



Jean Loewenstein – Co-Chairperson  
John Viola – Co-Chairperson  
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 October 22, 2024

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The Town of Malta Planning Board held its regular meeting on Tuesday, October 22, 2024 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, Jean Loewenstein presiding:

### Present:

John Viola  
Jean Loewenstein  
Dwight Havens  
William Smith  
Kyle Kordich  
Stephen Grandeau

### Absent:

Leejun Taylor  
Frank Mazza

Correspondence: All correspondence is on file.

Chairperson Loewenstein read the following agenda into the minutes:

Project #	Project Name	Project Type
24-15	Parker Truck Repair/Towing (2653 US Route 9)	Site Plan

Chairperson Loewenstein elevated William Smith to full voting member status.

### Planning Board Business

**MOTION** by John Viola **SECONDED** by Jean Loewenstein to accept the September 24, 2024 minutes.

### VOTE:

Kyle Kordich – YES; Stephen Grandeau – ABSTAIN; Dwight Havens – YES;  
William Smith – YES; Jean Loewenstein – YES; John Viola – YES

Motion CARRIED 5 YES 1 ABSTENTION.

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

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Scott Lansing spoke on behalf of the applicant.

Lansing stated that his primary objective was to update the Board since the previous meeting. Lansing reiterated the site details for the project and surrounding properties from the previous meeting. Lansing noted that trucks and fire apparatus could navigate the site by looping around the property, and that parking would be in the rear of the site. Lansing also noted that since the site would disturb less than an acre of land, a full SWPPP wasn't needed. Lansing added that despite a SWPPP being unnecessary for the project, there would be stormwater management practices (SMPs) onsite. Lansing noted for the Board that the necessary front-yard setback variance needed for the project was obtained from the Zoning Board of Appeals in October. Lansing also stated that the proposed layout for the site shrunk from the original proposal to allow for less pavement and to provide more protection to the slope behind the proposed building and parking lot.

Lansing stated that the proposed stormwater management system was designed for a 2-year storm that could handle 6.21 inches of rain. Lansing noted that he felt a 2-year storm capable system was sufficient since the majority of pollutants would be washed away in the first 0.5 inches of rain. Lansing also felt the proposed system was sufficient since the 2-year storm rainfall amount was more than 5 times the amount of rain that would wash away the majority of any sediment and pollutants generated by the project. Lansing added that water service would be extended across Route 9 to allow for the project to be on public water and to allow for a hydrant on the East-side of Route 9 (as per the Board's request). Lansing also noted that the original layout of the building included an office in the middle of the facility that was decreased to a smaller 10x10 office that would be along the East-side of the building to allow for easier access to customers and noted that a picnic table and bike rack would be added to the site for a required amenity space.

Huizinga spoke for Planning and noted that Lansing answered most of her questions and added that the Town Water Department wanted a larger than required waterline for the project that would cross Route 9 in the event there would be additional development on the East-side of the road. Huizinga also noted that Board member Frank Mazza, who could not be at the meeting, expressed his concerns to her that he didn't want the site to look like a junkyard and wanted a fence installed onsite and was concerned about fluids reaching the nearby stream. Huizinga added that Mazza was also concerned about vehicles leaving the paved area and wanted to know what kind of protections would be installed to prevent that from happening.

Hull spoke for Engineering. Hull noted that like Lansing stated, a full SWPPP wasn't needed, but that he was requesting information that was in essence a SWPPP. Hull also noted that the onsite wetlands would be subject to new regulations in 2025 and added that there were 3 clauses that would allow the project to be "grandfathered" and subject to the existing 2024 regulations. Hull noted that the 3 clauses were; 1. The acceptance of a full Environmental Impact Statement, 2. A negative declaration on the project, and 3. Receiving Site Plan approval before the end of the year. Hull added that if the project was not subject to one of the three clauses by the end of the year, it may run into other issues in 2025 with the new regulations. Hull also noted that he wanted to see a traffic assessment submitted and reviewed prior to Engineering sign-off on the project.

Loewenstein asked Huizinga if the project could receive a SEQRA determination without OPRHP guidance.

Huizinga stated that the project would need to be on hold with regards to SEQRA until OPRHP guidance was received.

#### **BOARD DISCUSSION**

Grandeau asked if the business would pick up wrecks off of the highway.

Lansing stated that the business would be for that purpose in addition to other heavy truck repair and maintenance services.

Grandeau noted that he was concerned with the trucks leaking fluids onsite since they were larger and in wrecks. Grandeau also noted that he was concerned with snow removal and felt that the project would cause stored snow runoff to become heavily contaminated with oils and fluids when the snow melted.

Lansing noted for Grandeau that all fluids inside the facility would be collected via a floor drain with an oil-water separator and that all fluids outdoors would be collected via the SMP and properly treated per NYSDEC requirements.

Grandeau stated that he would like to see more details regarding the SMP prior to making a decision on the project.

Lansing agreed to provide more details.

Smith stated that he wanted to see as much landscaping as possible to hide the site from the public. Smith suggested trees and potentially berms to camouflage the site from the road. Smith also asked Lansing if new trees would be planted onsite since the existing trees were in poor condition and if there were plans to install bollards to prevent vehicles from rolling off the slope.

Lansing stated that the majority of the project would be in the already cleared area onsite and that new plantings would be utilized. Lansing added that bollards weren't being proposed because the site's pavement would be sloped towards the building and because there would be a 10-20' shelf behind the parking lot that would protect the slope.

Smith asked Lansing how fire apparatus would navigate the site and if the building would be sprinklered or not.

Lansing stated that an apparatus access plan would be provided and that the proposed setup would allow for fire apparatus to loop around the building if needed and that the building would not be sprinklered since it did not meet the size requirements to necessitate sprinkling the facility. Lansing also added that the proposed onsite hydrant would provide adequate water for fire protection.

Smith asked if the vehicles from the old site would be transferred to the new site and noted that he did not want the new facility to become a junkyard.

Lansing stated that he felt they would be transferred since the applicant was seeking to relocate to the new facility.

Viola added that the facility becoming a junkyard was a big concern for the Board, and asked Huizinga if there was an ordinance for storing unlicensed vehicles in Malta.

Huizinga noted that there was an ordinance for properties, but does not apply to commercial businesses that are in this type of business.

Viola noted that there still wasn't an answer to the question of if the facility would be utilized for storage or not.

Huizinga noted that the proposal was for a repair shop, not long-term storage. Huizinga asked Leah if the Board could limit storage of vehicles as a condition of approval.

Everhart noted that she was unfamiliar with what the Town's code stated about vehicle storage, and added that it would be the responsibility of code enforcement to handle that, not the Planning Board. Everhart reminded the Board that they should only be concerned with aesthetics relating to buffers and fencing to alleviate the concerns that the Board has about the facility looking like a junkyard.

Viola asked if there was no ordinance, could the Board make a condition of approval that would limit how long vehicles could be stored and prevent vehicles from being stripped down to create a junkyard.

Everhart stated that the Board could state that "any vehicles that are parked at the site be parked in a designated parking area" to alleviate the concern of the facility looking disorderly and offensive like a junkyard instead of a repair shop. Everhart added that the Board could also require the applicant to adhere to the Site Plan approval by not allowing them to park things long-term outside of designated areas.

Viola asked if vehicles could be parked between the front of the building and Route 9.

Huizinga stated that technically vehicles could be parked in the front of the facility, but that Lansing noted that the lane in front of the facility would be primarily used for vehicle circulation.

Viola noted that he did not want to see vehicle storage from Route 9.

Everhart asked if parking itself was an issue or if storing vehicles to be repaired out front was the issue.

Viola noted that the storage of wrecks or vehicles to be repaired were what concerned the Board.

Everhart stated that the Board could enact a prohibition of overnight parking in the front of the facility.

Smith added that parking vehicles out front could prevent fire apparatus from adequately navigating the property.

Lansing noted that he would look into the details regarding fire access and stated that the applicant wanted to use the front laneway for vehicle circulation and not parking. Lansing added that all parking would be in the rear of the facility and that he would speak with the applicant to confirm the details that were concerns for the Board. Lansing also added that he didn't think the applicant wanted to fence the site and noted that he would speak with his landscape architects to enhance the proposed plantings to screen the property as much as possible.

Everhart asked Viola if the Board would want to require a condition of approval that prohibited the dismantling of vehicles outdoors.

Viola noted that his concerns were related to aesthetics and fire service access.

Lansing noted that fire apparatus would have full access by looping around the building.

Loewenstein noted that aesthetics were as important to her as pulling the building away from the slope was. Loewenstein also asked if Lansing was protecting the slope by not disturbing them and reducing the footprint of the facility.

Lansing stated that the decreased footprint moving the facility away from the slope was how the applicant planned to protect the slope.

Loewenstein asked Lansing if he had any questions for the Board since the project couldn't move forward without OPRHP guidance.

Lansing noted for the Board that he needed to change the proposed waterline for the facility to an 8-inch line instead of a 6-inch line, that he needed to provide a traffic assessment for Engineering, and he understood that the project needed to be completed prior to the end of the year if the applicant wanted the project to be subject to the 2024 NYSDEC wetland regulations.

Smith asked Lansing if the applicant wanted to use the rear of the property on the other side of the onsite ravine like a previous applicant wanted to when they brought a proposal before the Board.

Lansing stated that the applicant had no intentions to use the area to the rear of the property beyond the ravine.

Hull noted for Grandeau and the Board that he wanted Lansing to add a narrative that detailed the stormwater management practice (SMP) to alleviate concerns. Hull added that he would review everything as usual, but wanted to see those details for the Board.

Lansing stated that he would furnish Hull's request.

Prior to adjournment Huizinga noted for the Board that the November and December Planning Board meetings would be a week early, on November 19<sup>th</sup> and December 17<sup>th</sup>.

### **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 7:14 PM.

Respectfully submitted by,

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