



# 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 June 25, 2024

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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, Jean Loewenstein presiding:

### Present:

Dwight Havens  
William Smith  
Ronald Bormann  
Stephen Grandeau  
Jean Loewenstein  
Frank Mazza  
Kyle Kordich (LATE)

### Absent:

John Viola  
Leejun Taylor

Correspondence: All correspondence is on file.

Chairperson Loewenstein read the following agenda into the minutes:

Project #	Project Name	Project Type
23-17	Rainville (Extension of Approval)	Minor Subdivision
21-18	4 Old Stonebreak Warehouse	Site Plan
24-11	Windstone Farm (386 Brownell Road)	Special Use Permit

Chairperson Loewenstein elevated William Smith to a full voting member.

### **23-17, Rainville (Extension of Approval), Minor Subdivision**

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Maria Rainville presented. Rainville noted that her delays were related to water and sewer.

Floria Huizinga spoke for the Planning Department and noted that the Planning Board could grant an unlimited number of 90-day extensions. Huizinga added that the current expiration of July 18, 2024 would be extended to October 21, 2024 if the Board agreed to grant an additional extension. Huizinga also noted that the only barriers to the project moving forward were related to “will serve” letters being received for water and sewer.

### **BOARD DISCUSSION**

Grandeau asked if Rainville had met all conditions that were required at the previous meeting.

Huizinga confirmed that all the requested conditions had been met other than “will serve” letters for water for both properties and sewer for the front property.

### **Resolution #2024 – 14**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 25th day of June, 2024 approves a 90-day Extension of Approval for Project #23-17 Rainville, Minor Subdivision extending the expiration date of July 23, 2024 to October 21, 2024.

VOTE:

Stephen Grandeau – YES; Ronald Bormann – YES; Frank Mazza – YES;  
Dwight Havens – YES; William Smith – YES; Jean Loewenstein – YES

Motion CARRIED 6-0

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

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Dave Kimmer of ABD Engineers presented for the applicant. Kimmer noted that the proposed building would be a 20,700 SF warehouse. Kimmer also noted that the project had been before the Planning Board several times in the past and that the only change since the last presentation was the removal of a loading bay on the West side of the building. Kimmer stated that the remaining two bays were along the East side of the building where truck traffic would be conveyed. Kimmer stated that he was interested in conditional approval and was willing to answer questions from the Board. see tape...

Huizinga noted that the presentation was last before the Board in April 2022, that the project site was in PDD #9 on Old Stonebreak Road. Huizinga added that the project site was the last lot to be developed on Old Stonebreak Road, next to Saratoga Water Services and behind 11 Stonebreak Road.

Huizinga also added that the project was consistent with Supplemental Town-Wide GEIS and did not require further review. Huizinga noted that PDD #9 did not have bulk setback or lot size requirements and that what the applicant was proposing would be the setbacks for the property. Huizinga noted that the property was technically a corner lot because it is located on a curve and therefore has no rear setback. Huizinga detailed the setbacks for the property as 19 feet minimum and 69 feet maximum for the West, 19 feet min. and 35 feet max. for the North, and 8 feet min. and 10 max for the South.

Huizinga noted that the building would be gray with blue trim, and requested that the applicant consider changing some of the façade of the building in order to make it fit in better with the character of the neighborhood. Huizinga also requested that the landscaping around the building should be more robust. Huizinga added that she needed a photometric plan and cut sheets for lighting. Huizinga also added that the Board could consider project approval but that there were still concerns that needed to be addressed including engineering comments, the requested lighting plans and the requested façade changes.

Kyle Kordich arrived at 6:40 PM.

Reuben Hull of LaBella Associates noted that his comments were limited to Highway and Fire department review. Hull noted that the length of the fire access and sprinkler systems needed to be reviewed by the Fire department prior to sign off, and that he wanted to see more pavement at the access onto Stonebreak Road to prevent trucks from going onto the gravel shoulder of the driveway pavement and rutting up the gravel shoulder up as time went on. Hull also noted that the project onsite stormwater management design does not require a SPDES permit from DEC. Hull did not take exception to the applicant's methodology and design of the proposed stormwater management since all discharges would be onsite. Hull advised the applicant that long term maintain of the stormwater management areas would still need to be maintained as if the project obtained a SPDES permit for over an acre of disturbance. Hull added that he wanted to make sure that there was a mechanism in place to make sure the applicant maintained the stormwater facilities like they would be if they required a SPDES permit. Huizinga noted that the applicant would need a soil disturbance permit from the Town and file a stormwater maintenance agreement.

## **BOARD DISCUSSION**

Grandeau asked Kimmer if the applicant was willing to make the façade more aesthetic with a brick design and more landscaping to make it have more continuity with other buildings nearby.

Bormann wanted to see an updated rendering with the brick façade.

Mazza also wanted to see a façade similar to others in the neighborhood on the building prior to approval.

Kimmer stated that the applicant most likely would be amenable to those requests.

Smith wanted the applicant to make sure the truck-turning radius would be completely on asphalt and not gravel.

Kordich echoed the rest of the Board's comments.

Loewenstein asked if the warehouse would meet building height and greenspace requirements for the PDD.

Huizinga stated that the updated rendering indicates the building met the zoning height requirements of maximum 30 feet and that the Luther Forest PDD #9 did not have greenspace requirements but that the proposal was consistent with other buildings in the neighborhood.

Kimmer noted that the proposed greenspace percentage of the site was approximately 28%.

Hull clarified his earlier statement about truck-turning radii and stated that he felt that a semi-truck (tractor-trailer) would have challenges maneuvering the site without making the paved area larger given different sized trucks and drivers accessing the site at different angles. Hull was concerned that trucks would potentially drive in the gravel area and rut the area up due to the weight of the trucks.

Loewenstein asked Hull about a previous concern about the Northwest access and sight distances.

Hull noted that the concern was eliminated with the removal of the loading bay on the Western side of the proposed warehouse.

Loewenstein noted that she felt the applicant should address the comments made by Planning, Engineering and the Board before moving forward to approval with the project. Loewenstein asked the Board how they felt regarding approval.

The Board agreed that the applicant should make the requested changes and come back at a later date.

Everhart asked the Board if they had any other requests for the applicant prior to moving forward with project approval.

Loewenstein asked Kimmer to clarify if a photometric plan had been submitted to Planning.

Kimmer noted that one had yet to be submitted.

Project approval was postponed until a later date.

#### **24-11, Windstone Farm (386 Brownell Road, Special Use Permit**

#### **Public Hearing**

Stephanie Farradino presented on behalf of the applicant. Farradino noted that the property was purchased several years ago, that it is zoned R5, is approximately 10.5 acres, currently zoned single family. Farradino stated that the goal of the project is to make a family compound for the applicant's family and parents. Farradino stated that the existing structures would be connected with an enclosed breezeway to make a single two-family home. Farradino noted for the Board that the project site is zoning compliant based on the Special Use Permit (SUP) criteria and that, if necessary, an upgraded septic system or an additional septic system would be constructed based on the needs of the system. Farradino noted for the Board that the applicant wanted to have a statement from the Planning Board stating that the Special Use Permit ran with the land in which it is granted on so that the two-family residence could continue to be used as a two-family residence in the future.

Huizinga noted that the zoning for the site is R5 residential agricultural and the two-family residential use is allowed. Huizinga also noted that a Public Hearing was needed, that the project was consistent with the Supplemental Town-Wide GEIS and no further environmental review was necessary. Huizinga added that Code Enforcement noted that the buildout of the second residence would determine the needed changes for the septic and that the connection between the two residences must be fully enclosed in order to be a code-compliant two-family home.

Everhart asked Huizinga if the enclosed hallway was the determining factor in making the proposed project a two-family residence.

Huizinga confirmed that without the enclosed hallway there would be two (2) principal residences on-site, making them non-compliant within the R5 zone.

Hull noted that he had no comments related to the project but that he felt the proposed project would maintain the rural character of the neighborhood.

#### **BOARD DISCUSSION**

Havens asked if there were two accesses to the site or only one. Havens added that the language in the proposal was confusing and wanted clarification.

Farradino clarified for Havens and stated that the site had one access via a shared driveway and that what was defined in the proposal as “two accesses” was to state that each building had its own means of ingress/egress.

## **PUBLIC HEARING**

Loewenstein opened the Public Hearing at 7:09 PM

Ron Messen at 384 Brownell Road wanted to know if the barn-residence would be two stories or one and wanted to make sure that the upgraded/new septic system was designed to flow away from the onsite pond and lower lying areas on his property.

Loewenstein noted that the septic would be designed to NYS designed standards.

Huizinga stated that the septic would be required to be designed by an engineer and that the applicant did not currently know what the plan was for the design of the apartment.

Loewenstein closed the Public Hearing at 7:10 PM

Farradino noted that the intention of the new barn-apartment would have some living space on the first floor but with the majority of the living space on the second floor.

## **SPECIAL USE PERMIT CRITERIA**

### **(1) Explain how the proposed use is a permitted special use in the appropriate district.**

Town Code identifies two-family dwelling as a specially permitted use in the R-5 zone. The minimum lot size required for a two-family use is 80,000 square feet (1.836± acres) and 200 feet of frontage.

### **(2) Explain how the proposed use will conform to the standards and design requirements specified in the Code and the Master Plan for the particular zone.**

Two-family dwellings are specially permitted within the R-5 zone. The minimum lot size required for a two-family use is 80,000 square feet (1.836± acres) and 200 feet of frontage.

### **(3) Does the proposed use have an undue adverse effect upon adjacent property, the character of the neighborhood and surrounding area, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety, welfare or convenience of the public?**

The two-family home will likely not have an undue adverse impact on the neighborhood and adjacent property.

### **(4) Does the proposed use 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 two-family special use will not generate objectionable levels of noise, fumes, vibrations, illumination or other outward environmental effects to others in the R-5 zone.

### **(5) Does the proposed use comply with all other municipal requirements within the zone?**

If granted, the special use permit will comply with all other municipal requirements within the zone.

**(6) Is the proposed use in harmony with, and promote the general purpose and intent of the Master Plan?**

According to the Master Plan, this parcel is located in Neighborhood 10, Brownell. This area is envisioned as residential and agriculture. The proposed two-family special use is consistent with the character of this neighborhood.

**(7) Does the proposed use adversely affect the short-term and long-term cumulative impacts on the environment?**

There are no anticipated adverse short-term or long-term cumulative impacts to the environment.

**(8) Does the proposed use mitigate to the satisfaction of the Board any adverse or irreversible impacts on the environment, including any growth-inducing aspects of the proposed use?**

There are no anticipated adverse or irreversible impacts to the environment.

**(9) Does the proposed use adversely affect the unique and irreplaceable assets or resources of the area?**

Minimal changes to the land are proposed to accommodate the breezeway connecting the house and barn. There are no known unique/ irreplaceable assets on this project site.

**(10) Is the proposed use serviced adequately by essential public facilities and service, 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 sewer, groundwater protection, schools, energy conservation, as well as other additional services?**

If the Planning Board considers approval of this special use permit, the applicant will submit a building permit to the Building Department for the proposed breezeway and interior work to be completed to convert the barn into living space. At that time, the Building Department will require engineered plans validating the usage and capacity of the septic system(s) according to NYS building code and NYSDOH requirements. Typically, a four-bedroom house requires a 1250-gallon septic tank and a five-bedroom house requires a 1500-gallon septic tank. If the existing system is not sufficient, then it will have to be upgraded according to aforementioned requirements in order to obtain a building permit for the proposed improvements.

**Resolution #2024 – 15  
SEQRA**

**MOTION** by Jean Loewenstein **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 25th day of June, 2024 determines that Project #24-11, Windstone Farm, Special Use Permit, 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; Ronald Bormann – YES;  
Frank Mazza – YES; Dwight Havens – YES; William Smith – YES; Jean Loewenstein – YES

**Motion CARRIED 7-0**

Farradino asked the Board to include for the record that the Special Use Permit ran with the land.

Everhart agreed to make the requested statement reflected in the minutes after the vote for project approval.

Loewenstein also noted that the project would need to have a properly designed upgraded/new septic system prior to Building Permit Issuance.

Farradino noted that the existing system may be sufficient but that it needed to be evaluated prior to moving forward.

Huizinga stated that a Building Permit will not be issued without an engineered designed and operating septic system onsite.

### **Resolution #2024 – 16**

**MOTION** by Stephen Grandeau **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 25th day of June, 2024 approves Project #24-11, Windstone Farm, Special Use Permit, as presented and hereby adopts the analysis set forth in the Planning Department's June 17, 2024 Staff Review.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – YES; Ronald Bormann – YES;  
Frank Mazza – YES; Dwight Havens – YES; William Smith – YES; Jean Loewenstein – YES

Motion CARRIED 7-0

Everhart stated for the record that in Malta, Special Use Permits run with the land and are not dependent on the identity of the owners.

### **Planning Board Business**

**MOTION** by Dwight Havens **SECONDED** by William Smith to accept the May 29, 2024 minutes.

VOTE:

Kyle Kordich – YES; Stephen Grandeau – ABSTAIN; Ronald Bormann – YES;  
Frank Mazza – ABSTAIN; Dwight Havens – YES; William Smith – YES; Jean Loewenstein – ABSTAIN

Motion CARRIED with 4 YES and 3 ABSTENTIONS

### **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 7:21 PM.

Respectfully submitted by,

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