



Jean Loewenstein – Co-Chairperson
John Viola – Co-Chairperson
Ronald Bormann
Stephen Grandeau
Dwight Havens
Kyle Kordich
Frank Mazza
William Smith (alt)
Leejun Taylor (alt)

Town of Malta

Planning Board

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Jaime L. O'Neill – Building & Planning Coordinator
Floria Huizinga – Senior Planner
Adrian M. Cattell – Planner
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Mark Schachner – Legal Counsel
Leah Everhart – Legal Counsel

Meeting Minutes for July 23, 2024

The Town of Malta Planning Board held its regular meeting on Tuesday July 23, 2024 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, Jean Loewenstein presiding:

Present:

Dwight Havens
William Smith
Stephen Grandeau
Jean Loewenstein
Frank Mazza

Absent:

John Viola
Leejun Taylor
Ronald Bormann
Kyle Kordich

Correspondence: All correspondence is on file.

Chairperson Loewenstein read the following agenda into the minutes:

<u>Project #</u>	<u>Project Name</u>	<u>Project Type</u>
24-08	Philly Subdivision (Stewart's Road)	Minor Subdivision
24-12	Adirondack Trust (2510 US Route 9)	Form Based Code Project Plan
24-13	Dunning Street Apartments (118 Dunning Street)	Form Based Code Project Plan
24-14	128-132 Cramer Road	Special Use Permit

Chairperson Loewenstein elevated William Smith to a full voting member.

24-08, Philly Subdivision (Stewart's Road), Minor Subdivision

Public Hearing

Scott Kitchner of Stewart's Shops presented. Kitchner stated that 10 lots would be consolidated into 4 lots to remain with Stewart's and 1 lot for the road itself to be dedicated to the Town. Kitchner stated that the road would provide access to Route 9 for Charlie's Stay and Play. Kitchner noted that the road eventually may be expanded to loop around to the Stewart's corporate office. Kitchner stated that the road was proposed as over 700' long and that a Stormwater Management Basin for the road would be located on Stewart's property.

Huizinga reviewed planning staff comments. Huizinga noted that the applicant was requesting lot consolidations and a minor subdivision. Huizinga noted that Stormwater Management would be owned and maintained by Stewart's, and that there would be access easement for town to inspect the facilities if necessary. Huizinga added that a SWPPP would be required for the project, and that 13 Lot Line Adjustments (LLAs) would be needed to make 4 lots. Huizinga noted that the lot consolidations and lot line adjustments would create 4 lots,

Huizinga stated that lighting would be installed along road and at Route 9 and requested that the proposed lighting be added to the plan. Huizinga added that when/if future development happens along the road, the Town would want sidewalks for pedestrian connectivity but that it was unnecessary at that time with CSP being the only business on the road. Huizinga added that the Malta Ridge FD requested a truck turning plan for the cul-de-sac, and that there were some engineering concerns that could change the lot sizes slightly.

Loewenstein asked for the lots to be identified on the map to make it easier to follow along with the presentation.

Huizinga noted that in her Staff Review the lots were identified as follows:

Lot 1: would be 93± acres of vacant lands. Lot consolidation of parcel 204.04-1-4 and 5, a portion of 204.04-1-42.1 and 4.2, a portion of 204.0-1-11.1 and 204.-4-21.2 to be merged.

Lot 2: would be 5.456 acres; Lot Line Adjustment between 204.4-1-92 and portion of 204.4-1-42.2; 204.4-42.1 and 204.4-47 to be merged.

Lot 3: would be 5.619 acres, Charlies Stay and Play.

Lot 4: future Road would be 2.878 acres. Portions of parcel 204.04-1-42.2, 42.1, 11.1 and 47 to be merged.

Hull spoke for engineering. Hull asked Kitchner to explain what would happen with the existing easement that would cross the proposed road.

Kitchner noted that of the L-shaped easement, the lower portion along the Southern side of the proposed road would remain, but that the portion going to the North that crossed the proposed road would be eliminated.

Hull stated that he also wanted a truck-turning template for fire apparatus. DOT would need to review the entrance at Route 9. Hull wanted to know if the proposed road would replace the existing access to CSP, and stated that he would defer to DOT for any concerns they have about ensuring the intersection met DOT standards with regards to access and sight distances. Hull added that the Town of Malta Highway Department wanted a larger turning radii for curves and to increase the road profile to a 1.5-2% grade given that the intention was to expand the road in the future. Hull also mentioned that he wanted to see what utilities would be brought in with the road since it was unclear on the map, that a SWPPP would be required, and that he wanted to see a Stormwater Management Facility Maintenance Agreement completed prior to sign off.

BOARD DISCUSSION

Loewenstein stated that she was concerned about the applicant needing to tie up loose ends.

PUBLIC HEARING

Chairperson Loewenstein opened the Public Hearing at 6:45 PM.

John Perreault of 20 Woodmint Place wanted to know what the zoning was for the site.

Huizinga stated that the zoning for the site and the properties involved was C-8 Commercial and that the Stewart's

corporate campus was the Planned Development District (PDD) #34: Stewart's Ridge. Huizinga added that in the C-8 Commercial District the first 500 feet from Route 9 was commercial only and that beyond the first 500 feet, residential uses were allowed.

Perreault asked if a factory could be built within the first 500 feet.

Huizinga stated that a factory was not allowed within the C-8 and that she could not discuss the details of what uses were allowed within the C-8 Commercial District because the list of uses was too numerous to go into at the meeting and that it was not the topic of discussion. Huizinga noted for Perreault that he could look up the C-8 Commercial District uses on the Town's website.

Nancy Fodera of 745 Malta Ave Extension was concerned about the lighting on the road being very bright from her home. Fodera also asked if the road would curve more to the South closer to her home once it was expanded and what the property would look like once the road was expanded and the property was further developed.

Huizinga noted that in the Stewart's PDD there was a requirement that stated the Stewart's corporate campus would need to connect to Route 9 further South from its location once the property was fully developed. Huizinga also noted that the proposed location of the road was noted in the Town Comprehensive Plan.

Fodera asked if the road would curve further to the South than it currently did.

Huizinga stated that the road was proposed as curving to the Northeast from the proposed cul-de-sac once it was further developed.

Fodera noted that whatever the outcome of the placement of the road was that her main concern was the lighting being visible from her home.

Dana Noble of 56 May Apple Way is also concerned about the future of the road and wanted to know what the density of the PDD was. Noble asked If homes were built, how many could be proposed and what the long-term plan was.

Loewenstein stated for Noble that the Board was currently only considering a Subdivision (SD) application, not the long-term outcome of the PDD. Loewenstein added that any other proposals would have to be brought up at a later date in a different application.

Noble asked if homes or commercial properties were being considered as part of the proposed subdivision.

Huizinga stated that the application was for the proposed road only.

Noble stated that he still wanted to know what the future was beyond the construction of the road and asked what the responsibility of the Planning Board was in regards to the future of the area.

Grandeau stated for Noble that the responsibility of the Planning Board was to consider what was being presented by an applicant and added that the Board did not get involved further unless something else was being proposed.

Mazza stated for Noble that it was completely possible that a road could be built to service CSP only and that it could exist that way permanently if no further development occurred.

Noble added that he also wanted Planning Board Meetings recorded like the Town Board Meetings so that residents could understand what was going on in town. Noble felt that from what he saw happening in town, it was the Planning Board that was the decision-making Board.

Loewenstein stated that the Malta Planning Board was required by the Legislative Board of Malta, the Town Board to follow the rules and regulations that were set in place by that Board, the Town Board. Loewenstein added that if the Planning Board had concerns about a proposal, they were allowed to bring it up to the Town Board, but that the Town Board ultimately was the decision maker on Legislative changes.

Noble stated that he had recently attended a Town Board meeting where a statement by one of the councilmembers that

was backed by other councilmembers that Malta was growing and that if the growth wasn't controlled, it would grow out of control. Noble added that the Town Board stated the Town needed to place a hold on things until they could figure out what they wanted to do. Noble asked the Planning Board if they received that message from the Town Board or not.

Loewenstein stated that the future of development in the entirety of Malta was not the topic of discussion at that moment and that the Planning Board was only going to focus on the projects being presented.

Everhart interjected and stated that Noble had reached his time limit for comments. Everhart noted for everyone that they had a three-minute limit that she was keeping track of with a timer that had an audible alert once the three-minute limit had been reached.

Jane Chasin of 64 Admirals Way asked about the construction of a three-story building onsite.

Huizinga stated that the three-story building that Chasin was referring to was not part of the current project.

Chasin stated that she would return later when that project was being discussed for her comments.

Lawrence Lieberman of 1 May Apple Way was concerned with the safety of the cul-de-sac being the only access to the property.

Loewenstein stated for Lieberman that even though she did not know the future layout of the road, if further development happens on the property the road would loop around to the Stewart's headquarters and provide a second access to Route 9.

Huizinga confirmed that the Stewart's Ridge PDD required the road to loop around if future development were to occur.

Lieberman asked if additional roads would connect to the proposed road with the cul-de-sac.

Loewenstein stated that it was a possibility but that the project being discussed was for lot consolidation and the construction of the access to the property with a cul-de-sac terminating the road allowing Charlie's Stay and Play to have an access to Route 9 built to the standards of a Malta Town Road.

Glen Souliere of 2023 Rowley Road asked how many kennels would be at Charlie's Stay and Play.

Huizinga stated that since Charlie's Stay and Play had already been approved and since it wasn't the topic of the proposal being considered, comments regarding that project could not be discussed.

Souliere asked how long the road was going to be.

Kitchner stated that the length of the proposed road including the Stewart's campus was approximately 1700 feet.

No other comments were received from the public

Chairperson Loewenstein left the Public Hearing open until all concerns were addressed.

Everhart asked Loewenstein to confirm what the applicant needed to address. Everhart noted that she wrote down the following concerns:

1. Provide the correct proposed lot numbers on the map.
2. Answer Engineering comments about the road curvature.
3. Submit a Fire Apparatus Turn Radius plan.
4. Provide a Lighting Plan.

Huizinga noted for Everhart that lot numbers were on the map but that they were difficult to read.

Kitchner stated that he would increase the font size on the next rendition of the map.

Everhart asked Kitchner what mechanism Stewart's was using to eliminate the portion of the access easement that was no longer needed.

Kitchner stated that the easement existed as an access for Stewart's to their property prior to owning the property that the easement crossed over.

Everhart noted that the applicant's attorney would need to note in the deed that will be dedicated to the Town that there is no longer a need for the access easement to the property in question because Stewart's now owns that property.

Kitchner stated that the North-South portion of the easement wasn't discussed and that he assumed it would go away with the purchasing of the property. Kitchner noted that the East-West portion of the easement would be retained.

Everhart stated that those details would be worked out further down the road.

Hull noted that his only other substantive comment was related to stormwater and added that if the applicant went through the entire engineering comment letter and addressed Huizinga's comments that Engineering would be satisfied.

24-12, Adirondack Trust (2510 US Route 9), Form Based Code Project Plan **Public Hearing**

Prior to the beginning of the Adirondack Trust presentation, Loewenstein stated for the record that since the presentation was for a Form Based Code project, the Board's responsibility was only to offer comments and hold a Public Hearing after which the decision process would be left to Planning Department staff and the Building and Planning Coordinator.

Brennan Drake of Phinney Design Group and Jeff Anthony of Studio A Architects presented on behalf of the applicant.

Brennan Drake noted that his firm and Studio A had been hired by Adirondack Trust to renovate the location at 2510 Route 9. Drake noted that the renovation was intended to make the existing branch tie in better with the current design aesthetic of the Adirondack Trust Company with more modern styling and a reorientation of the building to face Route 9. Drake stated that the new design would place the building closer to Route 9. The design includes a new sign on the front of the building and exterior and interior modifications for the remainder of the project.

Jeff Anthony stated for the Board that the entire focus of the project was to improve visibility and ease of access to building by reorienting the building to face street. Anthony noted that the proposal included eliminating the parking to the North of the building while retaining the parking that was closest to the building. Anthony noted that the decision to eliminate some of the parking was due to the fact that it simply wasn't necessary. Anthony also stated that there would be no changes to stormwater management other than the decrease in runoff due to the elimination of some of the parking. Anthony also stated that a band of plantings would be included in front of the parking along Route 9 to help camouflage parking cars from view of the street. Anthony also noted that the drive-thru teller window would be improved so they could be more accessible and so that there could be a by-pass lane for cars that do not want to wait in line. Anthony noted that the fire department requested that an apparatus access plan be employed and that after conducting the assessment it was determined that the entrance and exit to the site should be altered to allow for a wider turning radius for fire apparatus to more easily navigate the site.

Huizinga stated for the Board that the purpose of the presentation before the Planning Board was to hold a Public Hearing and to receive Planning Board comments for the project. The project receives administrative approval. Huizinga reviewed planning comments and noted the property is in the DX-3 zoning district, and that the applicant had addressed most of her concerns related to parking, landscaping, and the aesthetics of the building. Huizinga noted that the renovated building generally met Form Based Code (FBC), and would be an improvement to the site, and noted that the project may require an Area Variance from the Zoning Board for the proposed wall sign that would be suspended from the front pillars of the building. Huizinga added that the applicant would be using native plantings as suggested, that they provided a fire apparatus turning plan and that the proposed materials used for the façade would be metal panels and timber beams. Huizinga stated that overall, she was satisfied with the proposal.

Sean Doty, PE, Suozzo, Doty and Associates spoke for engineering. Doty stated that a formal engineering review of the application was not necessary, but that he made a suggestion to Planning staff about the fire apparatus access and that his comment was forwarded to Studio A for their review.

BOARD DISCUSSION

Grandeau stated that he liked the proposal and felt it was a significant improvement on what is currently there.

Loewenstein asked how many parking spots would be onsite once the renovations were completed.

Anthony stated that there would be 16 spaces in total with the removal of the parking to the North and shifting parking closer to the building.

Loewenstein asked if the applicant could decrease parking further.

Anthony stated that technically they did not need 16 spaces.

PUBLIC HEARING

Chairperson Loewenstein opened the Public Hearing at 7:13 PM.

No comments were received from the public.

Chairperson Loewenstein closed the Public Hearing at 7:14 PM.

24-13, Dunning Street Apartments (118 Dunning Street), Form Based Code Project Plan **Public Hearing**

Prior to the beginning of the presentation, Loewenstein stated that the Dunning Street project is a Form Based Code project that would have a Public Hearing and receive comments from the Board, but that the approval process for the project is the responsibility of Planning staff and the Building and Planning Coordinator.

Dave Kimmer of ABD Engineering presented on behalf of the applicant. Kimmer noted that the property is the site of the former Malta Presbyterian Church. Kimmer noted that the property is approximately 2.5 acres and mostly undeveloped. Kimmer also noted that the project would feature a 20,000 square foot, 44-unit apartment complex with a 1 and 2 bedroom apartment layout. Kimmer noted that the property itself is within 3 zoning districts that influenced the layout and design of the proposed complex. Kimmer noted that the three zones are Open Space (OS) zone along Dunning Street, Downtown Parade Grounds (DP-2) zone behind it, and the Downtown Mixed Use (DX-3) zone in the rear of the property.

Kimmer stated that the property being in multiple zones dictated the design of the building. Kimmer noted that the front of the building in the DP-2 zone would be 2 stories and the rear of the building in the DX-3 zone would be 3 stories. Kimmer also stated that parking would be along the West side of the building, that the former church would remain on the property and would be converted into an amenity space, and that the property would have an additional access at the rear of the property that would connect to the final stages of Kendall Way.

Huizinga reviewed planning comments. Huizinga confirmed the property was tri-split zoned and only a driveway could be in the OS zone, with multi-family allowed in both the DP-2 and DX-3 zones. Huizinga stated that the DP-2 zone required the front of building to look like a more traditional shop front with the three-story portion being allowed in the DX-3 zone. Huizinga informed the applicant that they needed to change name (Malta Lofts) because it was too similar to the Lofts at Saratoga Blvd. Huizinga also informed the applicant that the building placement in the DX-3 zone would need to be placed closer to Kendall Way in order to meet FBC requirements.

Danny Sanders of Harris A. Sanders Architects noted that the placement of the building was intentional because the design of the roof would not look right from Dunning Street if the rear portion of the building was moved closer to Kendall Way. Sanders noted that as it was proposed, the roof line for the rear of the building looked symmetric with the front roof line and the layout allowed for better circulation within the building.

Huizinga noted that the current proposal was at concept level, and that the applicant would provide more details with their next submission. Huizinga noted that the rear section of building would need on street parking along Kendall Way, that there would need to be 10-foot sidewalks, and that the parking would need to be altered to remove the two spots proposed within the OS zone and to push the parking in the rear further from Kendall Way with landscape screening

between the lot and the road. Huizinga also noted that there would need to be on street parking and street trees along Kendall Way once it was fully designed, and that lighting will need to meet the Town's lighting code.

Huizinga also stated that the applicant would need to provide Will-Serve letters from Saratoga Water Services and Saratoga County Sewer District, a No Impact Letter from OPRHP, a traffic assessment, and that they would need to address her concerns about the plain-ness of the building design with architectural improvements.

Doty spoke for Engineering and stated that the project would require a SWPPP, the applicant would need to finish off Kendall Way to FBC and Town Highway standards. Doty also stated that the applicant would need to provide a site distance analysis for both entrances, a traffic assessment report, receive approval from Saratoga County DPW for the Dunning Street access, receive OPRHP sign off, and to confirm that the site layout met fire code for aerial apparatus access and fire flow.

BOARD DISCUSSION

Grandeau asked what kind of apartments would be built.

Kimmer noted that market rate would be built.

Grandeau was also concerned about the access onto Dunning Street. Grandeau felt that the additional entrance onto Dunning Street would make traffic worse than it already was, and stated that he preferred if the only new entrance for the property be on Kendall Way.

Kimmer replied that he felt some of the traffic would be lessened by people using the Kendall access.

Grandeau noted that he saw Kimmer's point, but felt that an entrance on Dunning Street would only create problems with the three entrances already on the North side of Dunning Street with the salon, restaurants, and the bank.

Loewenstein asked if the rear section of the building could be more aesthetic to make it less plain.

Kimmer stated that he could look into that.

Havens noted that he wanted an additional hydrant closer to Dunning Street

Kimmer noted that there is a hydrant on Dunning Street and that one would be installed on Kendall Way.

Havens also asked if the facility would be sprinklered.

Kimmer stated that the entire facility including the attic would be sprinklered.

PUBLIC HEARING

Chairperson Loewenstein opened the Public Hearing at 7:30 PM.

John Perreault of 20 Woodmint Place asked if the Board felt the proposal was appropriate for the location.

Everhart stated that the Board did not have the authority to make a decision regarding the project. Everhart added that the Public Hearing is for the public to make comments, but that Malta zoning law included specific design details that stood in the place of Planning Board review. Everhart stated that what happened under FBC projects was that they were presented at a Planning Board meeting, that the applicant would listen to comments from the Board regarding the project, and that a Public Hearing is held to allow the public to make comments, but that the project is approved administratively if the project met Form Based Code (FBC) requirements.

Rick Handley of 6 Danbury Drive wanted to know where any recreation facilities would be onsite (amenities), wanted to know if the Fire Department (FD) could access the third floor of the building if the parking lot were full and was concerned about FD access on the East side of the building if it were moved closer to road.

Lawrence Lieberman of 1 May Apple Way felt that the already approved development at 108 Dunning and current proposal before the Board was detrimental to the wildlife. Lieberman also wanted to know how expensive apartments would be, and asked what "market-rate" was. Lieberman wanted to know if the apartments would be affordable to working people as he felt there was a serious need for more housing that was affordable, not luxury housing. Lieberman also wanted to know if the church could be changed since it was historic. Lieberman also wanted to know if the proposal to connect the remainder of Kendall Way to the section by CVS would go through with the property dispute regarding the road. Lieberman also asked how much traffic would be generated by the project on Dunning as it was small road.

Lieberman also asked about the Environmental Assessment that was required for the project and was concerned that the project would displace wildlife and felt that based on the language in the Environmental Assessment questionnaire, the project was in violation of established code.

Jane Chasin of 64 Admirals Way was concerned about the traffic amount and density created by the approval of the project. Chasin felt that the amount of development that was occurring in Malta was overwhelming to local schools and asked if the proposed building could be designed more aesthetically and potentially to eliminate the third story of the rear portion of the building. Chasin felt that there was already too much development in Malta without the proposed project being approved.

Dana Noble of 56 May Apple Way wanted to see a map with the current proposal, the already approved Dunning Place development, the proposed State Police barracks and what could possibly go across the street from 108 Dunning Street on one map to show how much development would be in the area between 118 Dunning and the Partridge Drum residential neighborhood if the project were approved. Noble asked the Board who was looking at the total impact to Dunning Street with the new developments going in.

Nancy DeNofio of 54 Wineberry Lane was concerned that the proposed amount of parking for the apartment complex was not enough. DeNofio was also concerned about fire truck access to the West side of the building if the parking lot was full and was worried about congestion in the parking lot. DeNofio also did not like the proposed color scheme for the building and suggested the developer use more rustic colors instead. DeNofio was concerned with how the historic church was going to stand out from the proposed building and was worried that the proposed stormwater management system would need to be quite large due to existing stormwater issues and failures to keep the area dry during storms.

DeNofio added that she felt the applicant could build there if they desired, but that she wanted them to reconsider the proposal to please the community.

Susan Nuttall of 16 May Apple Way felt that the development would create too much traffic for Dunning Street with the proposed State Police Barracks and the eventual GlobalFoundries expansion. Nuttall also asked if there were existing entrances to access the site or if they needed to be created.

Kimmer stated that there were two entrances for the site, one on Dunning Street and one on Kendall Way.

Nuttall asked what data would be used for the traffic study.

Doty noted that with the current proposal for the project, the number of units (44) may, for example, render an average of 28 PM Peak Hour trips. Doty also noted that since the number of PM Peak Hour trips was under 100 trips, the project would require a Traffic Assessment and not a Traffic Study. Doty also stated that the data provided by the applicant would be submitted to his firm for review.

Nuttall asked if the assessment would include other development in area?

Doty stated that the assessment would only take into account other intersections in the area if the number of average generated trips were over 100 trips. Doty added that since Malta had studied traffic extensively in town, the traffic network was part of the Town-wide Generic Environmental Impact Statement (GEIS) and that proposals were subject to impact fees that would be paid to the Town to improve transportation infrastructure in Malta. Doty noted that since the town realized that development impacted the entire town, they have identified what infrastructure improvements were necessary to support development in Malta just like every other project that was proposed in Malta. Doty added that even though an individual Traffic Impact Study was not being completed for the Dunning Street project, the consideration of impacts associated with the Dunning Street project and other proposals have been considered as part of the

development plan for the transportation network in Malta.

Linda Noble of 56 May Apple Way felt that the Route 9-Dunning Street Roundabout wouldn't be able to adequately handle the traffic that would be created by the 118 Dunning project and other future projects in the area. Noble also added that when she recently returned from vacation, there was 4-6" of water that she had to drive through on Partridge Drum and felt that the increased development in the area was causing flooding and runoff that had never happened in the time that she had lived in the area. Noble added that she felt the issues caused by the increased flooding and runoff needed to be addressed before everyone was negatively impacted by it.

Raymond Hladik of 126 Cramer Road asked what the Stormwater Recharge rate was for the Stormwater pond that would be built and asked if there were any wetlands onsite.

Doty noted for Hladik that the detailed information regarding stormwater would not be submitted until later in the process since the project in its current form was only a concept level submission.

Hladik asked if there would be a second Public Hearing for the project in order for the public to see more details.

Loewenstein stated that there would not be any other Public Hearings for the project. Loewenstein added that Planning staff would administratively approve the project and that the Board would not have any further input beyond making comments.

Hladik asked if the Board's hands were tied regarding the outcome of the project.

Everhart stated that the Planning Board did not have any formal decision-making abilities with Form Based Code projects.

Hladik asked if the Board could only make the developer abide by the rules of the Form Based Code.

Loewenstein stated that the developer was required to abide by all rules set in place but that the Planning Board was not the deciding body on the outcome of the project.

John Riddick of 2 Jean Lane stated that he appreciated what the Planning Board did and that he felt the zoning in Malta made the decision-making process easier in some cases but noted that he felt things still could get missed. Riddick noted that he felt more consideration should be given to pedestrians and cyclists in the decision-making process with increased development. Riddick stated that currently the Route 9-Dunning Street roundabout was already dangerous for pedestrians and wanted the Board to step in if possible and find a way to make proposed expansion of Kendall Way safer for pedestrians and cyclists with a bike path that allowed them to access Price Chopper and other services nearby safely.

Joan Salvi of 1 May Apple Way was concerned with drainage and infiltration in the nearby area with increased development. Salvi stated that she wanted as many trees as possible to remain in order to allow for natural stormwater management. Salvi also felt that the cutting of trees for the increased development negatively affected the aesthetic of neighborhood. Salvi also felt the development would produce too much traffic in order to meet the requirements of the Environmental Assessment Form. Salvi felt that the Board wasn't considering the bigger picture and was only focusing on the 118 Dunning project itself. Salvi also felt that just because a project can be built, doesn't mean it should be built and that the Form Based Code (FBC) needed to be reevaluated because what was going on in Malta in her opinion was destroying one of the most beautiful towns in Saratoga County.

Nancy DeNofio of 54 Wineberry stated that when the Traffic Study for 108 Dunning was completed, it estimated 4081 cars on the road during the AM and PM Peak Hours. DeNofio also stated that Dunning Street (County Route 108) could not be expanded due to the geography of the area and felt that the 118 Dunning project would add too much traffic to a road that was already overused in her opinion. DeNofio was also concerned about pedestrian safety and agreed with Salvi that just because something could be built didn't necessitate that it should be built.

Lawrence Lieberman of 1 May Apple Way cited the environmental assessment form (EAF) and was concerned that the 118 Dunning Project was a detriment because it created significantly more traffic above the current level. Lieberman also cited the EAF and noted that he felt the 118 Dunning project negatively affected the aesthetic resources of the area with the felling of trees for the project and would decrease the beauty of Luther Forest and displace wildlife.

Everhart asked Kimmer if he felt he had direction from the Board.

Kimmer noted that he felt like he received direction. Kimmer also noted for the public that the Kendall Way expansion would happen, that there would be on-street parking on Kendall with a 10-foot sidewalk connecting to the existing sidewalk at the Catskill Hudson Bank. Kimmer also noted that the historic church on the Southwest of property would be renovated, that there would be 50%+ greenspace onsite, that the Northwest area of the property would be the Stormwater Management Area and that all stormwater would be captured and remain onsite. Kimmer added that he wanted the site to look as nice as possible and to not have negative impacts on neighbors.

24-14, 128-132 Cramer Road, Special Use Permit

Public Hearing

Ed Melvin represented Saratoga Holdings for the proposal. Melvin stated that that he was proposing homes on three (3) lots that were part of the original Cramer Hills subdivision. He plans to build custom homes with additional living space as in-law apartments. Melvin added that the homes would be designed to look like single family homes and not duplexes. Melvin noted that he wanted to design the homes similar to his own home where his mother had her own “wing” in the house with separate utilities for his mother.

Huizinga spoke for Planning. Huizinga stated that the project is located at 128-132 Cramer Road, the three lots are part of the original Cramer Hills Subdivision, and that the zoning is R-1. Huizinga added that in the R-1 a two-family home is allowed with a Special Use Permit (SUP) granted by the Planning Board. Huizinga felt that SEQRA is consistent with the Town-Wide GEIS and that no further environmental review is needed. Huizinga stated that the Fire Department had no concerns with the project., and that NYS building code would dictate the septic size and well flow rate for each property. Huizinga directed the Board to review the 10 Special Use Permit Criteria outlined in her Staff Review when making a decision about the project.

BOARD DISCUSSION

Grandeau wanted to know if there was enough water to sufficiently service the properties given the historical and ongoing water issues that were present in the neighborhood.

Melvin noted that he was not aware of issues whether or not there is an adequate supply of water or not.

Grandeau noted that he was concerned since he was in the water business and since he had customers in the neighborhood who had experienced issues in the past.

PUBLIC HEARING

Chairperson Loewenstein opened the Public Hearing at 8:15 PM.

Keith Ricciardone of 124 Cramer Road was concerned with there being enough water in area for the project since he had to relocate his well pump closer to the bottom of the well over the last 30 years with the development of the Cramer Hills Subdivision.

John Riddick of 2 Jean Lane was concerned with water also because of multiple people in the area having issues in the past. Riddick stated that one of his neighbors had to spend \$15,000 to have their water system upgraded in order to provide them with adequate drinking water. Riddick also asked if the project were approved, would there be separate driveways, wells and septic systems for each dwelling unit. Riddick felt that if so much more water would need be taken from the already stressed aquifer, there would be major issues for other neighbors in the area.

Raymond Hladik of 126 Cramer Road stated that he was against the proposal and had a 37-signature petition from neighbors who also were against the proposal. Hladik stated that he felt the proposed homes would not look like what they were being proposed as and felt like the three (3) two-family homes were wrong for the neighborhood because it was zoned as R-1, single-family residential. Hladik stated that he was concerned with property value loss as well as being concerned about the ability of the aquifer to be able to provide enough water to the new homes in addition to the existing homes that it already struggles to provide for. Hladik also was concerned with the additional traffic that would be created on the road, what would happen after the original owners sold the homes (if they would become rental units), and was

concerned with the wetlands that he claimed existed on one of the lots.

Hladik gave the petition against the project to Huizinga for the record and Huizinga noted for the Board that the petition claimed that the project is to build "Low Income Duplexes" on the properties when the proposal is for market-rate single-family homes with in-law apartments.

Kathy Docherty of 122 Cramer Road stated that she received a copy of the application and stated that she did not want 2-family homes to be built on the properties. Docherty stated that she approved of 3 single-family homes with in-law suites, but not 2 family homes.

Christie Lee Ryan of 115 Cramer Road stated that she was confused by Melvin's presentation because it conflicted with the notice that she received in the mail. Ryan stated that the notice she received stated that there would be "affordable housing duplexes" proposed to be built at 128-132 Cramer instead of single-family homes with in-law suites as Melvin proposed. Ryan also stated that she was concerned about the eventual outcome of the homes since she felt it was odd that someone would place their mother or family they were taking care of on a separate electrical meter or septic. Ryan felt that the homes would eventually turn into duplexes as time went on. Ryan also stated that she wanted the Planning Board to look over the project carefully for everyone's sake and noted that she didn't know there were water issues in the area in addition to the issues she had down the street. Ryan noted that she was concerned for her neighbors and wanted the Board to carefully consider them when making a decision.

Daniel Polli of 4 little Drive stated that he had run out of water 2 times in the 3 years that he lived in his home. Polli also noted that he needed to purchase an overly-sophisticated water treatment system for his home in order to have adequate water. Polli stated that he had no issues with someone wanting to develop their property, but was confused why someone would want to build homes with accessory dwelling units (ADU) in the R-1 zone and limit their ability to sell them in the future. Polli also felt that the design of the proposed homes was beyond a typical home with an ADU and thought it didn't fit with the character of the neighborhood. Polli asked what the criteria was when considering a Special Use Permit (SUP) and felt Melvin should be required to prove why a SUP was necessary and identify a hardship that he was facing by making his case to the Zoning Board of Appeals (ZBA) before being granted an SUP. Polli was also concerned that granting the SUP would create a precedent in the neighborhood that would pave the way for more projects like it on the remaining vacant lands on Cramer Road.

Lawrence Lieberman of 1 May Apple Way stated that he wanted the Planning Board meeting live-streamed like Town Board meetings.

Loewenstein thanked Lieberman for his comment and reminded him that live-streaming meetings wasn't a topic of discussion for the meeting.

Lieberman stated that it was an important fact in his opinion to be brought up.

Grandeau stated that Mr. Lieberman should voice his concerns to the Town Board.

Lieberman stated that people wanted to know what was going on in town.

Loewenstein stated that his concern was duly noted.

Jen Andreadakis of 126 Cramer Road wanted to know what would happen next, Andreadakis was concerned that the homes would eventually be rented out and that she did not want different transient people moving in that didn't care about the property who wouldn't take pride in or respect for it.

Michael Ryan of 115 Cramer Road wanted to know why the letter he received from Planning stated "3 Proposed Low Income, Affordable Duplexes" when the presentation was for single family homes with in-law suites.

Huizinga asked Ryan if she could read the letter that he received. Huizinga stated that the Planning Department did not send out any correspondence stating that the presentation would be for low-income housing. Huizinga added that the letter that Ryan received was a reprint of the original notice that was sent to abutting neighbors of the project property only with an additional map stapled to the back. Huizinga noted that the attached map depicted an outlined area of the three properties under review with a text box pointing to the site reading "3 Proposed Low Income, Affordable Duplexes."

Huizinga stated for the record that the Planning Department notice mailed to abutting residents did not describe the project as "low income" but that the project is for two-family residents. Huizinga asked to see what notice the residents were referring to, that someone else not affiliated with the Town of Malta sent out to people. She also noted that the map was not made by the Town and was not included with the official neighbor notice that was mailed certified to abutting residents.

Ryan also asked if there would be water available in the future since he was told it would cost around \$100,000 to be added to the water district and that it would end at Edith Lane. Ryan also stated that he wanted the neighborhood to remain single-family only.

Huizinga stated that since the Town had yet to own the water district to which Ryan was referring, she could not speak to what the future of that situation was.

Jen Andreadakis of 126 Cramer Road wanted to see actual renderings of the proposed homes. Andreadakis wanted to know what the proposed homes would actually look like, if the properties would be under one deed or multiple, and how busy the properties would be because she was concerned with them causing issues for children and pets. Andreadakis also stated that she would like to see the setbacks and septic systems for the properties prior to them being approved.

Raymond Hladik of 126 Cramer Road asked if there would be additional Public Hearings after the current one was closed.

Everhart stated for Hladik that a decision to move forward or to request more information would be made after the Public Hearing.

Derek Solek of 36 Little Drive was worried about what the proposal will look like at the end of the project and was concerned about the site distance from Edith Lane after the homes were built.

Loewenstein asked Melvin to clarify some of the confusion and try to answer the questions and concerns of the Board and the public. Loewenstein specifically asked what Melvin was going to do about the water concerns.

Melvin stated that he preferred that water would come down the road but that the cost was infeasible. Melvin also stated that he would be building nice homes, not low-income, as to discourage "riff-raff" in the neighborhood and that they would be high-end homes. Melvin added that he would provide plans to the Board prior to expecting an approval from them.

Loewenstein asked if each home would have one driveway.

Melvin stated that one driveway per home would be preferred from a traffic standpoint and did not think there would be any issues with site distance from an engineering standpoint.

Kathy Docherty of 122 Cramer Road stated that she was worried about the proposed homes being two-family homes and did not think that the homes would be single-family with in-law apartments. Docherty stated that she did not want two separate entrances because it would, in her mind, make two separate residences and not just an attached apartment that would only have access via the main home. Docherty was also concerned that if the home was resold, it would be marketed as two-family.

Huizinga stated that the SUP allowed for two-family dwellings with separate entrances in the R-1 zone.

Docherty asked if the home could be rented to anyone?

Huizinga stated that the home could be rented to anyone.

Docherty stated that she did not approve of a two-family home and asked the Board to treat the proposed homes as single-family homes with in-law apartments that would not have a separate entrance.

Daniel Polli of 4 Little Drive wanted to know if there were wetlands onsite and wanted them to be taken care of properly and addressed by the Board. Polli also asked if the Public Hearing could be left open until a later date.

Prior to moving forward, Loewenstein asked if the Board wanted to leave the Public Hearing open or if they wanted to move forward to consideration and a vote.

Everhart suggested that if the Board wanted to request additional information from the applicant, it may make sense to leave the Public Hearing open. Everhart added for the public that regardless of the Board's decision with the Public Hearing, it was currently paused and the Board would be considering next steps. Everhart stated that since the Public Hearing was paused, the public had to refrain from commenting until the Board finished their discussion.

Havens asked where the nearest hydrant was.

Melvin stated that it was 300 yards to the East down Cramer Road. Melvin added that from his understanding of the local geography, there were wetlands between the hydrant and the building site. Melvin noted that he had yet to hire an engineer to determine what would be necessary to install an additional hydrant with the nearby wetlands blocking the path.

Havens stated that to his knowledge it was required by NYS fire code that a hydrant be installed within 400 feet of new construction and wanted Melvin to agree to construct one prior to project approval.

Prior to moving forward with Board review, Everhart noted for clarification that if Melvin were only proposing single-family homes, he wouldn't be before the Planning Board and would apply for a regular building permit to be reviewed and approved only by a Building Inspector to ensure that the proposed use followed all applicable code, zoning, and any other requirements like any other developer would.

Everhart also stated for the record that when someone makes a presentation for a Special Use Permit, they are not asking for a variance from the zoning code, they are asking for a use that was deemed by the Town Board as harmonious with the zone district it would be in. Everhart noted that the Town Board found as a matter of law that in general a two-family use in the R-1 zoning district is compliant with the zoning code and harmonious with the zone. Everhart added that what the Planning Board did when they applied their test for a Special Use Permit, they were considering whether or not there was something specific about any of the concerns arise because of the particular location or particular circumstances. Everhart noted that the Board is not considering what the structure would look like, just like the Board wouldn't consider what the neighboring single-family structures would look like. Everhart stated that the Planning Board is considering the two-family use. Everhart then asked Huizinga to confirm if what was being proposed was defined as two-family or single-family with an in-law apartment or if they were the same thing.

Huizinga confirmed that they were the same thing and considered as a two-family home.

Everhart continued and stated that whether or not a two-family home or a single-family home with an in-law apartment were considered two different things in real life, they were considered the same thing under the Malta Zoning Code, and what was being sought was a Special Use Permit for a duplex style use. Everhart wanted to remind the Board where they were in the process and stated that they would be looking at the 10 SUP Criteria and evaluating if there is any information that had bearing on the answers to the criteria, the Board should ask the applicant to supplement their application.

Loewenstein asked if the Board was ready to make a decision or keep the Public Hearing open

Grandeau wanted to know if there was enough water on each lot for a two-family home without negatively affecting neighbors and asked Melvin if he would put in wells prior to approval.

Melvin stated that he would consider putting in wells prior to constructing the homes.

Grandeau stated that he felt he could not vote unless he knew if there was enough water or not.

Everhart asked Engineering if the applicant could determine if there was a sufficient enough quantity of water for each lot without negatively impacting neighbors.

Doty stated that a test well could be drilled to determine how much water was available. Doty added that in municipal water supply development, a test well was exactly what would be done to confirm if enough water was available. Doty

added that building code required a minimum amount of flow in order to support a building onsite. Doty felt that given the concerns and knowledge of what had happened on other neighboring parcels with regards to water quantity, it may be wise for the Board and the developer to know if there was even enough water to support a single-family home since a two-family home would use more water than a single-family home potentially.

Melvin stated that he did not know about the water issues in the area prior to making the presentation.

Loewenstein asked Huizinga if a minimum amount of water was required prior to Building Permit issuance.

Huizinga stated that the Building Department would require a well to provide enough water prior to issuance.

Everhart asked if test wells would be required.

Huizinga stated that test wells would be required on each parcel.

Everhart asked if the results would be based on quantitative or qualitative data.

Huizinga deferred to Code Enforcement because she did not know the answer to Everhart's question. Huizinga added that the well system and septic system would need to be fully engineered with plans that wells have adequate flow rate.

Melvin asked if that happened in the rest of the Cramer Hills Subdivision prior to those homes being built.

Everhart stated that she did not know the answer to that question.

Doty stated that since the Board was hearing things from both neighbors and a water treatment professional (Grandeau) it made sense to request that test wells be dug to confirm if there was enough and high enough quality water or not.

Loewenstein asked if the Board wanted to keep the Public Hearing open or not.

Mazza asked if the applicant wanted to build single-family homes instead, would they be before the Planning Board.

Huizinga restated that no presentation to the Board would be required and the applicant would need to provide percolation and flow tests to Code Enforcement prior to Building Permit issuance. Huizinga added that the Board had purview over the water and stated that the Board could request test wells if they felt it was necessary.

Grandeau stated that he wanted test wells showing sufficient quantity and quality prior to approval.

Everhart asked if the Board wanted test wells prior to action even though other homes in the neighborhood did not need to go through the Planning Board to receive Building Permits and if the Board wanted to keep the Public Hearing open or if they wanted to move forward with the condition that a Building Permit would not be issued unless there was sufficient water to the proposed homes.

Grandeau wanted to know the available water quantity and quality prior to him voting.

Mazza asked if the test wells were drilled and the necessary data was provided, would everything else would fall into place.

Grandeau confirmed Mazza's question as correct as the water quality professional in the room.

Havens also stated that he was concerned about water.

Loewenstein asked if the Board wanted to keep the Public Hearing open.

Everhart stated that the Public Hearing could be left open but the Board would need to request additional information and allow people to submit comments in written form to the Board going forward. Everhart added for the record that since the Planning Board Agenda could change without notice due to unintentional unforeseen circumstances, there was really no feasible way to know when the application would be before the Planning Board again. Everhart suggested that

the public should call the Planning Department to confirm if the application would be presented at an upcoming meeting or not.

Loewenstein asked if there were any other concerns prior to moving forward.

Melvin interjected and asked if he were to propose a single-family home for each site, would he need to go before the Planning Board.

Loewenstein, Everhart, and Huizinga stated that he would not need to go before the Board and would only need a Building Permit.

Everhart stated for Loewenstein that her notes stated the following concerns from the public: the water quality and quantity concerns, whether there were wetlands onsite or not, the design aesthetics of the proposed homes, traffic and site distance from the properties, if there would be shared driveways or not, if the homes would be two separate residences or one large residence with an in-law apartment (no distinction in zoning code and a true duplex could be approved with the Board's decision). Everhart added that if there were any other concerns from the Board, they may be able to be addressed with a question for the applicant at the meeting or in writing at a later date instead of at the next meeting.

Loewenstein asked if the Board had any other concerns.

No other concerns were brought up.

Loewenstein left the public hearing open until a later date.

Huizinga noted for the public that the Planning Department would not be re-notifying anyone via mail of the 128-132 Cramer Road proposal returning to the Planning Board. Huizinga added that if the public wanted to know when the proposal would be before the Board again, they needed to pay attention to the website since the Planning Board Agenda would be posted to the website no later than the Friday prior to the next upcoming meeting. Huizinga added that the Planning Board Meeting was generally the fourth (4th) Tuesday of the month and that there was a calendar on the website showcasing upcoming events and meetings.

Planning Board Business

No motion was made to accept the June 23, 2024 Planning Board Meeting Minutes due to a lack of voting members present. The vote for the approval of the June 23, 2024 Planning Board Meeting Minutes was tabled until a later date.

Meeting Adjournment

Stephen Grandeau **MOTIONED** to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of the Planning Board, **SECONDED** by Jean Loewenstein, motion carried unanimously at 9:07 PM.

Respectfully submitted by,

David E. Jaeger, Jr.
Planning Board Secretary
Planning Technician