

**Planning Board Meeting
December 10, 2014**

Present:

Peter Sheridan, Chairman
Gary Putman
Fred Sievers
William Ryan, Alternate
Thomas Peterson, Planning Board Attorney

Absent:

Marybeth Max

Guests:

Michael Roets
Mickey Ricciardi, Belmonte Builders
Peter Belmonte, Belmonte Builders
Adam Casler

Agenda: December Monthly Meeting

- Hillman Estates
 - Milton Gazette Article
 - Open Discussion
-

At 7:03 PM, Mr. Sheridan called the meeting to order. Ms. Elford arrived to the meeting at 7:12 PM and Mr. Putman had taken minutes up to that time.

Hillman Estates

Mr. Belmonte and Mr. Ricciardi have come before the Round Lake Planning Board to present architectural renderings to ensure they are consistent with Round Lake's architectural standards. Mr. Sheridan will provide Belmonte Builders and Mr. Dailey with copies of the approximately 15 architectural standards for their reference. Mr. Belmonte established that if there were any problems with deviations from the drawings, resolution would be under the purview of Belmonte Builders. If there were any delinquencies in the processes, that would be under the purview of Mr. Dailey. Mr. Belmonte will purchase the property from Mr. Dailey. The archaeological study is complete, but per Mr. Roets and Mr. Ricciardi, the report is not currently available.

Mr. Sievers inquired about the building schedule, and per Mr. Belmonte, the first item would be for tree clearing and they would need December approval in order to proceed. Mr. Sheridan asked if basements would be incorporated into the building plans and Mr. Belmonte affirmed that the test holes and sink holes are supportive and that the percolation tests were satisfactory. Mr. Sheridan stated in previous discussions that Mr. Lansing had indicated that additional filler materials would not need to be brought to the site, that the clearing and digging would provide adequate clean fill. Mr. Belmonte indicated that they would need to confirm this.

Mr. Belmonte and Mr. Ricciardi then spoke about their vision for Hillman Estates. They stressed that they are not a cookie cutter business and that they take pride in the fact that their homes are unique. The builders take into account the street perspective when designing and constructing homes in order to make the walk down the street more pleasant. Mr. Ricciardi articulated that garages are a necessity, but they underplay the characteristics of it being a garage. Garages in the front also provide an economic build, allowing for more rooms over the garage and easier snow clearing. Today's garages are 20 to 24 feet wide to accommodate a two-car garage, and it affects the first floor layout. They understand that they cannot recreate Round Lake in the new development, but they are looking for characteristics that pay homage to the Village. The house sizes range from 1,300 to 2,690 square feet and four designs were available for review. The first house displayed was a ranch style; the next had more Victorian features, and the third featured vertical siding and flower boxes. Some houses will have front porches, and others will not, as lot sizes will dictate the porch location.

Mr. Sievers asked if the front porches were functional and the Mr. Ricciardi affirmed they are real porches. The feel of Round Lake is what is attracting the builders to the community, and although the location may be a bit separate from the Village, they want to be a part of the Village. Mr. Ryan asked how deep the porches are and Mr. Ricciardi indicated 5 – 6 feet. The first design Mr. Ryan found reminiscent of the nearby Avondale homes and he was not fond of that design, he liked the second design the best. Mr. Ryan was pleased that they were not trying to recreate a "false" gingerbread look. The Belmonte builders passed around the design layouts for the Planning Board to take a closer look. Mr. Roets asked what materials the brackets are made of and they stated it would be composite. Mr. Roets asked if there would be a HOA and they said no, but services would be offered to the residents.

Mr. Sievers had to depart due to a fire emergency at 7:27 PM.

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Belmonte Builders toured the Village to get layout inspiration for the design boards. Mr. Roets asked in regards to the architectural standards, how Belmonte would incorporate the mix of designs per the standards? Belmonte Builders control this through the sales team as they are instructed not to sell the same design repetitively. House style, colors, floor plans, and the site sizes also dictate the variety of designs. They also plan to offer nine different designs in a 40 home community. They will have different heights and styles and it will create a good mix. Mr. Peterson asked when the other designs would be available, and they said they would bring them when they were available, but a good design takes time to develop. They are hoping to get approval tonight based on what they have presented and then they will bring back the other designs in a phased approach.

Mr. Sheridan agreed that the approach that Belmonte Builders has come to the Planning Board with is what the Planning Board wants. One of the conditions with Dailey and Lansing is to have the plans approved before the end of the calendar year. Mr. Ryan raised a motion to indicate that the review of the four architectural renderings is consistent with the architectural standards and that the Planning Board approves them, which Mr. Putman seconded. Ms. Elford polled the Planning Board: Mr. Putman – aye, Mr. Ryan – aye, and Mr. Sheridan – aye.

Mr. Roets asked if there would be deviations in the standard options and the Mr. Belmonte said that the manufacturers may vary, but the quality will not. The standard garage would be two-car, a three-car garage is an option on some designs, but one-car garages are not available. Mr. Roets asked if there are nine home designs, could less than be built, and that is possible, but unlikely. They can also move a similar floor plan away with a disparate exterior. There will be a blend of a single story homes, a two-story home with a master on the first floor, and a traditional family-style home with all the bedrooms on the second floor. One house will have dual porches, one in the front and one in back, screened in, with a sleeper porch off the master bedroom. Belmonte offers "age in place" architecture to accommodate disabilities or injuries, but it does not call attention to the design. Mr. Sheridan said this is universal design. Mr. Belmonte and Mr. Ricciardi departed the meeting with their thanks.

Milton Gazette Article

Mr. Putman sent *The Gazette* article regarding the Town of Milton Planning Board for the Planning Board and Mr. Peterson to review. The Boghosian Brothers are suing the two Board Members in Milton and Mr. Putman was concern as to the personal liability exposure. The Planning Board is protected as an entity. Mr. Peterson said the member made an alleged statement of fact, as they wanted assurance of the property. Mr. Peterson said there has not been a result yet in the case. Mr. Putman wanted to know if an individual were being sued, who would bear the legal fees. Mr. Peterson said to analogize town law, that another local town has enacted a law to hold town officers indemnified and held harmless in the case of a lawsuit, they were individually part of the entity. The town in reference has passed that law, and the members are now protected. Mr. Peterson will research if this is also a Village law, and if not, run it by the Village Board.

Open Discussion

Without Mr. Sievers, there is not a quorum to approve the November minutes, which will postpone review until the next meeting when a quorum of members is present.

Mr. Sheridan stated with Mr. Roets joining the Village Board, there is a vacancy on the Planning Board and Mr. Casler is interested in the position. The Village Board has to appoint the new Planning Board member, and the Village Board will then vote on the candidate.

Mr. Sheridan advised that he had met with one of the owners of 26 Albany Avenue and they will potentially revisit the Zoning Board and the Planning Board.

Mr. Sheridan made a motion to adjourn at 8:21 PM. All were in favor.

Respectfully submitted,

Heather K. Elford

Heather Elford
Planning Board Secretary

MILTON

Builders suing Planning Board member

Comments on cleanup at issue

BY STEPHEN WILLIAMS Gazette Reporter

Two prominent local developers are suing a member of the Milton town Planning Board, alleging he defamed them when he said there was hazardous material on a property they're developing.

Thomas and Bruce Boghosian are charging Planning Board member James Staulters with defamation for statements made at the Sept. 10 Planning Board meeting and are seeking \$1.1 million in damages. The suit was filed Friday with the Saratoga County Clerk's Office in Ballston Spa and will be heard in state Supreme Court. Only Staulters is named as a defendant, not the town. At that meeting, Staulters said he believed there was still hazardous waste located at 341 Greenfield Ave., a vacant lot where the Boghosians have approval to build 20 apartment units.

Staulters said he stands by his statements and said he never made any allegations about the Boghosians at the meeting. "I don't see where I said anything wrong," he said Wednesday.

The location, across from the Geyser Road entrance to the Saratoga County Airport, was known to contain hazardous waste in the past, though Planning Board Chairman Benny Zlotnick said at the same meeting that it was cleaned up previously.

In the lawsuit, the Boghosian brothers and their development company, Hilo LLC, charge that Staulters "falsely stated to the public and his fellow Planning Board members that there was a significant amount of hazardous waste on the [341 Greenfield Ave.] site and that he is concerned that the [Boghosians] are moving forward with their development project there in a manner that poses a harm."

"Defendant made his slanderous comments with actual malice toward plaintiffs, with utter and reckless disregard for their effect, and with a wrongful and willful intent to injure plaintiffs," the lawsuit continues.

The brothers, whose real estate holdings include the nearby Old Milltown shopping center, seek a public apology and \$1.1 million in damages.

Staulters, who has been on the Planning Board for eight years, said he continues to support the Boghosian project, and made no allegations against the Boghosians at the meeting. "All I can see is I said there was waste on there," he said.

The official minutes of the Sept. 10 Planning Board meeting show that near the end of the meeting, Staulters raised his concerns about the project, which had been approved by the board in August.

"There was a significant amount of hazardous waste there. There is no way possible it could have been cleared. Someone is overlooking something," Staulters said, according to the minutes.

Animal hides from old tannery operations are known to have been buried in the area. Building Inspector Wayne Howe said non-contaminated hides were found on nearby property and tires were found on the Boghosian property.

"This was not hides. This was automotive waste. I've seen it with my own eyes," Staulters said.

Zlotnick said the town has letters saying the site is no longer contaminated.

The lawsuit seeks \$1 million for defamation and \$100,000 in damages for Staulters entering the Boghosian site.