



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
David E. Jaeger, Jr. – Planning Technician & Board Secretary
Mark Schachner – Legal Counsel
Leah Everhart – Legal Counsel

Meeting Minutes for May 29, 2024

The Town of Malta Planning Board held its regular meeting on Wednesday May 29, 2024 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, John Viola presiding:

Present:

Dwight Havens
William Smith
Kyle Kordich
Ronald Bormann
John Viola
Leejun Taylor

Absent:

Stephen Grandeau
Frank Mazza
Jean Loewenstein

Correspondence: All correspondence is on file.

Chairperson Viola read the following agenda into the minutes:

Project #	Project Name	Project Type
21-16	Mountain View Estates (Extension of Approval)	Major Subdivision
24-09	KFC of Malta	FBC Project Plan Amendment
24-10	Northwood Water Company	Site Plan
24-10A	Northwood Water Company	Special Use Permit

Chairperson Viola elevated William Smith and Leejun Taylor to full voting members.

21-16, Mountain View Estates (Extension of Approval), Major Subdivision

Colin Lansing of Lansing Engineering presented on behalf of the applicant.

Lansing noted that final approval was originally granted on 1/24/2023. Lansing also noted that nothing had changed with the project since the last presentation and that final project plans were submitted to the Planning Department and are awaiting final approval signatures.

Huizinga noted that the current 90-day extension expired on June 18, 2024 and that the Town Board would be deciding on the Clifton Park Water Authority extension for the project in June. Huizinga stated that the requested extension would extend approval to September 16, 2024 in case it was needed for any unforeseen issues that may prevent the project from moving forward.

BOARD DISCUSSION

No comments were received from the Board.

Resolution #2024 – 11

MOTION by William Smith **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 29th day of May, 2024 approves a 90-day Extension of Approval for Project #21-16 Mountain View Estates, Major Subdivision extending the expiration date of June 18, 2024 to September 16, 2024.

VOTE:

Ronald Bormann – YES; Dwight Havens – YES;
William Smith – YES; Leejun Taylor – YES; John Viola – YES

Motion CARRIED 5-0

Kyle Kordich arrived at 6:45 PM.

24-09, KFC of Malta, Form Based Code Project Plan Amendment

Public Hearing

Alex Rosenblum, the proprietor and franchisee presented for the Board. Rosenblum noted that the project was pretty straightforward. Rosenblum noted that the restaurant was currently a combination KFC and Taco Bell that would be separating in the near future. Rosenblum also noted that once Taco Bell moved out the remaining space would be renovated to reflect the standalone KFC that would be left over. Rosenblum stated that the new paint scheme would be an Earth tone scheme and that if approved, the work would begin in the Fall of 2024.

Huizinga stated for the Board that the renovations would be a Form Based Code project that required a Project Plan application and that their role was to ask questions and make recommendations. Huizinga noted that the applicant had provided paint color samples (Creamy SW 7012, Beigewood 1007, and Night Horizon 2134-10) for the building to the Planning Department for the renovations that would be retained in the project file. Huizinga also noted that she requested that the applicant put in a sidewalk to provide pedestrian connectivity from Route 67 to the restaurant.

BOARD DISCUSSION

Bormann asked if the color of the service doors to the building could be changed to a lighter color that was less intense to make them blend in with the proposed siding better.

Rosenblum stated that the color of the doors could be changed.

PUBLIC HEARING

Viola opened the Public Hearing at 6:39 PM.

Rick Handley, of 6 Danbury Drive asked if the building had sprinklers.

Rosenblum stated that the building had sprinklers.

Viola closed the Public Hearing at 6:40 PM.

24-10, Northwood Water Company, Site Plan

24-10A, Northwood Water Company, Special Use Permit (SUP)

Public Hearing

Brandon Ferguson of Environmental Design Partnership (EDP) presented for the applicant.

Ferguson noted that Northwood Water Company (Northwood) was a private water company that serviced approximately 400 homes along Brownell Road, East High Street, and the surrounding areas. Ferguson noted that Northwood wanted to connect to the Saratoga County Water Authority (SCWA) water main along the Zim Smith Trail and decommission their wells. Ferguson noted that a Pump House was needed to maintain the current water pressure in the existing Northwood system. Ferguson noted that in addition to the Pump House, approximately 1800 feet of water main would be laid that would begin at the pump house, cross Route 67, continue along the East side of East Line Road, and connect to the existing main on Brownell Road.

Ferguson stated that Northwood had recently purchased the property at 432 East Line Road where the Pump House (PH) would be constructed, that the property was zoned C-2, that the PH would be 15x20 in size, located to the rear of the property away from Route 67, and that the property would be accessed by the existing curb cut on East Line Road.

Huizinga noted that the PH required both Site Plan and SUP according to Town Code as a Utility Lot. Huizinga added that there was specific language in the Town Code for Utility Lots and that there were no bulk requirements for Utility Lots for lot size, setbacks or design, making the project zoning compliant. Huizinga noted that the presentation was being made in order to document that the PH location, that the existing wells for Northwood would be decommissioned, and that the applicant provided additional plans showing that the PH would be far enough away from the proposed future NYSDOT roundabout at the intersection when and if it were constructed.

Huizinga added that the proposed water main would create minimal disturbance since directional drilling would be utilized to place the proposed main and that a OPRHP Letter had been received allowing the Board to act on SEQRA for both the Site Plan and Special Use Permit. Huizinga also noted that the applicant was proposing siding on the PH that would be a beige color that would match the nearby existing PHs across the street in Ballston.

Viola asked if Engineering had been consulted for the project.

Huizinga stated that she deferred to the Saratoga County Engineer since it was their water and added that a resolution had been passed by the SCWA to move the project forward.

BOARD DISCUSSION

Bormann asked if the building would be similar to existing pre-fabricated buildings nearby.

Ferguson stated that the proposed building would be similar to the buildings across the street.

Havens asked Ferguson to provide information on the design flows and pressures for the proposed system with regards to fire suppression.

Ferguson stated that he was currently working with the Department of Health (DOH) to maintain the current flows and pressures of the existing system.

Havens asked what the specific ratings were.

Ferguson noted that the current pressure rating was between 50-80 psi and that he did not have currently have the flow data with him. Ferguson added that the intention of the expansion was to maintain the current ratings and not increase it significantly.

Havens noted that the Fire Department would like the applicant to provide pump pressure and flow rates to allow for fire department's needed pressure. He wanted to make sure that the system would have enough flow for fire suppression.

Ferguson noted that he would provide that information.

Huizinga asked Havens if he was speaking on behalf of the Round Lake Fire Department or the Planning Board.

Havens stated that he was speaking as a Planning Board member who was interested in Fire as an Engineer.

Viola asked Huizinga if the proposal would be reviewed by the Fire Department.

Huizinga stated that the Fire Department would be consulted to ensure that the project would provide them what they required.

Havens noted that the Route 67-East Line Road intersection was the confluence of three (3) Fire Departments, Ballston Fire to the West of East Line Road, Malta Ridge Fire to the North of Route 67 and East of East Line, and Round Lake Fire to the South of Route 67 and East of East Line.

Viola asked if the proposed PH would provide water to the Town of Ballston.

Ferguson stated that the proposed PH would only service customers in the Town of Malta, Northwood Water Company users.

Smith asked if the proposed PH would decommission the existing Laural Acres Pump Station.

Ferguson stated that the existing wells would be decommissioned and that the existing facilities would be maintained in order to have a reservoir for day storage within the system.

Havens asked if there were booster pumps at the existing Laural Acres PH.

Ferguson stated that there were existing booster pumps that would continue to be utilized.

Smith asked if Laural Acres would have enough water pressure at the existing PH.

Ferguson noted that there would be enough water pressure for the entire system.

PUBLIC HEARING (SUP)

Viola opened the Public Hearing at 6:51 PM.

Barbara Conner of 200 Brownell Court asked what the timeline would be until project completion.

Ferguson stated that the timeline was dependent on several factors. Ferguson noted that the timeline was tentatively as soon as possible but that the project needed to receive DOH approval, finalization from the SCWA, and approval from the Malta Planning Board.

Rick Handley of 6 Danbury Drive commented and stated that he wanted more information available to the Public when a Public Hearing was scheduled. Handley felt that what was available on the Town website and what was detailed in the provided Meeting Agenda was not informative enough to allow members of the public to fully understand what was being proposed at a meeting.

Shaun Flynn, Assistant Chief of the Round Lake Fire Department wanted to know if there would be an automatic alarm on the building and if a Knox Box would be provided.

Ferguson stated that those would be provided.

Conner asked Ferguson if the proposed water system would be limited to the current Northwood Water customers or if future developments would be serviced by the Pump House.

Huizinga asked Conner to direct her questions and comments to the Planning Board and not the applicant.

Conner repeated her question to the Board.

Huizinga noted that Conner's question was related to contractual agreements that would be worked out with the Saratoga County Water Authority and that it was not currently a purview of the Malta Planning Board. Huizinga added that to her knowledge a contract was being worked out with the SCWA as the governing body for the project and not the Planning Board.

Everhart asked if the goal of the PH was to only obtain water from the SCWA.

Ferguson stated that the only water source for the entire Northwood Water system would be the SCWA with the construction of the proposed Pump House.

Everhart noted for the Board that the applicant and the Saratoga County Water Authority had a public agreement that included terms, conditions, and current limitations placed on the potential future expansion of the Northwood Water system. Everhart added that the concern about the expansion of the Northwood system was not a concern of the Planning Board unless there were members who had those concerns.

Bormann asked if that concern needed to be considered when an application was before the Board.

Everhart stated that if the Board felt the future expansion of the system was a concern related to the Site Plan and Special Use Permit being proposed, they should consider that when making a decision regarding the approval or denial of a proposal. Everhart then asked the Board if they would want to impose any limitation on the expansion of the system if no limitation was placed on it by the SCWA.

Smith noted that his only concern was related to if the proposed system would be able to handle the existing Northwood customers.

Viola stated that he did not have any interest in placing a restriction on the proposed system.

No other Board members had concerns.

Flynn asked Ferguson what sized main the applicant was proposing to use.

Ferguson and Huizinga confirmed that the proposed main would be 10 inches in diameter.

Flynn added that he felt the applicant may need to gate down the water pressure given that the SCWA had in his opinion the best pressure and flow that was leaps and bounds ahead of other providers in the area.

Viola closed the Public Hearing at 6:59 PM.

Resolution #2024 – 12 SEQRA

MOTION by Ronald Bormann **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 29th day of May, 2024 determines that Project #24-10, Northwood Water Company, Site Plan, and Project #24-10A, Northwood Water Company, Special Use Permit, are consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

VOTE:

Kyle Kordich – YES; Ronald Bormann – YES; Dwight Havens – YES;
William Smith – YES; Leejun Taylor – YES; John Viola – YES

Motion CARRIED 6-0

SPECIAL USE PERMIT CRITERIA

1. Is the use listed as a permitted special use in the appropriate zoning district;
Yes. Utility lots and utilities are allowed in all zoning districts with a SUP.
2. Conforms to the standards and design requirements specified in the Code and the Master Plan for that particular zone.
Yes. Utility lots/utilities are not subject to any dimensional limitations otherwise established including lot coverage limitations, minimum lot size, minimum setback requirements, and minimum road frontage requirements.
3. Will not have an undue adverse effect upon adjacent property, the character of the neighborhood and surrounding areas, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety, welfare or convenience of the public;
The use is consistent with the Master Plan Neighborhood 7 and §167-22 Utility Lots. Clifton Park Water Authority and the Town of Ballston Water Dept. have pump houses on the west side of East Line Road located between Stewart's and the Zim Smith Trail.
4. Will not create operations or uses that will be considered objectionable to nearby properties by reason of noise, fumes, vibrations, illumination or other outward effects on others in the zone.
The proposed use will not create any objectionable operations.
5. Complies with any other requirements within the zone;
N/A. No additional requirements are required in the C-2 Route 67 zone for this use.

6. Will be in harmony and promote the general purpose and intent of the Master Plan;
Yes.
7. Will not adversely affect the short-term and long-term cumulative impacts on the environment;
The construction of the pump house will not adversely affect the short-term and long-term cumulative impact of the environment.
8. Will be able to mitigate to the satisfaction of the Board any adverse or irreversible impacts on the environment, including any growth-inducing aspects of the proposed use;
Yes. The project is subject to Town Mitigation fees such as traffic, open space and GEIS.
9. Will not adversely affect unique and irreplaceable assets or resources of the area;
The site does not contain wetlands and is not a habitat for rare, threatened or endangered species.
The project meets the requirements. OPRHP stated that there were no concerns onsite.
10. Will be serviced adequately (as determined by the Board) by essential public facilities and services, including, but not limited to, highways, streets, parking spaces, public transportation, police, ambulance and fire protection, drainage structures, solid waste management and refuse disposal, water and sewers, groundwater protection, schools, energy conservation, as well as any other additional services as the Board deems appropriate.
Yes.

Viola felt the project would not adversely affect the short or long-term cumulative impacts on the environment and felt that the project met all requirements with regards to OPRHP concerns.

Havens noted that he was concerned with the fact that the Pump House was being built outside of its own water district on land that to his knowledge was in an area that was under contract with the Clifton Park Water Authority.

Huizinga stated that the Pump House would not be on land that was contracted with the Clifton Park Water Authority district. Huizinga added that the proposal would create a Utility Lot and that the Board was considering a Special Use Permit to build the Pump House onsite.

Havens asked if the contract would be between the Saratoga County Water Authority (SCWA) and Northwood.

Huizinga confirmed that the contract would be between the SCWA and Northwood to provide water to the Northwood customers.

Havens asked what water company would service the geographic area that the Northwood system was in if a new development was built that was not currently supplied by Northwood.

Huizinga stated that any new development along the Route 67-East Line corridor would need to approach one of the nearby water districts in order to obtain water since there wasn't a "blanket water district" in place in that area.

Havens asked if Northwood had to go through that process.

Huizinga stated that she did not know given that Northwood was simply building a Pump House to connect its customers to the Saratoga County Water Authority. Huizinga added that the Pump House itself would not be serviced by a water company since it was a Pump House only.

Havens asked who would service the Pump House for fire suppression.

Huizinga noted that she felt Havens was being overly concerned with the details of matters that she could not provide an answer for.

Ferguson noted that the property that the PH would be on was not being serviced by the Northwood district as it did not need water service. Ferguson added that the building itself would be the water source for the Northwood district, not a customer of the district.

Havens asked who would provide water for fire protection on the property.

Huizinga asked where the nearest fire hydrant was. She also noted the pump house is located in the Round Lake Fire Department district service area.

Havens noted that there was one across the street.

Huizinga noted that the hydrant was most likely serviced by the Ballston Water Department or the Clifton Park Water Authority.

Havens asked if the PH would require a service contract with the hydrant's water provider in order to use the hydrant in the event of a fire on the property.

Ferguson noted that to his knowledge the water district did not decide who could use the water in a particular hydrant.

Everhart added that it was the decision of the particular fire district that the PH was in to decide who used a particular hydrant.

Huizinga noted that whatever fire district was servicing the area already would service the property.

Ferguson added that the existing home on the lot was serviced by the nearby hydrant and that the same hydrant would also service the Pump House.

Havens noted that there have been instances in the past where hydrants could not be accessed by Malta fire departments because the hydrants were not within Malta. Havens added that he wanted to make sure that whatever paperwork needed to be completed for fire suppression was filled out in order to affirmably answer question #10 of the Special Use Permit criteria.

Ferguson stated that to his knowledge the property was serviced by the Round Lake Fire Department (RLFD).

Flynn confirmed that the property was serviced by the RLFD.

Huizinga added that she felt if the existing home were to catch fire, it would be put out; and that the Pump House would also be put out if it were to catch fire.

Havens noted that he did not want to get in trouble for using water that was not technically allowed to be utilized by the responding fire department

Huizinga noted that she had never heard of a border dispute regarding fire prevention and suppression.

Havens asked if there was no concern from the perspective of who could use the water then.

Kordich noted for Havens that if he felt there was an issue related to the use of the water then he could voice that when the Board moved forward to vote on the approval or denial of the Site Plan and Special Use Permit. Kordich added that the vote did not need to be unanimous.

No other comments were received from the Board.

Resolution #2024 – 13

MOTION by Kyle Kordich **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 29th day of May, 2024 approves Project #24-10A, Northwood Water Company, Special Use Permit and Project #24-10, Northwood Water Company, Site Plan as presented:

VOTE:

Kyle Kordich – YES; Ronald Bormann – YES; Dwight Havens – YES;
William Smith – YES; Leejun Taylor – YES; John Viola – YES

Motion CARRIED 6-0

Planning Board Business

MOTION by Kyle Kordich **SECONDED** by Ronald Bormann to accept the April 23, 2024 minutes.

VOTE:

Kyle Kordich – YES; Ronald Bormann – YES; Dwight Havens – YES;
William Smith – YES; Leejun Taylor – ABSTAIN; John Viola – YES

Motion CARRIED with 5 YES and 1 ABSTENTION

Meeting Adjournment

John Viola **MOTIONED** to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of the Planning Board, **SECONDED** by Kyle Kordich, motion carried unanimously at 7:17 PM.

Respectfully submitted by,

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