman stated yeah.

Chairman Buzzutto stated just so...Some of the people on the side there cannot see that. And I'm sure that if they can get a better picture of it, then you can turn it back after, you know, the...

Mr. Silverman stated now I'm afraid you're trapped [referring to Julia Khomut being behind an easel]. Okay.

Chairman Buzzutto stated just enough to get them to look at it, that's all.

Mr. Silverman stated that's good.

Chairman Buzzutto stated can everybody see that.

**Ann Fanizzi stated** unfortunately, yes.

**Audience member stated** that's what it looks like, Yonkers Raceway.

**Ann Fanizzi stated** yeah right. Yonkers Raceway.

**Audience member stated** oh boy.

Chairman Buzzutto stated you don't have take everything off because I want you to put it back over here as soon they get through with it.

Mr. Silverman stated the...If it pleases the Board, we have some smaller copies of this that we can...So the Board can refer to them directly.

Chairman Buzzutto stated fine, okay.

Mr. Camarda stated I think we give you a comparison or...

Board Member Olenius stated oh, I didn't know there is one.

Board Member Herbst stated they might be better off if they use the bigger one.

Chairman Buzzutto stated okay.

Mr. Camarda stated if I can do by way of comparison, without these features that dress up all the buildings, you'll get a center that looks more atypical of shopping center; probably a lot more like the Highlands. So if that's a look you like, then that's a look that we're not going to achieve. This is a different type of look than that look at the Highlands. Ours is a more atypical retail shopping center. This is a lot different in looks, as we created all the features on these buildings; roof treatments. There's five different surfaces and Saul, you can get into how many different surfaces treatment here.

Mr. Silverman stated just for the Board's edification at the same time, this is a current design. I've been designing shopping centers for almost 40 years. We're doing three other major centers, currently now, and they're all these lifestyle centers because there is a desire in the industry to return to the main streets of small towns. That's what the shopper is comfortable with. That's what the national retailers are comfortable with, and the architects are all trying to express that in the form of a street scene, alright. More than just a façade, where a metal canopy goes up, right, and you get as close as you can in your car. The centers now have become an experience; a shopping experience, much more so, alright, then they are just a row of stores and you pick which one you want. The object is to make the shopper remain there and transcend from store to store, alright, with their bags and (inaudible). The parking areas, obviously you do is utilitarian. But we've got them as heavily landscaped. Breaking them up into areas at the same time. So these elements, if the Board can refer to...Do they have...

Mr. Steinmetz stated they all have it.

Mr. Silverman stated yeah. All the Board has it.

Mr. Steinmetz stated just state for the record that you have four sheets; S-1 through S-4.

Mr. Silverman stated alright. You're looking at the same boards that you have here, S-1 through S-4. Okay, that's been distributed. And obviously aesthetics is a subjective thing. I can only tell you that we are very proud of this center. We think it's right for the Town of Patterson, and we think it's right for the current times. The shopper now is going to those stores and those environments that they're made comfortable at. They're no longer doing it utilitarian. It's become more of an experience since the economic times, in many respects, has driven it to just a matter that they just don't spend the money. They're looking to spend the time as well. And as I said, all of the towers are basically nonfunctional, except for one area of the building of about seven or 8,000 square feet, which is actually on the second floor for the main level. It appears, from the rendering, that it's on the third only because of this grade break, that there are lower stores. Alright. I'd like to turn it if I can, unless the Board has some questions of me, I know there was concern about the sight lines and what you could see from the surrounding roads, and maybe we'll have Chris Robbins...

Chairman Buzzutto stated (inaudible – too distant) in the back.

Board Member Bodor stated that's alright.

Chairman Buzzutto stated that's fine.

Board Member Bodor stated as long as he let's us know what buildings he's talking about.

Chairman Buzzutto stated as long as you let us know what buildings you refer to.

Mr. Steinmetz stated absolutely.

Chairman Buzzutto stated this way the audience gets a bigger picture. Okay.

Mr. Silverman stated I'll turn it over to Chris, and then I'll just come back. We're all here for questions...

Chairman Buzzutto stated right.

Mr. Silverman stated as a team, alright.

Chairman Buzzutto stated okay.

Mr. Silverman stated Chris.

Mr. Chris Robbins stated maybe we should move that one [referring to plans].

Mr. Silverman stated yes.

Mr. Camarda stated why don't we move it to that side. There's too much on one side.

Chairman Buzzutto stated alright. Just move that one out of the way, that's all.

Mr. Camarda stated Saul, move them over [inaudible – too distant]. Perfect. That way we have some more space.

Chairman Buzzutto stated good.

Mr. Robbins stated good evening. Chris Robbins, Tim Miller's Associates. I have some line of sight drawings for each of you.

Board Member Olenius stated thank you.

Mr. Steinmetz stated identify what you gave them for the record.

Mr. Robbins stated there are four line of sight drawings there in your package. Those are the same line of sight drawings that were presented in the DEIS and the FEIS as part of the SEQRA review. The difference here is that we installed the latest architectural features in each of the drawings. Excuse me. Let's start with the first line of sight; I-84 eastbound. On this end, [Interstate] 84 is over here. 84 is on this end here. Here is your center. Your line of sight is indicated by lines coming through the vegetation and out into the center. Some of it will be obstructed by vegetation through here, and you will see the tops of the new towers.

Mr. Camarda stated it's a very fine line that just touches the tops of these towers as you can see the lines here. So (inaudible – too distant). Show the Board another one [referring to the line of sight drawings]. You see it comes here, catches that first tower...

Mr. Robbins stated this is your line of sight line right through here. You will pick up the features along the 84 side of the project. Here's 84. So you're actually looking into the site here. All you're seeing is the tops of these towers.

Mr. Camarda stated the top of the first tower to the left there, over to your left. And then so on across. It's actually working in reverse order. So to your benefit, you're actually just seeing the top of this first tower.

Board Member Burdick stated can you please give him the mic. Thank you.

Mr. Camarda stated what Chris is trying to show you, that drawing matches up to this drawing, okay. You're actually catching the first tower here, in the corner. And then you're actually coming around over here. You have another board this side so they can pick on so they can... That's the one. I'll take that from you [referring to another drawing]. Once again, the first tower you hit, you pick up just the top of the tower.

Chairman Buzzutto stated from where.

Mr. Camarda stated from [Interstate] 84.

Chairman Buzzutto stated what part of 84. [Route] 311 and 84.

Mr. Camarda stated as you're coming...Chris.

Mr. Robbins stated it's eastbound 84.

Rich Williams stated is it Chris. Chris.

Board Member Burdick stated there's another mic.

Rich Williams stated pull the mic out of the...

Chairman Buzzutto stated there's another mic there.

Rich Williams stated and use that.

Chairman Buzzutto stated yeah.

Mr. Robbins stated okay. We're good now.

Chairman Buzzutto stated yeah.

Mr. Robbins stated okay.

Board Member Burdick stated thank you.

Mr. Robbins stated you're looking at...It's an eastbound travel lane of 84. Here's the center here. If you can see it. Eastbound 84, so we're coming from the north as you're heading toward the center down 84. Before...right about where you get to the current exit ramp on the eastbound travel lanes.

Chairman Buzzutto stated that's [Route] 311 that you're talking about.

Mr. Robbins stated 311 exit ramp, correct. You're looking down into the center, the first...

Mr. Camarda stated the first thing you'll see is the building right here.

Chairman Buzzutto stated just the tops.

Mr. Camarda stated so as you're coming off the exit ramp, the line just crosses the top of that building.

Chairman Buzzutto stated okay.

Mr. Camarda stated so you're going to pick off the top 6 feet of this.

Mr. Robbins stated we'll move to the second line of sight drawing. That's...In your package, that's Route 311 westbound. That comes from roughly Ludingtonville Road. You can actually see it cross 84 into the site from this area. That line of sight again depicts what you would see from that point on Route 311. The initial line of sight runs through the existing vegetation that's along the road there and up, again, to the tops of those initial towers as you're looking into the site. The same...It's pretty much the same tower that you're looking at, the initial tower as you pull into the site.

Mr. Camarda stated you're just catching the tops. You can see the black line. Just catching the tops of those towers.

Mr. Robbins stated this also shows you a view from Concord Road which we have a more comprehensive view, but you can see through Concord Road, you're looking through the vegetation again down across the development into the parking lots and the towers on that side.

Chairman Buzzutto stated you can see the towers from Concord [Road].

Mr. Robbins stated you will.

Chairman Buzzutto stated you will. Even with vegetation that's up there.

Mr. Steinmetz stated before we go forward, we keep talking about the towers. So I think it would be helpful for you to identify just the size of these towers so nobody gets the impression that these towers are the magnitude of the entire building. In fact, we did an analysis which you saw in the written submission that the totality of all of the areas are less than 5% of the entire roof area. But the typical tower like the one that Paul is talking about is how large.

Mr. Camarda stated well, let me just expand on David...and it's a good comment. When you think about these tower pieces, they represent 5% or less of a building. We put a couple of towers on this building, it represents 5%. So the other 95% of the building stays at the lower height. As you can see from the drawings, we're not looking to raise the roofs; we're just looking to create architectural features that breaks up the even plane. That's what we're looking...Take this building here. The whole building is right across. We'll put a feature at each end just to give it a little feel. They represent the towers less than 5% of the roofline. The other 95% stays below your requirement.

Mr. Steinmetz stated Saul, can you hit that approximation.

Mr. Silverman stated most of the towers are in the general range of 15 to 20 foot square of the base. Part of that is in the building itself, alright. And part of it sticks out from the building. But this will give you an identity, alright, and you, I believe, have this in a packet. Is this a part of the packet. It identifies which towers there are that are questionable. Especially in a relationship. For instance, this one is 41'11" [referring to plans].

Chairman Buzzutto stated which buildings are you talking...

Mr. Silverman stated right now I'm looking at building...the west elevation...

Chairman Buzzutto stated D and C.

Mr. Silverman stated Building C.

Chairman Buzzutto stated Building C. Alright. Okay.

Mr. Silverman stated so the end tower on Building C, the total amount of the tower is 41'11" above grade. Now, the Code actually allows for...If this is determined as a cupola, then basically we comply with it at the 41', alright. So in each of these elements...This one, including the cupolas, is 40'3". We're allowed again up to the 41'. Six feet over and above, alright, the 35 foot height. This one is at 45', including the cupola. But these are only architectural features as I said. Most of them are recessed part way into the buildings, so the interior space doesn't change. We're not increasing the (inaudible) lay of the shopping center itself. But on the towers themselves, on the bases, they're generally, approximately 15 to 20 feet, alright. In some cases, they serve as a canopy along the walkways. In other cases, alright, they're just decorative elements.

Chairman Buzzutto stated they serve no other purpose but for the décor of the...

Mr. Silverman stated yes, Sir. That's correct.

Board Member Burdick stated there's no mechanical units...nothing up there.

Mr. Silverman stated there's nothing in there.

Board Member Burdick stated no venting.

Mr. Silverman stated there's nothing in there.

Mr. Camarda stated you can see in the buildings here...Saul says they're integrated into the building. Look at a tower. Although it's 15' x 15', most of it is inside, over the existing roof. So it's just really a façade that wraps around. It probably only sticks out 3 or 4 feet. But it's maybe 15', but most of it is inside the building, on top of the roof to give you the look.

Chairman Buzzutto stated it looks like its got windows in it. Will there be any lighting in there to serve...

Mr. Silverman stated some of them, yeah, will have lighting, but it's all going to be non-glare lighting. I mean, it will just be a luminous glow. As I said...

Mr. Camarda stated (inaudible – too distant) you have windows...

Mr. Silverman stated exactly. If there were windows in a house.

Mr. Camarda stated give it a feel at night, so we have a light inside the windows.

Chairman Buzzutto stated well...

Mr. Silverman stated now remember, the sight line on most of these, as Chris will finish up, is from the roof up, or part way in the roofs and up. You can't really even see the window areas...

Chairman Buzzutto stated okay, so there'll be no...

Mr. Silverman stated unless you're on site.

Chairman Buzzutto stated glaring lights.

Mr. Silverman stated no. Absolutely not.

Chairman Buzzutto stated alright. Go ahead.

Mr. Silverman stated okay. Are there any...Do you want to continue. Do you have any questions on the architectural.

Chairman Buzzutto stated no. I said what I had to...The cupolas, compared to the one that's on this building here. You know, the front of this building.

Mr. Silverman stated at the corner.

Chairman Buzzutto stated yeah.

Mr. Silverman stated yeah.

Chairman Buzzutto stated size wise, how do they compare to...

Mr. Silverman stated yeah, well, the height of this one is...

Mr. Steinmetz stated the height or size. You're talking about the height of it or...

Chairman Buzzutto stated well, the whole thing, you know. This one's smaller I believe. But...

Mr. Silverman stated Rich, I think the tower out here at the building is 45 plus feet.

Rich Williams stated it's roughly 45'.

Chairman Buzzutto stated yeah.

Mr. Silverman stated yeah. it's 45 feet. Most of ours is lower than that.

Chairman Buzzutto stated yeah. I just...

Mr. Silverman stated and the width of it is 20 odd feet. Twenty...Yes.

Rich Williams stated yeah.

Chairman Buzzutto stated okay. So they're lower than the one here.

Mr. Silverman stated they are...well.

Chairman Buzzutto stated they're smaller.

Mr. Silverman stated actually, in many respects, the 45' is taller than the one that we have here.

Chairman Buzzutto stated it's taller, yes.

Mr. Silverman stated yes.

Chairman Buzzutto stated okay, fine.

Mr. Camarda stated and they're smaller in statute. They're probably...

Chairman Buzzutto stated well, that's what I was getting at. Yeah. Alright, go ahead. That's all I have on that.

Mr. Robbins stated okay. Thanks Saul. If you would go to the next view, View 4, it's the last sight profile from Route 311 and Longfellow Drive to the north of the project. And what we did on this to indicate what you would see from Longfellow Drive itself. The initial view would be through the existing vegetation across quite an expanse, looking again at the architectural features that are presented on the elevations.

Chairman Buzzutto stated alright. Where is Longfellow Drive in regards to this...

Mr. Robbins stated it's north.

Chairman Buzzutto stated north.

Mr. Robbins stated north of the site...north of the center.

Chairman Buzzutto stated is it off [Route] 311 or is off of...

**Ann Fanizzi stated** no. It's in Kent.

Mr. Robbins stated it's in the Town of Kent.

Chairman Buzzutto stated it's in the Town of Kent.

Mr. Robbins stated here's your center down...

**Audience member stated** it's by Holly Real Estate.

Chairman Buzzutto stated Holly. Oh, okay. Alright.

Mr. Robbins stated here's your center down here.

Chairman Buzzutto stated okay.

Mr. Robbins stated here's your center down here. Here's your view, it initiates at this point.

Chairman Buzzutto stated okay.

Mr. Robbins stated so you're looking at a point that's roughly north. This is a residential area. A point of concern that was identified during the SEQRA process. And so the view comes from this point through the center. Again, from Longfellow Drive, the existing vegetation, over the initial view. You have this expanse here that you look across and into the site, and you'll be looking at the tops of the buildings.

Chairman Buzzutto stated just the tops. Just the tops of these particular buildings.

Mr. Robbins stated correct.

Chairman Buzzutto stated alright.

Board Member Burdick stated where on Longfellow [Drive].

Mr. Robbins stated it's right near...Maybe I can do it best by showing you.

Board Member Burdick stated did you do it from the highest elevation of Longfellow [Drive].

Mr. Robbins stated it's near the highest elevation. The topography of this line...

Board Member Burdick stated yes.

Mr. Robbins stated if you guys can all see this. So this is relatively flat on the top of the hill, okay, to accommodate the development. We picked it from the point closest to the center so that would be the point...that would be the location that would have the most direct view into the parcel.

Chairman Buzzutto stated okay.

Mr. Robbins stated okay.

Board Member Burdick stated yeah.

Mr. Robbins stated and on the last view, View 6. This is again from a residential area, Concord Road up in Kent, along the Patterson boundary...the Patterson Town line. Through the access...There's a proposed access road off of Concord Road into the project. And this view runs down that access road...

Mr. Steinmetz stated the emergency access.

Mr. Robbins stated that's correct. It's the emergency access. Thanks Dave. Emergency access is not going to be an access that is used regularly, if at all. And again, this was chosen because it's the closest point to the center on Concord Road, and it's the most direct line of sight. And if you look at this closely, Concord Road through the emergency access road will afford a view of the parking areas and into the building. So you're going to see some of the vegetation here. There's a 6' barrier fence that's going to be...that's been proposed along the property line in this area, or near the property line in this area. Obviously that won't be the case at the entrance road, that will be open. There's also vegetation along this area. So again, this is the worst case scenario. So you're going to be looking across all of those things down into your project site, and you're looking at the architecture that's been proposed. And another reason that the architecture has been proposed, to make this, you know, views of this from wherever you are, much nicer than if you had a standard big box development.

Chairman Buzzutto stated okay.

Mr. Robbins stated any questions on any of that. Do you want to go back to any of them [referring to the sight line drawings].

Chairman Buzzutto stated there will be vegetation up on Concord [Road].

Mr. Robbins stated there is existing vegetation that will not be removed and there will be a 6' barrier fence...sound barrier fence, that will be placed up there that will block some of the views as well as some evergreen trees that are planted along that area, so the houses that are along there, will have a blocked view. Again, this is the worst case; We're looking down the emergency access road which will have no plantings, no barrier fence. The road goes right in.

Mr. Camarda stated Chris, if I may.

Mr. Robbins stated you may.

Mr. Camarda stated that access road is just for emergencies and will be twelve...I think 12feet wide. So we have a very narrow...And again, if you look at also...If I may. It has a little hook in it, which makes it even harder to see down in it. Because if you're looking down in here, once it hooks, the access road, you now have plantings and screening. So you're never going to get a direct shot, unless you kind of walk down the access road and get almost to the bend. And it will be chained at both ends, so no one should be in that area. Certainly the car would have to break the gate down. But you don't really get a clean shot, even from that area, because of the bend in that access. Okay.

Chairman Buzzutto stated well, there will be nothing coming out at that. It's just...

Mr. Camarda stated no. It's just strictly, strictly...

Chairman Buzzutto stated if needed.

Mr. Camarda stated if needed. And bear in mind, our access road is 20' on the inbound, 20' on the outbound. So that's enough for four lanes. So even if a car was disabled, or something happened, you have a 20 foot road; two full lanes of 10 feet on both sides. So the idea of ever needing the access emergency is very, very, very rare.

Chairman Buzzutto stated well, you say if a car is disabled meaning...If a car is disabled, from where.

Mr. Camarda stated if a car was disabled on our access road, our main access road...

Chairman Buzzutto stated yeah.

Mr. Camarda stated because our road's coming in are 20' wide and leaving, a car can easily be pulled to the side because a car is 7 feet wide, and you would still have 12 or 13 feet to get passed them.

Chairman Buzzutto stated alright.

Mr. Camarda stated okay. So that...But getting back to the visual, because of the hook in the road, you'd never get a clean shot in.

Chairman Buzzutto stated okay.

Mr. Camarda stated okay.

Board Member Bodor stated which one of these buildings and which view of the building would be in the line of sight from the emergency access.

Mr. Camarda stated well, if you're here [referring to the drawing]...

Board Member Bodor stated I'm looking at these [referring to plans].

Mr. Camarda stated well...Okay, right. You'd be looking right here.

Board Member Bodor stated which one.

Mr. Steinmetz stated it's Building B.

Mr. Camarda stated Building...

Board Member Bodor stated Building B.

Mr. Camarda stated yes. Well look how you would have to see it.

Board Member Bodor stated I know how you would have to see it. I...

Mr. Camarda stated you would have to walk all the way down into it...

Board Member Bodor stated yes. I understand it. I was just curious to know which one was right there.

Mr. Camarda stated right here.

Mr. Steinmetz stated SW-3.

Board Member Bodor stated thank you.

Mr. Steinmetz stated the third sheet in the group.

Mr. Camarda stated be right here.

Board Member Bodor stated and it would be the west side. The one on top. The west wall, yeah. Is that correct, the west wall.

Mr. Steinmetz stated west. Correct.

Board Member Bodor stated okay, thank you.

Mr. Steinmetz stated no problem.

Mr. Camarda stated but the only way to see that building would be to walk down that access way to pass into the site, and then get past the hook; the little bend here. And then you could see it.

Chairman Buzzutto stated in the buffer up there, there's...

Mr. Camarda stated three rows of trees.

Chairman Buzzutto stated yeah. There's tree that were natural...

Mr. Camarda stated natural, plus we're adding.

Chairman Buzzutto stated but those are big trees.

Mr. Camarda stated correct.

Chairman Buzzutto stated they're going to be left along. They're not going to be...

Mr. Camarda stated we're going to leave the natural buffer, plus add our own...

Chairman Buzzutto stated okay.

Mr. Camarda stated evergreens to it.

Chairman Buzzutto stated okay.

Mr. Steinmetz stated how about we go to the video presentation.

Mr. Camarda stated alright. Give us a moment or two, and we'll set up the video for you. It's really...

Board Member Herbst stated while they're setting it up, I'm going to take a moment.

Chairman Buzzutto stated yeah, so am I.

Board Member Olenius stated can you get behind me.

Chairman Buzzutto stated yeah.

Board Member Bodor stated we're waiting for two members to return. What do we need.

Board Member Olenius stated hey Rich, can you dim the...Can you dim the lights at this end of the room. Is it possible. That's probably good. Thank you.

Board Member Herbst stated is this the same one you presented to the Town Board a few years ago.

Mr. Camarda stated no, that was the conceptual architecture that Street Works did. Street Works is a Planning Company, not an architectural company. They give you the concept and they take that concept and (inaudible – too distant). You want me to start.

Board Member Bodor stated sorry, I (inaudible – too distant).

Mr. Camarda stated one minute. You ready. You ready. Just give me one minute, okay.

Board Member Bodor stated I may have missed a page.

Mr. Camarda stated flip the tape also.

## **TAPE ENDED**

Mr. Camarda stated okay. For your benefit and benefit of the audience, what you're going to see is a car coming down [Route 311] making a left hand turn into the center. It will take you up the entry road. The first intersection that you're going to see is where...is our truck service; A separate road for trucks servicing the center. It will make the video much better if you kind of know what you're watching. You're going to see a car coming in from [Route] 311, making a left hand turn. The first intersection you're going to come to is a separate access road for trucks that will service the stores. The first actual architectural

elevation you're going to see is right here [referring to plans]. You'll be looking right at those buildings. The car will come around and as you drive the road, you'll see the buildings. You'll continue to drive the entire ring road, come around, come to the back and now the car will start coming in front of the stores, and come all the way back through here. So it's a loop. We're coming in, we're coming up; we're going to see this front area. Then we're going to drive the ring road. You're going to see these stores from a distance. Then this one, then here. Come around and then you're going to come back here. For the benefit of the audience, I'll do the same thing for you.

Chairman Buzzutto stated are those roads two lanes or one way.

Mr. Camarda stated these are two ways.

Chairman Buzzutto stated two ways.

Mr. Camarda stated absolutely. Three lanes; we have turn lanes to get in, so you don't back up anybody, all along the ring road here. Now for the audience. You'll be coming...the car starts right here [referring to the plans]. It makes a left hand turn, comes up the hill. You'll see this intersection right here. As you see that, you're going to see the elevations of this building. Then you'll drive around and catch the corner of this building. As you're driving, you'll pass by and see the buildings. You'll see all these entrance areas. You'll pass by...You can count them; one, two, three, four. You'll come all the way down to the end, come in, you'll see Costco at the end here. Then the car turns, comes in front, and comes all the way down through. So you'll get to look from it from here and from the front. And it's very short, it's a couple of minutes. But, this was not required of this Board for me to do this, but I think in the spirit of showing you what you're getting...I can probably go to a car dealership and buy a pretty nice car for the cost of this little two minute little thing here. But I think it really shows you how everything flows. Okay. [The video was started]. [Route] 311 and now you make the left-hand turn into the entrance. Here's your first turn. If you were a truck coming in, you'd go back there. Here's your first elevation. This is not your typical shopping center. I'm very happy to build a typical one for you. Now you're on the ring road. Your access roads in. And your anchor, Costco. And then we come down towards Costco, and you make a left and you head back in front of these stores. Here's your home improvement store. A little different than your typical home improvement store. Here are now all you smaller retails. You can see how the towers and elements break it all up for people. Here's the terrace here with coffee shop, sandwich shop. And you can sit out here on your table, umbrella tables, and have a bite to eat. The tables and umbrellas, it has a nice view from up there. Every one of those features cost money. And believe, the retailers have a mindset to save money, not to spend money. This is what we view as our best work.

Board Member Burdick stated that large structure with all the windows in it, there's nothing up there. No usable space, nothing.

Mr. Camarda stated which structure.

Board Member Burdick stated one of the large structures with all...

Mr. Camarda stated oh, back on the end. No, that the entrance into Costco. That would be like where your carriages are. That's all part of the approved 146,000 square foot Costco footprint. That just gives you areas when you pull into Costco...

Board Member Burdick stated no. Like right there on the left hand...

Mr. Silverman stated Paul, I think the question is directed as to the tower.

Mr. Camarda stated which.

Board Member Burdick stated that tower...

Mr. Silverman stated (inaudible – too many talking).

Board Member Burdick stated well, the one...

Chairman Buzzutto stated the yellow one.

Board Member Burdick stated far to the left. All the way to the left on there.

Chairman Buzzutto stated the one that was the yellow one.

Mr. Steinmetz stated the first one you pass.

Mr. Camarda stated the first one.

Board Member Burdick stated yeah

Mr. Silverman stated the first one you pass on the diagonal...we'll back it up and run it through again. But they're a way to the offices and community room office.

Mr. Camarda stated here's a Costco tower right there.

Board Member Burdick stated no. That's not what I was talking about. That's not the one I was talking about.

Ms. Julia Khomut stated (inaudible – too distant) the stills and then...

Mr. Camarda stated you want to run it again. We'll run it again, you could stop as soon as you have a question, okay.

Chairman Buzzutto stated alright.

Mr. Steinmetz stated pass me the mic for one second.

Mr. Camarda stated sure.

Mr. Steinmetz stated while you're looking at it, one of the things that you need to focus on...It's great, look at the whole thing. Enjoy the whole video, but what you really need to focus on, jurisdictionally, are the couple of features that exceed the 35' plus the six [feet]. So those couple of features are really the only reasons that we're here.

Board Member Burdick stated there's more than just a couple.

Mr. Steinmetz stated yeah.

Board Member Burdick stated right.

[Video started again].

Mr. Camarda stated that's a 20' wide entry road coming in. So as you can see two lanes...Is that the one.

Mr. Steinmetz stated that's the one that she was talking about, yeah.

Mr. Camarda stated this is the...There's no space in there.

Board Member Burdick stated there's nothing up there.

Mr. Steinmetz stated open air.

Mr. Camarda stated okay, there will be a light bulb in there of some sort to give it a little look like there...

Board Member Burdick stated is there access to that area.

Mr. Camarda stated just to probably change the light bulb. No, there's not...

Board Member Burdick stated you're not going to be coming back to us at any other point...

Mr. Camarda stated no.

Board Member Burdick stated saying you want to put an office or something up there.

Mr. Camarda stated no. So you get to see most of the roofs are low. Just use these features just to give them a little more interest. There's the outside patio. There's the look of the center that gives you a perspective.

**Audience member stated** where's [Interstate] 84.

Mr. Camarda stated on the backside of these buildings. It's a perspective of the whole parking lot.

Board Member Bodor stated the outdoor eating area that you've identified, what is that looking out on, 84, or...

Mr. Camarda stated yeah, looking to the north.

Board Member Bodor stated to north.

Mr. Camarda stated yes. Or you're looking inward if you want.

Board Member Bodor stated no. I want to know what's out there.

Mr. Camarda stated you want to run it again. You want us to shut it down. It's up to you.

Board Member Bodor stated the tower that we were just referring to with all the windows, the big one.

Mr. Camarda stated yes.

Board Member Bodor stated is that the 71 [foot]...

Mr. Camarda stated no.

Board Member Bodor stated 72 [foot]...Which...

Mr. Camarda stated I'll show which one that is.

Board Member Bodor stated okay, thank you.

Mr. Camarda stated no problem.

Board Member Bodor stated what is the height of that one.

Mr. Camarda stated the one that's out here.

Board Member Bodor stated the one that we were just referring to.

Mr. Camarda stated I don't have the (inaudible – too distant).

Ms. Khomut stated 61 [feet].

Board Member Bodor stated 61 [feet].

Mr. Camarda stated if the Board thinks that tower is too big, I'll be more than happy to reduce it. The largest tower is this one right here (inaudible – papers shuffling).

Board Member Bodor stated with the...

Mr. Camarda stated Patterson Crossing sign.

Board Member Bodor stated okay.

Mr. Camarda stated there's a nice hill. I could see your point, to be honest with you. There's four windows. This one is...Let's see how much bigger this is in proportion. Looks like it's at seven windows. Maybe that can be reduced. You asked about the one that has...Actually, the only tower is in that corner, and that's where the managing office is and community space. That's in the corner.

Chairman Buzzutto stated but there will be nobody in that tower. Just...

Mr. Camarda stated that's the only...

Chairman Buzzutto stated in the lower...

Mr. Camarda stated only one tower is being used for people.

Chairman Buzzutto stated oh, I see.

Mr. Camarda stated and that has a community space in it and a managing office.

Chairman Buzzutto stated nothing retail in there at all.

Mr. Camarda stated excuse me.

Chairman Buzzutto stated in that...Nothing retail in that.

Mr. Camarda stated no. That was all approved. That was part of the DEIS and FEIS. We're not presenting anything that isn't exactly what the approval called for.

Mr. Steinmetz stated Paul, identify the tallest one.

Mr. Camarda stated yeah, we will. As we come down this road, and we get to the corner, that's where we'll see it. It is...Okay, well now we're getting into smaller stores. And it's way deep in this corner. See it back there. That's it. That has office space and community room in this deep corner here. And this is the first tower you were talking about. You can see it from this perspective, when (inaudible) height.

Mr. Steinmetz stated (inaudible – too distant).

Mr. Camarda stated 61 [feet].

Chairman Buzzutto stated is that the only tower that is that size.

Mr. Camarda stated that probably is, you know, from...I think she makes a point. Excuse me, I don't know (inaudible – too distant). I think the board member makes a point here. Maybe we can even make it a little narrower, and take a little off the top, so to speak. I'm not going to argue that it could be maybe a little shorter and a little smaller. Once (inaudible – too distant) grip. The smaller they get, the more money we save. So I'm not here to fight. It's your opinion, so it's okay.

Board Member Bodor stated that's the tall one, right. The tallest one there.

Mr. Camarda stated this is the office right here. The offices will be there. There will be community space up there. That's the only one that has a second story. The rest of them are empty shells.

Mr. Steinmetz stated Paul, that's the (inaudible) right there.

Mr. Camarda stated and here is the other side of it. And I want you to (inaudible).

Chairman Buzzutto stated would that changing that to a smaller one, would that disrupt the looks of the buildings, or...

Mr. Camarda stated Saul. I'm going to turn that one over to you, the person who is much more qualified to answer that.

Chairman Buzzutto stated you've probably got that so designed so they will be...

Mr. Camarda stated the relationship.

Chairman Buzzutto stated the relationship to the other. If you made it smaller, would that change the character of the buildings.

Mr. Silverman stated there is a relationship of course.

Chairman Buzzutto stated yeah.

Mr. Silverman stated a minor modification to...

Chairman Buzzutto stated yeah, but would it be a negative effect or...

Mr. Silverman stated would it be a negative effect.

Chairman Buzzutto stated yeah, to be smaller.

Mr. Silverman stated I'm not sure it would be noticeable if we drew it. If we drew it 51' instead of 61'. We...

Chairman Buzzutto stated I mean, I like it like it is. But...

Mr. Silverman stated so do we. But to accommodate the Board, we could.

Board Member Olenius stated is it drawn that way to balance itself with the taller tower with the office space is. Is that the purpose of the size of that. The massive...

Mr. Silverman stated when you look at the massing...

Board Member Olenius stated right.

Board Member Bodor stated yes.

Mr. Silverman stated you see what happens...

Board Member Olenius stated that's what I was seeing. That's why I asked.

Mr. Silverman stated that one goes down the slope...

Board Member Olenius stated yes.

Mr. Silverman stated as well.

Chairman Buzzutto stated I couldn't get that part of it out.

Mr. Silverman stated so it appears larger. But there will be extensive ground planting in the area also. But could we accommodate the Board and make for arguments sake, 5 feet smaller. Yes, we could.

Mr. Camarda stated that piece is a corner element. That's why...

Chairman Buzzutto stated yeah.

Mr. Camarda stated it's that big. It's on the corner. It's the Board's call.

Chairman Buzzutto stated what do you think. Does it need to be smaller. I think it blends nicely the way it is (inaudible).

Board Member Burdick stated you guys were before us in December and January. There was never a mention of the need for these height variances. Is there a reason for that.

Mr. Camarda stated sure. Absolutely. You have to do this in a certain (inaudible) so to speak. You first needed an approval to build this many square feet and to have a layout like this. So we went through a DEIS and FEIS; we got the approval to build this. Then we come to the Board and ask for a special permit, which is a very important factor in doing this. Without that factor, without the permit, we felt we should do things in an organized manor. So after we got the special permit, we knew exactly what we could do, so now we come here and we finish the architecture. Otherwise it would be presumptuous with us to come forth with a plan that doesn't have the permit. And I can tell you, there may be three months from now, the architects may find something on the building and say, you know what, we think this looks better. We may come to you three months from now and say, would you consider us putting this piece on the building. And you may say, you know what, no. We don't that. So we, you know, it's a process.

Board Member Burdick stated I understand it's a process, but with all of the highly qualified professionals you have, none of them even thought that you may need a height variance when you were before our Board.

Mr. Camarda stated I think there...We considered conceptually this, in the DEIS and FEIS, and spoke about having architectural elements in it. So we never ever hid the fact that we were going to put pieces...architectural pieces...In fact the plan, the conceptual plan, in the DEIS and FEIS, have these elements. So we've been consistent. We're just feel it's a timing thing. We get approvals one at a time. We don't want to run ahead and get this approval for a height variance when we don't have a permit to build the building yet. And I'm going to be straight honest with you. The architects may look at this in six months and say, we just like that building a little differently. And if it's a variance, we'll come to you. And if you say no, we'll build it without the variance. This is really not if we going to build it, it's how you like it. It's really your choice. We try to put our best foot forward with this in an organized way. I didn't want to do that video, quite frankly, unless I knew I had the permits to go ahead here. That video was a very expensive piece of tape.

Chairman Buzzutto stated well, you made a statement if you come before for a variance, and we disapprove it, you'll build it without the variance. I'm sure...

Mr. Camarda stated no. I'll build it...

Board Member Burdick stated no, no, no. That's not he said.

Chairman Buzzutto stated that's what he said, isn't it.

Board Member Burdick stated no. He would...He can build it without the architectural...

Mr. Camarda stated without the features.

Board Member Burdick stated without the features.

Chairman Buzzutto stated you can check, he said without the variance.

Mr. Camarda stated no, I wouldn't build...

Board Member Burdick stated without the need for a variance.

Mr. Camarda stated whatever I ask you for, if you don't grant the variance, I can't build it that way. Period.

Chairman Buzzutto stated I'm sure you're referring to the original, instead of the...

Mr. Camarda stated we could make this center...

Chairman Buzzutto stated yeah.

Mr. Camarda stated right now comply with all the heights, without a variance from this Board.

Chairman Buzzutto stated okay.

Mr. Camarda stated we just take the center, and we just clip all the towers off. We're only asking the Board...

Chairman Buzzutto stated yeah, okay.

Mr. Camarda stated what do you think.

Chairman Buzzutto stated that's okay. Alright.

Mr. Camarda stated I don't know if the public has anything.

Chairman Buzzutto stated yeah. Alright, I'm going to take things from the audience. Now I'd rather not have any cross talk. If you have anything to say, come up to the microphone, give your name and just keep it, you know, not too long. You come up to the mic. Well, you want to take the mic out. Well, alright, go ahead. You come up first.

Mr. Camarda stated bring the mic to him.

Chairman Buzzutto stated yeah. You can bring the mic to him.

**Fran McCarthy stated** hi. I've never spoke in front of anybody before.

Chairman Buzzutto stated okay.

**Fran McCarthy stated** I'm a little nervous. I'm with the fire department and...

Board Member Bodor stated can we have your name and address please.

**Fran McCarthy stated** I'm sorry. My name is Fran McCarthy.

Board Member Bodor stated alright.

**Fran McCarthy stated** I'm with the fire department and I look at this and say...

Chairman Buzzutto stated fire department of...

**Fran McCarthy stated** Lake Carmel Fire Department.

Chairman Buzzutto stated Lake Carmel. Okay.

**Fran McCarthy stated** who is closer to this project than Patterson is. Patterson is quite a distance away. And I look at this and I just see more danger for our volunteer firefighters. The higher they are... We don't have a ladder truck in Lake Carmel. So for us to come to a scene of something, alright, we have mutual aid. Many departments come in. But the first on the scene is going to be Lake Carmel if it's a structure fire.

Board Member Herbst stated not always.

**Fran McCarthy stated** and the higher the building... Did somebody say something.

Board Member Herbst stated not always. Patterson's right there. Patterson is on Farm-to-Market... No. Bullethole Road. They have a station right there.

Chairman Buzzutto stated they have a...

**Fran McCarthy stated** daytime is a problem with manpower getting out a lot of departments. But that's one of our things. So if we have a problem with that, okay. Part of the problem is if you have a structure fire you have to go to the top part of the building and you have to vent so that these gases that go up to over 1000°, they'll explode and hurt the firefighters. I see all this added height as more of a danger to the firefighters. I don't like the extra height because even going above two stories is not good. And that's one of my concerns. The other one of my concerns is do they have elevators in these buildings, these two story things.

Mr. Camarda stated there's only one small structure that...

Board Member Bodor stated could you... Paul, could you speak into a mic please.

Mr. Camarda stated sorry. There's only one tiny area of the entire center that you need an elevator and that is right in that corner. You (inaudible) need it's one story up. I guess for handicapped access, we have to provide handicap access. But this is the only two-story true structure here; is this little tiny area in the corner. Everything else...

Board Member Herbst stated it's hard see the way he...

Mr. Camarda stated you walk in, you walk in right off the ground here. So that's the only place. You can see the dotted line [referring to plans]. The plan says Management Office Space and Space Meeting Rooms Second Level. Okay, that the only second...

**Fran McCarthy stated** I've been an EMT for over 26 years and carrying people down...Okay [referring to using the mic]. Carrying people down two flights of stairs is really a problem, and that's why elevators is so important. So if you're going to go to three stories, you know, for the firefighters, and you're going to go to two stories without an elevator, I see a lot of problems with EMS also. So, that's my main concern.

Chairman Buzzutto stated well, I believe the original buildings have been approved. Right. There's just if the cupolas on there...

Mr. Camarda stated yes. There's no occupancy in these towers.

Chairman Buzzutto stated right.

Mr. Camarda stated but there is a second story right there. The lady is correct. It's been on the plan since the first day I've been here, off of community space. And quite frankly, we may just need to put an elevator in because otherwise I'd definitely have to make it handicapped accessible...

Chairman Buzzutto stated right.

Mr. Camarda stated so I may be putting in an elevator there because it would serve two functions. It would serve a handicap access and it would make easy access for everybody there. So, that is something we will definitely consider and we'll (inaudible) we can...I'll tell you what. I'll commit to it right now.

Chairman Buzzutto stated now...

Board Member Bodor stated well, the reality of it...

Mr. Camarda stated we have the space for it.

Board Member Bodor stated you're calling it a community...What'd you call it. A community room.

Mr. Camarda stated yes.

Board Member Bodor stated okay. And what would the meaning of that...What would it be for. It would be for the community to be able to have a meeting there.

Mr. Camarda stated sure.

Board Member Bodor stated if that's the purpose of it, you would need to have the handicap access, so...

Mr. Camarda stated absolutely. Maybe the arts group wants to do a little...

Board Member Bodor stated right.

Mr. Camarda stated exhibition or some art. We can do it right there. It would be a nice place to put them.

Chairman Buzzutto stated why do all of the elevators say in case of fire do not use elevators.

Mr. Camarda stated that's very true. (Inaudible – too many talking).

Board Member Bodor stated that's right.

Chairman Buzzutto stated do not use elevators.

Board Member Herbst stated in case of fire, you don't use the elevators.

**Fran McCarthy stated** but I also see with the higher towers, they've got lights in them. I don't live behind them, but I feel sorry for the people then. If they've got lights in those high towers, it's going to shine into Concord Road. I guess Concord Road is the road behind it. I feel sorry for them.

Chairman Buzzutto stated I don't think they're going to shine there because it's going to be a different type of lighting.

Mr. Camarda stated it's going to look like...

Chairman Buzzutto stated it's going to be a glow type...

Mr. Camarda stated if you saw a house on a hill. We don't want the lights to shine out. I mean, we just want to have the feature. Have a little glow to it, so it looks like there's something there, and not just a dark window. It's not made to look like we're trying to shine a spot light up there. We're not doing it.

Chairman Buzzutto stated yeah.

Mr. Camarda stated also, just so you know, the towers have sprinklers.

**Fran McCarthy stated** are what. Sprinklers.

Mr. Camarda stated there's a sprinkler system inside the towers.

Chairman Buzzutto stated okay, fine.

Mr. Camarda stated that was just brought to my attention. I'm sorry.

**Fran McCarthy stated** but that...I just did not like the height with the volunteer firefighters.

Chairman Buzzutto stated well, the height is only many more feet than what is there.

Mr. Camarda stated they vary.

Chairman Buzzutto stated yeah. But it's not that much.

Board Member Bodor stated it depends on which tower you're talking about.

Board Member Burdick stated some...The one is 71' tall.

Mr. Camarda stated there's one that is. But that's measured...

Board Member Burdick stated one that's 71 [feet], one's 61 [feet].

Chairman Buzzutto stated yeah.

Mr. Camarda stated just one is 71[feet]. That's measured from the lowest point on there, so it's a tough comparison.

Chairman Buzzutto stated thank you very much for your input.

**Fran McCarthy stated** thank you.

Board Member Bodor stated thank you.

Chairman Buzzutto stated it's very helpful. You want to bring the mic over the gentleman there with the...

**Ray Monaro stated** my name is Ray Monaro. I'm a resident of Lake Carmel. I'm appalled and outraged by the fact that you gentlemen up here and you gentlemen here, can present something so ludicrous as this and actually take it seriously when just before they entered here, you had in front of you a gentleman that presented his small little piece of territory that he wanted to develop on [Route] 22 and it was an eyesore, and, you know, the sign display and everything else. We're going to have this smack dab in the middle of Lake Carmel with traffic, noise, explosions, steam shovels, chainsaws, and everything else that's going to abuse our peace of mind and our quality of our life. And it's going to go on for years...a couple of years. And then trucks, and everything else added to it. Pollution. The enormity of this project. And then these guys here have the nerve that this architecture is indigenous to the environment when all we have in that environment is little bungalows. Where do we have towers like this. Where. Where do we have structures at this size. Tell me that. We have a lake, we have small homes, we have little roads, two lane highway on [Route] 301...[Route] 311 rather, with trucks coming in and out. And these guys are going to be making an enormous amount of money. We heard the same bullcrap when we talked about the project that went on Stony Avenue called the Retreat. Oh, it's going to be beautiful. It's going to be oh, a lovely site. That was Mr. Camarda's words, it's going to be beautiful. Go up there now. Go look on [Route] 6 and look at what they did to that hill. The trees that were cut, all of the...When you look at the architecture, there were going to be all these trees and all these wonderful observing things, then you're going to say. Look at it now. People go through in there and they are shocked out of their mind. Just ruined the quality of life. I mean, the entire Town of Carmel. This will do the same thing to Lake Carmel. The fact that this being reviewed and approved, or at least being considered, the fact that it is put away in Lake Carmel. Put it in Patterson, you people wouldn't be here. You people would have this shut down. There are people from all over Patterson that would be here in arms, outraged at this. Thank you.

Board Member Bodor stated thank you, Sir.

Chairman Buzzutto stated thank you very much. Appreciate your input.

(Audience Applause)

**Tom Maxin stated** good evening. My name is Tom Maxin. I'm from the Town of Kent. I'm the Chairman of Highlands Preservation, a nonprofit organization dedicated to preserving historic and prehistoric sites in the Highlands area and to maintain rural character of Putnam County. On numerous

previous occasions, we have commented on the obvious shortfalls of the proposed Patterson Crossing Project. The devastating consequences these issues will create for the people of the Town of Kent. For the aesthetic jewel of our community known as Lake Carmel and for the overall quality of life for all in the surrounding area. Patterson's previous approval of the FEIS constitutes a dramatic life changing event for everyone who lives in the shadow of this monstrosity and for anyone who has to drive near it. The Town of Patterson has chosen to ignore the devastating impact of this project of the water quality of Lake Carmel and the explosion of traffic on the surrounding roads which will lead to conditions like those seen along Route 6 in Jefferson Valley, where drivers must wait for three changes of the lights to get through the area. The Town of Patterson has also chosen to ignore the historical record of previous ownership of this property, by one of Patterson's and Kent's most prominent citizens, Judge Daniel Kent, a jurist on the Court of Common Pleas, and a member of the New York State Assembly, along with his offspring. Of course these are members of the same family of Kent's for whom the Town of Kent is named. As of all of this is not enough, now the Zoning Board has been asked to issue a variance on the preexisting 35 foot building height limitation, thus expanding this height limitation by more than double the original limit. If approved, this would create an extremely negative view scape from the surrounding hills in Kent and Patterson. These structures will be visible from the Maynard Corners area of Kent, from the Terry Hill section of Kent, from the Townsend Ridge area of Kent, from the Mooney Hill area of Kent, and from Mount Ninham of Kent. Also, the views of those in the Bear Hill area, including residents of both Kent and Patterson, will also be spoiled. All in all, we're talking about impacting the view of thousands of local residents; people who always assumed that the common sense restrictions on building height, would be enforced by the local regulatory bodies. The Town of Kent's 2008 revised master plan identifies these view scape issues as being of great importance in terms of maintaining our rural aesthetics. The destruction of scenic views has profound impacts on the social and economic wellbeing of the community. No one can place a price tag on the value of our scenic views. These glow-in-the-dark towers will even be visible at night. So what will it take for the Patterson...The Town of Patterson to recognize the rights of all those who are impacted by this project, rather than purely focusing on satisfying a Connecticut developers attempts at making a financial killing in the real estate market. At what point will the Town of Patterson consider the devastating impacts to the local community rather than just appeasing the developer's whims and wishes. At what point will the Town of Patterson begin acting like a good neighbor to the people of Kent, the same people who came to Patterson's defense 20 years ago when a giant landfill was proposed on your (inaudible – audience too loud).

(Audience Applause).

**Ann Fanizzi stated** right.

**Audience member stated** that's right.

**Ann Fanizzi stated** that's right. That's right.

**Audience member stated** yeah.

**Tom Maxin stated** we request that the Zoning Board stand firm on the existing height limitation, a limitation that was established for very good reasons, to protect the surrounding community from the profound impacts caused by oversized, unsightly structures. Please act in support of those whose lives are being permanently impacted by your decisions on this project. Thank you.

Board Member Bodor stated thank you.

Chairman Buzzutto stated thank you.

(Audience applause).

**Paul Spegal stated** Paul Spegal. Town of Kent. It came to my attention before, you know, the zones and codes and some of the laws that we have in affect in Patterson and in Kent are in place, actually, to protect our neighborhoods, to protect our communities, to protect our residents. And I know that in a residential section, if I were to build a deck that was out of scope of what was the law...permitted, I would be required by my town to go to my neighbors and get permission for a variance for such a violation of any codes I hit. My question to the Board, if you know or maybe you don't, will the neighbors that are around Patterson Crossing, particularly those who border directly on Patterson Crossing, be notified and will their opinions matter at all on this.

Chairman Buzzutto stated I don't quite understand what you mean by will they be notified. For what.

**Paul Spegal stated** if...

Chairman Buzzutto stated go ahead, continue.

**Paul Spegal stated** if a variance is required...This variance that Mr. Camarda is requesting is doubling the height allowance of these buildings. Now, in a residential setting, if I were to build something that was out of scope with the codes in my town, I would be required to go to my neighbors to make sure that they were in compliance with my variance. Are the same laws...You're shaking your head. Maybe I'm wrong. I'm...

Board Member Herbst stated you're wrong.

**Paul Spegal stated** I'm just saying, are the neighbors that are affected, directly affected...

Chairman Buzzutto stated they would be notified that there will be a hearing on your variance.

**Paul Spegal stated** okay. So they've been notified about this...

Board Member Bodor stated yes.

**Paul Spegal stated** hearing then.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes.

**Paul Spegal stated** okay. That's what I...

Chairman Buzzutto stated everybody's been notified...

Board Member Burdick stated in (inaudible – too many talking) with the permission. You don't get permission. It's a notification process.

Chairman Buzzutto stated it's a notification that you come here and express your views. It's definitely that. But they will...or they were, everybody here...

**Paul Spegal stated** Town gave notice in accordance with the zoning ordinance...

Board Member Burdick stated yes.

Chairman Buzzutto stated well, yeah.

**Paul Spegal stated** that everyone required under the zoning ordinance.

Board Member Burdick stated yes.

Chairman Buzzutto stated yeah. It's a must.

**Paul Spegal stated** I'm not on that border, so I didn't know.

Chairman Buzzutto stated no. Okay, fine. Thank you for your input. Do I have any...

Board Member Bodor stated anyone else.

Chairman Buzzutto stated there's a lady back...

Board Member Bodor stated please come up.

Chairman Buzzutto stated there. Will you please come up then.

**Ann Fanizzi stated** my name is Ann Fanizzi and I chair the Coalition to Conserve Open Space and...

Chairman Buzzutto stated just take right it out if you can.

**Ann Fanizzi stated** yeah.

Chairman Buzzutto stated it won't stay in there. Okay.

**Ann Fanizzi stated** it will stay. Tonight I felt it was déjà vu all over again. I had been at Mr. Camarda's other presentations. Mr. Monaro mentioned what was later called the Retreat. Well, we were entertained by some similar presentations. Very slick, glowy, and needless to say, our expectations were not met. They were dashed. There was wreckage and destruction that has occurred in Carmel with the... There's a block on that town. I think that some of you may have been there, may have seen. You do not want to have the responsibility of doing that again because that's what has to happen. What has to happen in order for this project to go through is for the same thing that happened on Stonley. Complete deforestation. You can see the trees. I saw the trees too on Stonley. Well, you can see maybe ten trees. The rest of them have retaining walls. With the DEP coming in and having to make 123 inspections of erosion and sedimentation. These are not... These are problems that you're going to have to face. In addition to the blasting and addition to the callous disregard, and I'm not saying that you are callous. You are just the government agencies that have been charged with making a decision. But you have to make a decision that is based on your code. On your master plan that I have here. I went to the library today and looked up our master plan. It's not dissimilar from that of Kent. It wasn't dissimilar from that of Carmel or Southeast.

It's the same thing. People who came to these communities wanted the same thing. They didn't come here because they were going to have a hillside destroyed or towers. They came because they would provide the peace, the tranquility and safety for their children. They came because we're simple people. We're not complicated people, we're simple people. And they wanted the simple enjoyments of life. Maybe the corner store. Maybe a convenient center. Yes. Yes, that is needed. Sure. But they never came for this. And I want to say this to you. Would you permit this in your backyard. Think. When you open up the door, would you like to see a six foot wall of whatever. No, I don't think so. Would you like to look down on a 2,000 car parking lot. I don't think so. Would you like to see towers. I don't think so. Your code protects this Town. And Mr. Williams came up here and I said, ah ha. The slippery slope. Mr. Camarda would never come up with the towers or the turrets or whatever he wants to call them, unless this building first had 45' tower. And now he comes and says, well, on some of them they're going to be seventy...double the amount of your Code. Of your Code. Are you abolishing your Code. Who's going to come up next and say, well wait a minute. Your town hall has this and you permitted Mr. Camarda to do this. What's the wrong with me. And maybe instead of architectural features, they'll think of something else. This is a slippery slope that will change as Mr. Monaro said, in character, and Paul and others. That will change the character of this community. And it will be imperceptible. You won't even realize it. Little by little by little. There. Do you want to render your Code useless. I believe in codes. I believe in laws. I was a school marm. Believe me, I was a very strict school marm. I believed in the rule, okay. And so I'm asking you to uphold your Code. These are architectural features. Well what architectural features. They're going to be...There's going to be a sign over there that says Patterson Crossing. These are not features just to make things pretty. These are features for visibility from the highway, so that people will see it. Just like the Home Depot. Just like Brewster Highlands. It's not any different. And the lights that you can see from Brewster Highlands can be seen all the way to Lake Tonetta, Brewster Heights, and every where. All the way...all the way around. So don't let anybody, you know, try to fool you. That will happen. But it won't happen to you. It will happen to the people on Concord [Road]. It will happen to your neighbors. These...Our neighbors. We're all residents of Putnam County. And we should treat each other as we would want to be treated. I would not want this in your neighborhood. Now, what I feel you will be doing, in effect, is rewriting the code. You may so no, you're not going to do that. Yes you are. Little by little you will rewrite this code. As you all know, and I don't have to tell you, if you want to rewrite the Code, then it's not your duty to rewrite the code. Let the Town Board rewrite Code, or the Planning Board. Your duty is to uphold the code. And perhaps give some reasonable variances. These are not reasonable variance. Not at all. Not at all. Next, I saw the parking lot. Maybe this is not a subject for tonight, but I saw the parking lot. And we make so much about architectural niceties. Well, there are parking lots and there are parking lots. I did not see anything creative or innovative about the design of this parking lot. And there are creative and innovative ways to design a parking lot. The other thing I would like to inform the Board is the following: Through no fault of anyone, okay, I today did make a FOIL. I FOILED for the application. When I looked through the file, I did see the letter from Mr. Zarin and Steinmetz, the attorneys. I asked that that letter be copied. It could not because of the workload of the secretary and the absence of the other. Therefore I want to ask this Board to please give us 10 days to review, again, the file, and to write written comments. Thank you very much.

Chairman Buzzutto stated I just want to straighten you out. We, as a zoning board, do not act the way I think it should be done or not. We can't do that. My opinion might be no, but we go by codes...

**Ann Fanizzi stated** exactly.

Chairman Buzzutto stated as set forth by us which we could allow the applicant to do things.

**Ann Fanizzi stated** right.

Chairman Buzzutto stated if he meets those requirements, it's in the codes...or in the laws that we would have to approve it.

**Ann Fanizzi stated** right. I think I tried to...

Chairman Buzzutto stated we don't set those laws.

**Ann Fanizzi stated** yeah. I thought I did make that clear. But this applicant wishes a variance from the Code.

Chairman Buzzutto stated that's right.

**Ann Fanizzi stated** a very large variance from the Code.

Chairman Buzzutto stated and if he meets the requirements that he could get that variance, then we can't deny it. We're bound by the code books what we can do.

**Ann Fanizzi stated** I have yet to see, at least, the meeting of any requirements by this applicant for the variance.

Chairman Buzzutto stated and there's nobody on this Board can say I'm going to deny it because I don't like it.

**Ann Fanizzi stated** no, but you...

Chairman Buzzutto stated we can't do that.

**Ann Fanizzi stated** no, but you can deny it because it does not meet Code. End of story, right. That's all.

Chairman Buzzutto stated no. It don't work that way.

**Ann Fanizzi stated** well, I mean...

Chairman Buzzutto stated well, thank you for your input.

**Ann Fanizzi stated** thank you very much. I appreciate it.

Chairman Buzzutto stated okay. I appreciate your input. It's very helpful. Anybody else to would like to...

**Ann Fanizzi stated** I'm sorry, Mr. Buzzutto, I did ask you question and it was at the end.

Board Member Bodor stated could you use the microphone please.

Chairman Buzzutto stated yeah. It's got to go into the...

**Ann Fanizzi stated** yeah. Because of the circumstances that I described to you, and because of my inability to review carefully the letters that were in the file that I noted, that I made a due...a FOIL, I'm asking that some additional time be given so that I can...

Chairman Buzzutto stated well, you came here for files today or something.

**Ann Fanizzi stated** yes. I came...

Chairman Buzzutto stated it was sort of in an untimely type of...lunchtime, and workload, and they just couldn't get to it then.

**Ann Fanizzi stated** I understand that.

Chairman Buzzutto stated okay, fine.

**Ann Fanizzi stated** but in order for, which I will say the "I's" to be dotted and the "T's" crossed...

Chairman Buzzutto stated right.

**Ann Fanizzi stated** I'm asking your indulgence so that we can review the file, especially where it contained a letter from an attorney.

Chairman Buzzutto stated thank you...

**Ann Fanizzi stated** thank you.

Chairman Buzzutto stated very much. Do you want to say anything.

Mr. Steinmetz stated is there anybody else from the public.

Chairman Buzzutto stated alright.

**Lorraine Major stated** hi. My name is Lorraine Major and I live in Patterson. I teach...

Chairman Buzzutto stated can you wait just a second [train was going by].

**Lorraine Major stated** okay. And I've been to a few of the meetings and I'm thinking a little bit opposite from some of the people here. I'm thinking...

Chairman Buzzutto stated sorry, where do you live in Patterson.

**Lorraine Major stated** I live down on...

Board Member Herbst stated Cornwall Hill [Road].

**Lorraine Major stated** Cornwall Hill Road.

Chairman Buzzutto stated okay.

**Lorraine Major stated** off of Cornwall Hill Road.

Chairman Buzzutto stated fine.

Board Member Herbst stated right.

**Lorraine Major stated** and I'm thinking of the jobs that are going to be created and at a time when we do need jobs. I'm thinking of families who have to travel to Connecticut to work at the Danbury mall. I'm thinking of...Excuse me [referring to the audience talking]. I'm thinking of going shopping in Connecticut and leaving my money there. I see cars from Connecticut now coming to where Kohl's is and Home Depot, and I'm thinking that it would help us to have money coming our way. I'm also thinking that I've seen plenty of buildings go up that I say are horrible that builders took no consideration for the environment. And I'm looking here and everything I can tell, a lot of consideration has been put into the environment. I also know that it's hard when something is built close to your property, but I also know that sometimes when you purchase land, that you're aware that you're next to something that possibly could become commercial. I'm also thinking about the Retreat in Carmel, and I know whenever you build anything it usually takes a time of mess and noise to in order to get to something that is functional and possibly beautiful. I know that...I know people who have moved in there and are very happy because some couldn't afford their homes and because of the environment, had to make decisions and didn't want to move far away and were delighted, and are delighted, that they have a place here and they didn't have to leave this part of the world. So there are, you know...it's...I've heard a lot of things against it, and at all the meetings I have, but I also know that there are people that have a different point of view. And I think we have to respect each others views, not just our own.

Chairman Buzzutto stated thank you very much for...

Board Member Olenius stated thank you.

Chairman Buzzutto stated your input. Anybody else would like to...words. I see none. Would...

Mr. Steinmetz stated do you wish to close the public hearing before my...I put in my remarks.

Chairman Buzzutto stated well, if I close the public hearing, then nobody will be able to speak again, so it...If you've got something to say, you have to say it now. Alright. I'm going to make a motion to close the public hearing.

Board Member Herbst stated I'll make a motion to close the public hearing.

Chairman Buzzutto stated alright. Can we get a second on that.

Board Member Herbst stated I'll second.

Board Member Olenius stated he did the same motion. Were you seconding him. You didn't listen...

Board Member Herbst stated you make a motion.

Board Member Olenius stated he made a motion.

Chairman Buzzutto stated I made a motion.

Board Member Herbst stated then I second it. Okay.

Chairman Buzzutto stated alright. Can you call a roll on that.

The Secretary called roll.

Upon roll call:

Board Member Bodor	-	no
Board Member Burdick	-	no
Board Member Olenius	-	yes
Board Member Herbst	-	yes
Chairman Buzzutto	-	yes

Motion passed by a vote of 3 to 2.

Chairman Buzzutto stated alright, the public hearing is closed. You want to say something now.

Mr. Steinmetz stated just a couple of very brief comments. Just in conclusion, it's almost unusual to represent an applicant who's asking for a variance that does not really ultimately end up working toward the bottom line for the applicant. Most commercial variances are to expand square footage of retail space or expand any area where you needed to show; parking spaces. Here, the sole purpose of this presentation tonight, the sole purpose of our application, is to do something to improve what is already permitted to be developed in this zone. It's already...we've already closed out the SEQRA review process. There will be, ultimately, a final site plan approval on a retail shopping center. So the only issue before you is one purely of limited aesthetics in less than 5% of the area. So there were a lot of interesting comments tonight that go to issues completely outside the scope of why we're here. And, just addressing a couple of Ms. Fanizzi's comments, people frequently don't fully understand what a zoning board is here sitting as. And I think the Chair indicated it accurately. You are statutorily granted the authority to grant variances. You sit, as a board, solely because people are frequently adversely impacted by your zoning Code. The law says there is nothing wrong with somebody coming to you saying, I'd like you to grant me a variance. So, for anyone to castigate, or scold Mr. Camarda for coming forward and asking for a variance, is missing the point of your authority under Section 267(B) of the New York State Town Law. You're here to grant variances. Having said that, I just want to remind you that the site is zoned for a retail center. The comprehensive plan of the Town of Patterson calls for commercial and retail uses, particularly along the I-84 and [Route] 311 corridor. There's nothing inappropriate as a matter of sound planning or sound environmental practice associated with the development. We're here because there are something between 15 and 20 architectural features which exceed a height limitation in your Code. We hope that as a result of the presentation of the cross sections. You can see that there are no empirical data presented to you, that there is an advert visual impact to neighbors, to Route 84, to Route 311. We took you through the video presentation because we felt that that would really bring the site to life. The power is yours. As Mr. Camarda said, if there are some features that you would like to see scaled back, other than some minor soft cost expenditure, in the end, it would work to the financial benefit of Camarda Realty. We've designed what we thought was most appropriate. Mr. Silverman and his staff spent a great deal of time working off of the design concept that the Planning Board reviewed a long time ago as part of the Environmental Review...

The Secretary stated hold on [tape was going to end].

**TAPE ENDED**

Mr. Steinmetz stated the design concept was part of the FEIS. It was analyzed in the appendixes. It was before your Planning Board. So, what's already been designed here is consistent with the Environmental Review that's been completed. We would ask you to move forward with tonight's application. We're happy to discuss the proposed resolution that you have in front of you. There were a few comments that we've got to make sure that the resolution is clear; that's it's not allowing usable square footage to be increased for retail space and I don't believe that language is in the resolution, and I think you want to make sure that my client is not asking for height variances to put in more usable retail space. I think you also, as a result from some of the comments tonight, want to make sure that this is not habitable space other than that area that Saul explained would be the community center and the management offices of that one tower. And the only other thing that I believe is not in the draft resolution, and Mr. Williams could speak to this, on April 2, your Planning Board sat and reviewed this entire matter and they did, as a board, conclude that the variance should be referred to your Board and they recommended in favor of the variance being granted. Rich was at that entire meeting and certainly can speak to it, but we thought it was important that the resolution reflect the fact the Planning Board did refer it to you with a positive recommendation. All that having been said, our presentation is complete. If you've got questions for us, if you've got questions for the team, if you have suggestions, we're happy to entertain. We are most anxious to move forward with the project and we think that this Board and the entire Town will be proud.

Board Member Burdick stated did you just say 15 to 20 elements that will require a variance. Because correct me if I'm wrong, it looks like there's 23.

Board Member Bodor stated there's 23.

Mr. Steinmetz stated I think it's actually 19 features and 4 walls. The four walls are not elements, they're actually as Saul explained earlier, because of the topographic conditions adjacent to Buildings E and F...

Board Member Burdick stated yes.

Mr. Steinmetz stated Buildings E and F can't be built as two-story buildings without a height variance simply because the topography behind the buildings drops off. It's still a two-story building, but because of the topography, we end up in a building height 9 feet in excess of the 35 feet.

Board Member Bodor stated the documentation that you have given us, under the column Various Required, there are 23 of them that are noted there.

Mr. Steinmetz stated right. Four of them are, I believe...

Board Member Burdick stated but he's saying four are pertaining to building.

Mr. Steinmetz stated exactly. Four of them are building walls...

Board Member Bodor stated but there's...

Mr. Steinmetz stated nineteen of...

Board Member Bodor stated yes.

Mr. Steinmetz stated nineteen of them are other.

Board Member Bodor stated but there's still...

Mr. Steinmetz stated twenty-three in total.

Board Member Bodor stated I must say to you that the...I like the looks. I commend the architects for the renderings and the...what you've done. I think the towers are important to break that line. I'm concerned about the two larger ones. The bulk of them and the excess height. If they, in my mind, could...I would be more comfortable if they could come down a bit. I don't want to see them gone completely because they need to be there. Aesthetically, it makes it more pleasing. And the way the different shops, the facades are designed, is very pleasing. But as I said, my concern is those two large...They shouldn't be the same size as the others, there should be some differential because of where they're located. But I just think they're too massive.

Mr. Camarda stated I would agree with you especially on the tower (inaudible – too distant). Because it sits at the end and more...It's a little bit naked in the corner. So I think we could reduce the size of that because it sits there naked. The other one sits in between two buildings. And although it's a bigger variance, you have to understand we're measuring it from the backside. It's actually 25 foot less than the variance if you are standing in front of it in the parking lot. So that's really a misapplication here and it's really not being fair to what we're doing here. We're measuring it from the back instead of the front.

Board Member Bodor stated but it's got that...

Mr. Steinmetz stated the Code requires that we measure it in worst spot; in the back.

Board Member Bodor stated right. But it's got that bulk still.

Mr. Camarda stated we will see, and I promise you, we're going to look...I agree on the ends. I will (inaudible – too distant) and I will look at the one in the center also; taper it down a little bit. Okay, remember that does...that is the only element that does have inhabitable space. So let's see if we can trim it down.

Board Member Bodor stated that would be my desire, personally.

Chairman Buzzutto stated that would be mine too. Okay, so...

Mr. Camarda stated what we could if you want, after talking with counsel here, is you could grant the variance on the towers with exception of the two towers that may be some concern with. I will promise you that we will be back, you know, (inaudible – too distant) and we'll take a look at redesigning it. Everything takes some time though. You just don't create these things over night. And we'll come back and look at those two tower elements. Isolate it from the rest and we'll show you what we can do. At least it would allow us to continue our architecture on 90% of the center, and we'll work on those two tower elements.

Mr. Mangone stated I believe with all due respect to the Applicant, it's been submitted...

Chairman Buzzutto stated you want...Sorry. You want to come up and talk into the mic. I'm sorry. Your name, just for the record.

Mr. Mangone stated Anthony Mangone, counsel for the Zoning Board. I think with all due respect to the Applicant, it's been submitted as one application, put before you as one application, so I don't think you can bifurcate what you're going to grant this evening with respect to certain towers and not to in respect to other towers. So if there's going to be a modification to the plan to reduce the size of certain towers, I think the applicant's going to have to come back before you with those changes so that those variances can be presented to the Board.

Chairman Buzzutto stated you mean all on one variance.

Mr. Mangone stated all within the same application.

Chairman Buzzutto stated all within the same application.

Mr. Camarda stated would the Board entertain us and give a few minutes right now, and looking at the size of those towers right now and design around them. Just (inaudible) bite the bullet here a little bit, so if you want, we'll look at them right now if you give us just a minute or two, and we'll come back to you and say we'll increase it by so much. Reduce the height. We'll reduce this. We'll (inaudible – too distant).

Board Member Burdick stated personally, I mean I don't want to give you the impression that that's the only problem I have with this. I have a problem with the amount of these that are requiring variances. I'm concerned about the view sheds, even though your drawings, you know, you don't seem to think it's going to be a big impact on the neighborhood. I have a real problem with the number of elements that are requiring variances.

Mr. Camarda stated we're here to listen.

Board Member Burdick stated well, I just don't want to give you the impression that that's my only concern so...

Mr. Camarda stated that's fair.

Board Member Burdick stated but I'm only one person on the Board.

Mr. Camarda stated do you have an idea, we have 19 tower...

Mr. Steinmetz stated 19 features, 4 walls.

Mr. Camarda stated 19 features, 4 walls. Some of the features are not very big variances. You can see the difference. You look at these, they get very tapered at the top. These are smaller but they have more this look...but they're much smaller. How many features do you think would be necessary to create this. If 19 is not the answer, I'm just curious if you have a number in your mind.

Board Member Burdick stated I'm not here to...I'm not an architect. I'm not here to negotiate. I would love if you could build this without requesting any variances to be honest with you.

Mr. Camarda stated we can. And I'd be very happy to do it.

Board Member Burdick stated and I'm sure there's a way to do it with...Again, I'm only one person on the Board. I'm sure that the architects have a way to do it, to make it look nice without having to have these huge structures.

Mr. Camarda stated let me just say this to you, and I'm not (inaudible) to debate with you, but if we were to do it without a height variance, I believe you would look at it and say no. It looked like they were on to a good idea, but they either ran out of money or they just didn't want to spend the money to do it right. So what you're going to get is design elements that aren't big enough to make any impact. And we've seen that on buildings. You see (inaudible) when it's...oh, it's just a poor representation of what that should be. So if you don't have any scale to it, you're going to lose it. Believe me, you save my company money. I'm just being very honest.

Board Member Burdick stated I'm just one person on the Board, so, you know, do what you feel that you need to do. I'm just telling you I don't want to see...

Mr. Camarda stated you're (inaudible – too many talking).

Board Member Burdick stated you guys go through, you know, a redesign of something while you're sitting here just...

Mr. Camarda stated no, well, you can't...

Board Member Burdick stated to get me to change my decision.

Mr. Camarda stated okay. But you can't...What I'm saying is you can't (inaudible). It's either...It either has some scale to it, or it comes off as very tic tacky. It almost looks like a building in Disney World, okay.

Chairman Buzzutto stated now, if you say you can do it without variances, that would make that...take them out completely.

Board Member Burdick stated well, that's what he's saying. They're saying that they need that varying introspective to...

Chairman Buzzutto stated that there's no variances. You couldn't put any of those up.

Mr. Camarda stated right.

Mr. Steinmetz stated what she suggested was she might not want to support any variances and Mr. Camarda has made clear that he could build it with no variance request...

Chairman Buzzutto stated but then you go back to...

Mr. Steinmetz stated but we would eliminate all the features. So, Mr. Chairman, what would be useful for us, and in particular for my client, is to get a sense...Again, with all due respect, it's just one person's opinion, and she was candid about that, I think we need to know, even if it's an informal initial straw pole of the Board, whether the Board supports the notion of having the architectural features that have been designed by Mr. Silverman and approved by Mr. Camarda to be built, or whether we're eliminating them.

And if not, if there's something along the way in between, because we've got a design; we've spent a lot of time and effort and as he explained, a lot of money on the presentation. The ball's in your court and really need feedback from the Board.

Chairman Buzzutto stated well, I guess the one that Mary was talking about was on Building E, that would be the first one to downsize.

Mr. Steinmetz stated right.

Board Member Bodor stated I know which two I was concerned with.

Mr. Steinmetz stated you were concerned about the 61 [foot] and the 71 [foot].

Board Member Bodor stated yes.

Chairman Buzzutto stated yeah.

Mr. Steinmetz stated and are you able to give us...What I think Mr. Camarda and Mr. Koelsch were suggesting the possibility of there is a way of suggesting it's 5 feet too tall. You would approve a variance of 32 feet...

Board Member Bodor stated I'm not going to commit to what I would approve.

Mr. Steinmetz stated okay.

Board Member Bodor stated I'm going to ask you right now to go back to the drawing board and make some alterations in perhaps all of these. Not rework the whole plan. But alter them a bit. That's what Marianne is saying. And I'm inclined to agree. I'm concerned about those two massive ones. Those are the ones that hit me. My background happens to be, along the way, in art. Okay. So I'm looking at it from aesthetic angle here. The painting, the job, the colors...coloration and also the style. And those are bothering me when I look at it. So those are the ones, you know, that are really slapping me in the face. As far as the others, do we need all of them. Maybe they don't...you don't really need all those towers. I'd like to see someone rethink it. Not me. This is not my field. I'm not an architect. I didn't do the designing. Again, that's coming from me personally, and I'm not going to tell anyone to lower them all 5', or raise them 5'. No, I'm not. Something that remains pleasing to the eye and, you know, is still breaking that line, which is important.

Mr. Camarda stated so, if I can put the words...I think you said before, you kind of like the concept.

Board Member Bodor stated I like the concept.

Mr. Camarda stated you like the concept. It's a...Well, we should go back, the Board wants us, and we'll come back. Put us on your for your next meeting and we'll just do double time and we'll adjust them and we'll show you this versus this, and we'll see what you think.

Board Member Bodor stated if you could adjust it, I would appreciate it.

Mr. Camarda stated we'll do it for you.

Board Member Burdick stated it's a lot. It's big. It's big.

Mr. Steinmetz stated are there specific features.

Mr. Camarda stated we'll measure twice, cut once.

Mr. Steinmetz stated it helps to know, especially for Mr. Silverman, which features to focus on. The 61 [foot] and the 71 [foot] have been made loud and clear; we got that. Is there anything else that the Board wants the team to focus on in particular. Any building that is a result of seeing the video animation, you were more concerned with than others, because we are going to need to go back and prioritize which features make more sense aesthetically, which ones don't.

Mr. Camarda stated what I'm thinking is that if we lower a couple of towers... Say if we were to lower the bigger towers by 6', maybe we could lower the other towers by 2 or 3 feet, so there is still a relationship of size, but only everybody got a little shorter.

Board Member Bodor stated that's a possibility.

Board Member Olenius stated I personally like your design also. If there was anything you could do to minimize the variance, I think that's what we're really looking for. All you're here for is a height variance. It's quite excessive. You know, if there's any way to mitigate that to some degree.

Mr. Camarda stated just throw out the one that says 70 feet. That's being measured, once again, from the backside. There's about 20' difference there, so...

Board Member Olenius stated I agree with you.

Mr. Camarda stated it's not 71 [feet], it's probably closer to 51 [feet].

Board Member Bodor stated understand.

Chairman Buzzutto stated okay.

Board Member Bodor stated but, you know, that's one piece of our responsibility too. We are charged with doing what is... to minimize whatever the variance requested is if it's possible. So we're looking at lowering it because that's what we are supposed to do. Or, altogether, get rid of it, you know.

Mr. Camarda stated we're going to come back to you and we're going to show you the alternative. And you know what, hopefully at the end of the day, we get the best possible product. You know, hopefully we have something that everybody likes. Well, not everyone, but...

Chairman Buzzutto stated I'm agreeing with that; if he wants to bring back a new set of...

Mr. Steinmetz stated we're happy to come back. We will revisit the plans, we will resubmit in a timely fashion so that you all get it in your packet before the next meeting. Mr. Mangone and I were discussing whether or not there was a requirement for renoticing the public hearing. I believe that as long you've closed it, we're either going to have to reopen it tonight so that it stays open, or we would have to renotify because the public hearing is closed. So...

Chairman Buzzutto stated you want to reopen it.

Board Member Olenius stated check with counsel first.

Mr. Steinmetz stated to the extent that the Town (inaudible).

Mr. Mangone stated reopen. Reopen the public hearing.

Board Member Olenius stated reopen.

Mr. Steinmetz stated if you want to do just whatever you're comfortable...

Chairman Buzzutto stated alright, so...

Mr. Steinmetz stated in terms of your...

Chairman Buzzutto stated be all fair to the public, we'll reopen the public hearing.

Mr. Steinmetz stated and adjourn it till the next meeting and we'll...

Chairman Buzzutto stated and adjourn it to the next meeting. How's that.

**Ann Fanizzi stated** that's fine, because it will give me an opportunity to...

Chairman Buzzutto stated okay. It will give you...

**Ann Fanizzi stated** thank you so much.

Chairman Buzzutto stated your 20 days.

**Ann Fanizzi stated** I appreciate it.

Chairman Buzzutto stated is that...

Mr. Mangone stated you need to make a formal motion. Make a formal motion.

Chairman Buzzutto stated yeah.

Board Member Herbst stated I make a motion we open the public hearing again then.

Chairman Buzzutto stated reopen it.

Board Member Herbst stated reopen it.

Board Member Bodor stated I'll second it.

Chairman Buzzutto stated all in favor on it. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated okay, so modifications...

Mr. Camarda stated we'll be back.

Mr. Steinmetz stated we'll resubmit, we'll come back.

Chairman Buzzutto stated okay.

Mr. Steinmetz stated were you trying to say something to me.

Board Member Olenius stated no. I just wanted to say thank you very much. I hate to see go through a lot of expense to redo all of this, but you know.

Mr. Camarda stated you can't play with that video.

Mr. Steinmetz stated you'll just have to imagine what the changes would look like when you drive by.

Mr. Camarda stated you guys would have liked (inaudible – too many talking).

Board Member Olenius stated yeah.

Mr. Steinmetz stated we'll do a good job at painting a picture.

Chairman Buzzutto stated I want to thank the audience for their patience and their being here tonight. Thank you very much.

Mr. Steinmetz stated we want to thank the Board for your time and your...We appreciate the concepts...I mean comments and the honesty, so...

Chairman Buzzutto stated now, will these people be notified again.

Mr. Steinmetz stated say again.

Chairman Buzzutto stated will they be notified again.

Mr. Steinmetz stated the fact that you've now reopened, you know, the open public hearing...

Chairman Buzzutto stated right.

Mr. Steinmetz stated you've actually (inaudible – too many talking).

Board Member Olenius stated it's already been noticed.

Mr. Steinmetz stated you have a motion to adjourn the hearing to your next meeting.

Chairman Buzzutto stated yeah. So...

Board Member Bodor stated it's held over.

Chairman Buzzutto stated it will be held over, yeah.

Mr. Steinmetz stated exactly.

Chairman Buzzutto stated so they don't have to be notified again.

Board Member Bodor stated no.

Chairman Buzzutto stated okay.

Board Member Olenius stated same one.

Board Member Bodor stated same public hearing, held over.

Mr. Camarda stated (inaudible – too many talking) next meeting. A little bit shorter.

Chairman Buzzutto stated we'll get it straightened out.

Board Member Burdick stated bye.

Board Member Bodor stated take care.

Board Member Burdick stated bye.

Board Member Olenius stated thank you.

Chairman Buzzutto stated thank you very much.

Board Member Bodor stated thank you.

Mr. Steinmetz stated you're very welcome.

Board Member Olenius stated we...

Board Member Burdick stated the 20<sup>th</sup>. May 20<sup>th</sup>.

The Secretary stated yes.

Board Member Bodor stated if we don't get...

Board Member Burdick stated the 20<sup>th</sup>.

(Inaudible – too many talking).

Board Member Burdick stated May 20<sup>th</sup>. It's the third Wednesday.

Board Member Olenius stated I would...ma'am. You might want to check with Town though, because this was a special date for this meeting. There's a chance we may not land...This isn't a normal meeting. This is a special date.

**Audience member stated** you people have it at a different time.

Board Member Olenius stated I don't know.

Board Member Burdick stated oh, it depends on how many we have.

Board Member Olenius stated it depends on how many cases on the... We already have some coming for that regular meeting. Yeah, this is a special date.

Board Member Burdick stated because we usually get so many people, it depends on how many cases we have on our regular agenda.

Chairman Buzzutto stated will it fall in on the regular meeting.

Board Member Olenius stated well, I don't know. It's a special date tonight. We already...

Board Member Burdick stated you should probably give Sarah a call.

Board Member Olenius stated have stuff going back on the regular meeting.

Board Member Burdick stated so 6500...

Board Member Herbst stated Sarah.

Chairman Buzzutto stated not for May.

Board Member Olenius stated yes we do.

Board Member Burdick stated 878-6500.

Board Member Olenius stated we have two site walks we're going to.

Board Member Herbst stated all these papers that are here (inaudible – too many talking).

Board Member Olenius stated this was a special night.

Board Member Herbst stated you have copies, don't you. You keep copies.

Board Member Olenius stated so I would call and check. We may have to go on another...

Board Member Burdick stated that's a really good point Lars. So the new applicants will be on the regular.

Board Member Herbst stated so I don't have to keep these anymore.

(Inaudible – too many talking) knows where it is.

Chairman Buzzutto stated well, that would be a special meeting.

Board Member Herbst stated okay.

Board Member Olenius stated it may be. You know, I don't know how...

Chairman Buzzutto stated yeah.

Board Member Burdick stated it depends on how many cases we have.

Board Member Olenius stated I don't know how many are coming in now.

Board Member Burdick stated we have a (inaudible – too many talking) right.

Chairman Buzzutto stated I think we've got a full slate now.

Board Member Burdick stated well yeah because we've got the two site walks.

Chairman Buzzutto stated plus the regular ones.

Board Member Herbst stated well, if we have to, we can always split them to two days again.

Board Member Olenius stated yeah. That's why I didn't want here to be committed to the May 20<sup>th</sup> date.

Chairman Buzzutto stated alright. Well we'll have to talk with their attorney about having a special meeting on it.

Board Member Bodor stated no. It would just be a...It wouldn't be a special meeting.

Board Member Burdick stated it wouldn't be a special meeting just...

Board Member Bodor stated a regular meeting but on a different night.

Board Member Burdick stated just like we did with this, but not...You just split them.

Board Member Bodor stated like we did this time. We don't have a special...

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated we'll just split it.

Board Member Burdick stated like we did this time, right.

Board Member Herbst stated excuse me.

Rich Williams stated you haven't adjourned yet.

**Audience member stated** just (inaudible – too many talking). Thank you.

Board Member Olenius stated thank you. Do we have any other business...

The Secretary stated nope.

Board Member Olenius stated tonight. Besides other business.

Board Member Herbst stated the only thing I wish he would have done...

Board Member Olenius stated can I make a motion to adjourn.

Chairman Buzzutto stated what else was on there. Other business. Well...I couldn't get this out because I had to (inaudible – too many talking).

Board Member Olenius stated can I make a motion to adjourn.

Chairman Buzzutto stated yeah. There's a motion to adjourn.

Board Member Burdick stated second.

Chairman Buzzutto stated all in favor.

Motion carried by a vote of 5 to 0.

Meeting was adjourned at 9:21 p.m.