



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 September 24, 2024

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The Town of Malta Planning Board held its regular meeting on Tuesday, September 24, 2024 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, John Viola presiding:

### Present:

John Viola  
Jean Loewenstein  
Ronald Bormann  
Dwight Havens  
Frank Mazza  
William Smith  
Kyle Kordich (LATE)

### Absent:

Leejun Taylor  
Stephen Grandeau

Correspondence: All correspondence is on file.

Chairperson Viola read the following agenda into the minutes:

Project #	Project Name	Project Type
23-05	721 NYS Route 67 (Heflin Apartments)	Site Plan

Chairperson Viola elevated William Smith to full voting member status.

### Planning Board Business

**MOTION** by John Viola **SECONDED** by Frank Mazza to accept the August 27, 2024 minutes.

### VOTE:

Kordich – yes Ronald Bormann – ABSTAIN; Frank Mazza – YES; Dwight Havens – YES;  
William Smith – YES; Jean Loewenstein - ABSTAIN; John Viola – YES

Motion CARRIED with 5 YES and 2 ABSTENTIONS

### **23-05. 721 NYS Route 67 (Heflin Apartments), Site Plan**

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Doug Flynn of Lansing Engineering presented for the applicant.

Flynn stated that he was before the Board to request SEQRA and Site Plan approval in order for the project to be able to apply for Army Corps. wetland permits and pertinent endangered species coordination. Flynn noted that the parcel is a single, 8.11-acre parcel that is zoned C-2 NYS Route 67 West Overlay. Flynn also noted that the site is currently a vacant wooded lot with ACOE Wetlands onsite along the Ballston Creek that ran across the front of the property. Flynn stated that the project would be to construct three (3), eleven (11) unit apartment buildings with associated drives and parking onsite. Flynn also stated that the project would feature a single access to Route 67 that would extend to the onsite parking areas to service the proposed apartments.

Flynn noted that each building would feature 16 parking spaces with an additional 18 spaces onsite for a total of 66 parking spaces to meet minimum parking standards. Flynn also noted that comment letters had been received from the Fire Department, Labella Associates, Saratoga County Planning, and the Clifton Park Water Authority and that all comments to date had been replied to.

Huizinga spoke for Planning. Huizinga noted that the project was last before the Board in December 2023 due to County Planning requesting additional information. Huizinga stated that the site would feature thirty-three (33) apartments in total, that the buildings would be 2 stories, and that Planning had been working with the applicant throughout the year to satisfy all Planning and Engineering comments. Huizinga stated that all Planning comments had been satisfied, that the applicant provided renderings for the buildings which would feature a grey-beige, neutral tone with vinyl siding, white trim, and a stone veneer. Huizinga noted that the applicant addressed firetruck overhang issues that were still present in July, that they received Will-Serve correspondence from the Clifton Park Water Authority, and noted that if the Board felt comfortable moving forward with SEQRA, she recommended a resolution stating that the project was consistent with the town-wide GEIS and Statement of Findings and that no further SEQRA review was needed. Huizinga added that if the Board were to consider project approval at the meeting, she recommended two conditions of approval, 1. Obtaining a wetlands disturbance permit and 2. Provide a copy of the water purveyor approval and/or permit.

Hull spoke for Engineering. Hull noted that the most recent comments were answered, and that he would follow up with a response letter. Hull added that there were a few remaining items related to threatened and endangered species, DEC permit for coverage for stormwater, and the NYSDOH approval letter when available for utilities. Hull noted that if the Board were to approve the project, he recommended a conditional approval based on the outstanding comments. Hull added a comment about the proposed privately owned road. He stated that if the road were ever to be turned over to the Town, it would need to be reconstructed to meet Town Highway standards in place at that time.

### **BOARD DISCUSSION**

Prior to beginning the Board Discussion, Chairperson Viola noted for the Board that the applicant was currently seeking a SEQRA Determination but that if the Board felt comfortable, they could move forward to approve the entire Site Plan if they desired.

Bormann asked about the Traffic Study that was cited at the last meeting and asked if it took into account the increased traffic that would be created by the project and the additional construction traffic created by other approved projects in the area.

Hull noted that the report was reviewed but that he did not have it with him to cite for Bormann.

Hull asked Flynn if the report included temporary construction traffic.

Flynn stated that he believed the report was based on the full buildout of the completed project.

Bormann asked if other approved projects in the area were considered in the report.

Flynn stated that he wasn't sure but that he did coordinate with VHB about traffic concerns and was unsure specifically what the data took into consideration.

Mazza asked if the turning radius concern Chief Shaw had at the previous meeting had been addressed.

Flynn stated that the plan had been modified to show more substantial snow removal areas that would not impact the fire apparatus turning radii of the proposed cul-de-sac.

Hull added that an additional concern related to overhang had been addressed as well for fire apparatus access with the relocation of onsite landscaping and additional pavement being added at the turn around.

Havens asked if the road would be able to handle the weight of heavier firetrucks.

Hull stated that the sub-base of the road that was typically what was considered when determining if a road could handle fire apparatus was sufficient, but that other details prevented the road from being built to Town Highway standards. Hull added that there wouldn't be issues from a functionality standpoint.

Smith asked if there were any special engineering requirements for the bridge since it would be privately owned and maintained.

Flynn stated that the owner would be putting in a bottomless arch culvert. Flynn also noted that Army Corps. stated that an actual bridge was a valid alternative to a bottomless culvert if it were preferred.

Hull noted that the structure would be designed and signed off by a structural engineer that would need to go through building permit consideration with Code Enforcement.

Kordich asked Hull if the concrete box culvert would require its own separate engineering review.

Hull confirmed.

Loewenstein asked if the applicant completed a SWPPP.

Hull stated that the only hold up on final sign off of the SWPP was a report on endangered and threatened species onsite.

**Resolution #2024 – 21**  
**SEQRA**

**MOTION** by Jean Loewenstein **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 24th day of September, 2024 finds that Project #23-05, 721 NYS Route 67 multi-family 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; Ronald Bormann – YES; Frank Mazza – YES; Dwight Havens – YES;  
William Smith – YES; Jean Loewenstein - YES; John Viola – YES

Motion CARRIED 7-0.

Prior to moving forward Viola asked the Board if they wanted to vote on the Site Plan or if they wanted to wait until the Saratoga County Planning Board was satisfied with the project.

Bormann stated that he didn't want to move forward until his questions about the traffic study were answered.

Havens asked for clarification on what the delay was from the Saratoga County Planning Board.

Huizinga stated that Planning had not received any additional correspondence from the County in over 30 days, and that the applicant had responded to County Planning Comments. Huizinga added that it was "unusual" for the County in delaying a decision by requesting that the Malta Planning Board wait to approve the project until the applicant received a District Extension from the existing Clifton Park Water Authority that would service the project. Huizinga added that the County's request was unusual because an applicant typically would receive conditional approval with the condition that the applicant obtain the water district extension in order to move forward. Huizinga noted that the County usually leaves the decision to the Malta Planning Board instead; similar to the way the Board handled the Mountain View Estates project.

Huizinga also added that NYSDEC, ACOE, and NYSDOH approvals were generally obtained prior to a water district extension being possible. Huizinga noted that the Chairpersons had been advised by Planning Board attorney, Leah Everhart (who could not be present at the meeting) that if the Board chose to act on the application, they had valid reason to act upon it since no further requests had been made by the County in over 30 days. Huizinga noted that all requested information had been provided, but that the County was not acting on it. Huizinga added that Everhart felt confident that if the Malta Planning Board wanted to act and make it a condition of approval that the necessary permits for extending the water district were obtained, they could do so. Huizinga stated that it was up to the Board to decide whether or not to move forward.

Loewenstein asked Huizinga if approval were granted by the Planning Board, could the project continue without water.

Huizinga stated that without water the project could not move forward and added that in Malta an applicant has 3 years after initial Site Plan approval is granted to move forward with construction and a Site Plan extension could be requested.

Viola asked Bormann what he would need to see from the applicant for his concerns to be addressed.

Bormann stated that he wanted a broader traffic study with current traffic numbers and the addition of what traffic would be on the road with what was already approved in the area. Bormann also stated that he wanted to see the design of the road included in the requested traffic study.

Huizinga noted that the traffic study from July 2023 that VHB completed compared other traffic studies in the area that included already approved projects.

Bormann noted that he wanted to see all the details associated with the traffic study for himself instead of simply a "yes" declaration stating that the road could appropriately handle the increased traffic from the project.

Hull stated for Bormann, when the engineering review was completed for traffic during Variance consideration, it was completed with industry standards and what was expected to happen with the full buildout of the area. Hull added that he wouldn't be comfortable recommending a condition of approval to check and validate the details of the already completed traffic study if Bormann wanted LaBella to reevaluate the study. Hull instead suggested that approval be delayed if Bormann wasn't satisfied with what was already presented to him.

Kordich asked if an additional study would be any different than the one completed in July 2023.

Hull stated that he presumed the study was completed to the level of detail that Bormann was requesting, but that he wasn't sure without actually reviewing it again.

Huizinga noted for the Board that the study completed by VHB for the Heflin project included multiple projects in the works on Route 67. Huizinga noted that the study predicted 13-17 additional trips for the proposed development. Huizinga also noted for Bormann that projects in Malta that generate additional traffic are reviewed by the Capital Region Transportation Council (CRTC) in order to determine what mitigation fees would be incurred by the developer if their project were to be approved.

Hull added that the end result of the traffic study was what the Heflin project had on the traffic network and the surroundings, not what the network and the surroundings were to the project. Hull added that the mitigation fees were calculated in order to improve the network to alleviate the impacts that the project created.

Viola asked if the Board wanted to move forward.

The Board felt comfortable moving forward.

**Resolution #2024 – 22**

**MOTION** by Jean Loewenstein **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 24th day of September, 2024 approves Project #23-05, 721 NYS Route 67 multi-family Site Plan, with the following conditions:

1. Applicant to obtain wetland disturbance permit(s).
2. Applicant to obtain appropriate approvals and/or permits necessary for water supply.
3. Applicant to address the 9/20/2024 LaBella Associates comment letter.
4. If the proposed road is to be turned over to the Town in the future, it will need to be reconstructed to meet the Town Highway Standards at that time.

Loewenstein added for the record, in addition to the conditions mentioned above, under General Municipal Law Section 239, all necessary application materials were submitted to the County Planning Board on 7/3/2024 and 8/1/2024. A full statement of the proposed action was submitted to the County and more than thirty (30) days have elapsed and the County has conducted their own review.

VOTE:

Kyle Kordich – YES; Ronald Bormann – NO; Frank Mazza – YES; Dwight Havens – YES;  
William Smith – YES; Jean Loewenstein - YES; John Viola – YES

Motion CARRIED 6-1.

**Meeting Adjournment**

Jean Loewenstein **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 7:11 PM.

Respectfully submitted by,

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