



# Town of Malta

## Planning Board

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

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 August 27, 2024

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The Town of Malta Planning Board held its regular meeting on Tuesday, August 27, 2024 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, John Viola presiding:

### Present:

John Viola  
Stephen Grandeau  
Dwight Havens  
Frank Mazza  
William Smith  
Leejun Taylor  
Kyle Kordich (LATE)

### Absent:

Jean Loewenstein  
Ronald Bormann

Correspondence: All correspondence is on file.

Chairperson Viola read the following agenda into the minutes:

Project #	Project Name	Project Type
24-08	Philly Subdivision (Stewart's Road)	Minor Subdivision
21-18	4 Old Stonebreak Road Warehouse	Site Plan
24-15	Parker Truck Repair (2653 US Route 9)	Site Plan (Concept)

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

### Planning Board Business

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to accept the July 23, 2024 and June 25, 2024 minutes.

### VOTE:

Stephen Grandeau – YES; Frank Mazza – YES; Dwight Havens – YES;  
William Smith – YES; Leejun Taylor - ABSTAIN; John Viola – ABSTAIN

Motion CARRIED with 4 YES and 2 ABSTENTIONS

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

**Public Hearing**

Chuck Marshall of Stewart's Shops Corp. presented. Marshall noted that since the last presentation, the only changes were the alteration of the lot dimensions involved in the change in the curvature of the proposed road, that the proposed tax lots were provided to the Town, and that the LaBella Associates technical comments needed to be addressed. Marshall noted that he felt the comments could be addressed via a condition of approval. Marshall also noted that once the project was approved, Charlie's Stay and Play (Charlie's) would be released from an existing LLC with Stewart's and that they would receive ownership of their parcel that would be separate from the road parcel and the parcel to the South of the road would be retained by Stewart's. Marshall also stated that the comments related to lighting along the road would be addressed by installing solar powered lighting along the road instead of needing to run the utilities for underground wiring.

Huizinga spoke for Planning. Huizinga stated that the applicant had addressed Planning's comments since their last presentation. Huizinga added that of the proposed lots, lot #1 (North of the road) would be approximately 93 acres, lot #2 (South of the road) would be 5.3 acres, lot #3 (Charlie's) would be 5.6 acres, and lot #4 (road parcel) would be 2.8 acres. Huizinga also added that the proposed lots met C-8 zoning and that the existing PDD lots would not be changed. Huizinga stated that Planning's SEQR recommendation is that the project is consistent with the Supplemental Town-Wide GEIS and Statement of Findings and that no further review was necessary. She recommended the Board require a condition of approval, that the applicant address LaBella's comments related to the road and the proposed tax lots map be incorporated in the final subdivision plan set. She also recommended a note be added to the plan stating that the Town would not be responsible for maintaining the stormwater management area on lot #1.

Hull spoke for Engineering. Hull noted that most of his comments were addressed but that the stormwater management plan for the project still needed to be reviewed.

Kyle Kordich arrived at 6:38 PM.

Everhart asked Marshall if he would object to the Planning Board imposing a condition that would request Stewart's to offer the road for dedication to the Town excluding the stormwater management area.

Marshall stated that he had no issues with that.

Everhart asked Huizinga if the proposed condition would satisfy her concerns about the ownership of the stormwater management area.

Huizinga stated that she would agree to such a condition and added for clarification that she would want to see the long-term operation and maintenance of the stormwater management area outside of the Town's right-of-way to be the applicant's responsibility. Huizinga further clarified that the catch basins on the road would be the responsibility of the Town but that the stormwater management areas/basins/ponds would be the responsibility of the applicant to maintain.

**BOARD DISCUSSION**

Taylor asked if the solar lighting would work in the Winter.

Marshall stated that he believed the lights would work in the Winter.

**PUBLIC HEARING**

Chairperson Viola reopened the Public Hearing at 6:41 PM.

No comments were received from the public.

Chairperson Viola closed the Public Hearing at 6:42 PM.

**Resolution #2024 – 17  
SEORA**

**MOTION** by Stephen Grandeau **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 27th day of August, 2024 determines that Project #24-08, Philly Subdivision, Minor Subdivision, is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – YES; Frank Mazza – YES;  
Dwight Havens – YES; William Smith – YES; Leejun Taylor - YES; John Viola – YES

Motion CARRIED 7-0

#### **Resolution #2024 – 18**

**MOTION** by Frank Mazza **SECONDED** by Stephen Grandeau to resolve that the Malta Planning Board on the 27th day of August, 2024 determines that Project #24-08, Philly Subdivision, Minor Subdivision, with the following conditions:

1. The applicant offers the proposed roadway to the Town for dedication.
2. The applicant address all outstanding Engineering comments dated August 23, 2024.
3. That the “Proposed Tax Map Parcel” sheet be incorporated in the final plan set.
4. That the Stormwater Management Area be owned and maintained by the owner of lot #1.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – YES; Frank Mazza – YES;  
Dwight Havens – YES; William Smith – YES; Leejun Taylor - YES; John Viola – YES

Motion CARRIED 7-0

#### **21-18, 4 Old Stonebreak Road Warehouse, Site Plan**

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Dave Kimmer of ABD Engineering presented on behalf of the applicant. Kimmer noted that the project was last before the Board in June and since that time the comments received from Engineering and the Board had been addressed. Kimmer noted that more pavement would be proposed and that the truck turning plan had been amended to allow for better circulation. Kimmer also noted that the North-side of the building would receive more landscaping and a more aesthetic design with color accents and a stone waterboard along the office portion of the building. Kimmer added that the requested photometric plan had been submitted and that Engineering noted that they were concerned with the proposed lighting creates more than 1.0 foot-candles (fc) of light in the parking lot as required by Malta code. Kimmer stated that the applicant could amend the lighting plan to allow for only 1.0 fc of lighting on the property but felt that the way the lighting was proposed would not adversely affect neighboring properties since no light would spill onto neighboring properties. Kimmer added that the applicant would like to keep the lighting as it was currently proposed to allow for enough lighting on the property.

Huizinga noted that the Board discussed architecture at the last meeting since two façades of the building faced the road. Huizinga also noted that the applicant improved the design by adding some stonework/brick façade along the office portion and changed the design of the metal work along the office portion of the building to break up the design. Huizinga added that additional landscaping had been added to the plan as requested. She recommended for SEQR review that the project was consistent with the Supplemental Town-Wide GEIS and Statement of Findings and that no further SEQR review was needed. Huizinga recommended a condition of approval for the applicant to address engineering comments and to change the remaining non-native planting on the plan to a native variety.

Hull spoke for Engineering and noted that all previous comments had been addressed, that the fire department was satisfied with the design, that the SWPPP would need to be updated for the project, and that the lighting issue was a technicality related to the parking lot lighting producing more than 1.0 fc on average throughout the site. Hull added that if the Board wanted the applicant to keep lighting at the 1.0 fc average, the applicant would need to return to the Board with the amended design to approve it. Hull also added that if the Board wanted to give the applicant some discretion, the details of the lighting could be worked out behind the scenes with Engineering. Hull's last comment was related to stormwater, Hull noted that since the size of the project would not require a full stormwater management plan but would not create significant runoff, he wanted a condition that would be enforced during construction of the project to allow the

Town to monitor stormwater controls.

Everhart asked Huizinga if what Hull was requesting was typical during construction.

Huizinga confirmed that since the project would disturb more than an acre of land, it would require a soil disturbance permit and would require weekly inspections as per Town regulations.

### **BOARD DISCUSSION**

Kordich was concerned with the lighting issue and wanted to know if Engineering wanted the Board to ask the applicant to adhere to the standard lighting requirements identified in the code. Kordich also asked if making the applicant adhere to those standards would require the applicant to return to the Board with an amended proposal at a later date.

Hull stated that he would leave it to the discretion of the Board to decide whether to enforce the standard or not.

Viola asked how much more powerful the proposed lighting was compared to the standard lighting.

Kimmer stated that the proposed lighting was fairly typical to a warehouse building with full cutoff downfacing fixtures. Kimmer also stated that the design of the proposed lighting met all other regulations but that the lighting was proposed as brighter near the loading docks and in the parking areas. Kimmer added that the lighting as proposed would not allow for more than 1.0 fc to be cast off of the property.

Kordich stated that he was concerned about potential light pollution and wanted to know if the Board should make the applicant adhere to the requirement like other applicants have had to in the past.

Kimmer stated that the lights would be dark sky compliant and that less than 1.0 fc of light would leave the property with the proposed light design. Kimmer also stated that the applicant could spec lower wattage lights but he felt it would be less safe in outlying, darker areas.

Viola asked how the Board felt about lighting.

Havens felt that considering this project differently than others would not be fair.

Kimmer stated that Malta code allows brighter outdoor lighting around high-security areas upwards of 5 fcs and felt the proposed use justified the brighter lighting.

Viola asked if the businesses onsite would be operated 24/7.

Kimmer stated that they would not run 24/7.

Kordich asked how much the lighting would be affected if it were lessened.

Kimmer stated that the lighting could be dimmed and that more fixtures could be added. Kimmer added that only so many could be installed around the perimeter of the building and that a dark spot would be created in the middle of the lot with dimmer lights.

Grandeau asked about how other parking lots handled the requirement in town.

Kimmer stated that he wasn't sure how other lots were treated.

Viola asked the Board if they wanted to make the applicant adhere to the 1.0 fc requirement.

The Board agreed to requiring the applicant to adhere to the Town code.

Kordich added that if the applicant met code-compliance he was happy, regardless of how the details were worked out.

**Resolution #2024 – 19  
SEQRA**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 27th day of August, 2024 determines that Project #21-18, 4 Old Stonebreak Road Warehouse, Site Plan, is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – YES; Frank Mazza – YES;  
Dwight Havens – YES; William Smith – YES; Leejun Taylor - YES; John Viola – YES

Motion CARRIED 7-0

Prior to voting on approval, Everhart asked the Board if they wanted to structure the condition of approval to state that the applicant be required to adhere to the limitation of 1.0 fcs of light on-site.

The Board agreed to Everhart's suggestion.

**Resolution #2024 – 20**

**MOTION** by Kyle Kordich **SECONDED** by Stephen Grandeau to resolve that the Malta Planning Board on the 27th day of August, 2024 determines that Project #21-18, 4 Old Stonebreak Road Warehouse, Site Plan, with the following conditions:

1. That the applicant limit all outdoor lighting to an average of 1.0-foot candle as approved by Engineering and in compliance with Malta Town code.
2. That the applicant address all outstanding LaBella comments dated August 22, 2024
3. That the applicant replaces non-native plant, *Euonymus Fortune*, with native plants.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – YES; Frank Mazza – YES;  
Dwight Havens – YES; William Smith – YES; Leejun Taylor - YES; John Viola – YES

Motion CARRIED 7-0

**24-15. Parker Truck Repair (2653 US Route 9), Site Plan (Concept)**

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Scott Lansing presented on behalf of the applicant. Lansing stated for the Board that this is the first presentation where he would obtain feedback from Board and return at a later date. Lansing also stated that the project needed ZBA approval for a front-yard setback variance and was anticipating a positive outcome from the ZBA. Lansing noted that the site is approximately 3 acres and that it is a vacant site with some wetlands and steep slopes. Lansing also noted that surrounding uses are the Albany-Saratoga Speedway, Showcase of Homes, Malta Springs neighborhood, and an archeologically protected site.

Lansing stated that the parcel is zoned C-7 Commercial and that the proposed conditions would be a truck service garage that would be a single-story, 3,750 SF building with three bays on either side of the building to allow for vehicles to more easily access the garage and proposed on-site parking during and after repairs. Lansing also stated that there would be one full access on Route 9 to allow tractor-trailers to access the property and enter the garage that would suffice for fire apparatus access as well. Lansing added that there would be 25 parking spaces on-site (8 required) along the East and South sides of the facility for 5 passenger vehicles, 16 straight trucks and 4 tractor-trailers.

Lansing noted that since less than one acre of land would be disturbed, a full SWPPP would not be required but that a stormwater management plan would be created. Lansing also noted that the property would be supplied by public water and public sewer. Lansing noted that no architectural renderings had been completed yet but would in the future. He added that the entire disturbed area on the property would be in flat, upland areas that would not disturb steep slopes or

wetlands. Lansing also added that he was applying for the front-yard setback variance because the Route 9 ROW is wider in front of the property than others in the area, forcing the front-yard setback further onto the property. Lansing noted that the distance from the front of the proposed building to the road was actually closer to 60' and felt the variance would not be difficult to obtain.

Huizinga stated that the applicant was before the Board for concept and that the presentation. She reminded the Board that a concept plan for a used auto dealership was presented a few years ago for the same location. Huizinga added that the former proposal would have had more cars on-site than the current proposal but with the similar amount of pavement. Huizinga noted that she was concerned about the amount of pavement and how close the heavy vehicles would be to the on-site steep slopes and ephemeral stream. Huizinga stated that she wanted the environmental sensitive areas protected with curbing to prevent trucks from causing erosion of the steep slopes. Huizinga added that the proposed project would need a front yard setback variance from ZBA prior to it returning to the Planning Board.

Hull spoke for engineering and echoed Huizinga's comments but was also concerned with how the proposed project could affect the nearby Class C(T) stream that is fed by the two on-site tributaries to the East and South of the project site. Hull added that his comments were related to how runoff would be handled to protect the pavement, steep slope, and the streams. Hull noted that a full SWPPP was not necessary for the project but wanted a fairly robust stormwater management plan for the project since the site would be at the top of a plateau with the impervious surfaces created by the pavement and the proposed shop's roof. Hull added that any of the work that would be needed to install perimeter lighting, and curbing or guard-rails would also have the potential to disturb the native, sandy slopes onsite and it was something that he wanted to see protected by a stormwater management plan.

#### **BOARD DISCUSSION**

Kordich was concerned with the protection of the streams and slopes and agreed with Hull on protecting them.

Grandeau stated that he was present during the used car-lot presentation and that the current presentation was concerning him because of the fact that there would be wrecks onsite that would potentially leak hazardous fluids into the streams. Grandeau felt that unless something could be proposed that would ensure no detriment to the nearby streams, he could not support the project.

Havens noted that he wanted a hydrant installed on the East-side of the Route 9 closer to or on the property itself.

Lansing stated that he would look into it.

Smith stated that he did not want to see a junkyard or unregistered vehicles and was worried about runoff and how snow removal would be handled with so much pavement.

Taylor noted that she read that the speedway was going to be redeveloped in the future and was concerned that the proposed use was inappropriate for the area.

Lansing acknowledged the Board's concerns but stated that a tow shop was allowed by zoning. Lansing also noted that the slope was not as deep as it was perceived on the plans with 1-foot contours instead of the standard 2-foot contours. Lansing also noted that stormwater management would be robust and would filter out pollutants.

#### **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 Frank Mazza, motion carried unanimously at 7:31 PM.

Respectfully submitted by,

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