



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

2540 Route 9  
Malta, NY 12020  
Phone: (518) 899-2685  
Fax: (518) 899-4719

Jaime L. O'Neill – Building & Planning Coordinator  
Floria Huizinga – 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 22, 2023

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The Town of Malta Planning Board held its regular meeting on Tuesday August 22, 2023 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, John Viola presiding:

### Present:

John Viola  
Stephen Grandeau  
Ronald Bormann  
Frank Mazza  
Dwight Havens  
William Smith  
Kyle Kordich (LATE)

### Absent:

Jean Loewenstein  
Leejun Taylor

Correspondence: All correspondence is on file.

Chairperson Viola read the following agenda into the minutes:

<u>Project #</u>	<u>Project Name</u>	<u>Project Type</u>
21-16	Mountain View Estates	Major Subdivision
23-08	Stein	Special Use Permit
22-21	Stein	Site Plan
23-15	Jersen Construction Group	Site Plan (Concept)
23-14	ES-TD Ventures	Site Plan Amendment and Special Use Permit

Chairperson Viola elevated William Smith to a full voting member

**Planning Board Business**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to accept the July 25, 2023 minutes.

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann - ABSTAIN  
Frank Mazza - YES  
Dwight Havens - YES  
William Smith - YES  
John Viola - ABSTAIN

Motion CARRIED, 4 Yes, and 2 Abstentions.

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

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Scott Lansing presented on behalf of the applicant.

Lansing noted that nothing with the project had changed since the initial project approval. Lansing also noted that the applicant was continuing to work with affiliated state agencies to obtain all necessary approvals for the project and that the Clifton Park Water Authority had agreed to extend the Water District for the project.

Huizinga noted for the Board that the applicant was only allowed a 90-day Extension of Approval. Huizinga also noted that if additional time was needed after the granting of an extension, the applicant would need to request an additional 90-day Extension. Huizinga stated that the current approval was only valid until 9.22.2023 and if an Extension of Approval was granted at the August meeting, the next expiration date would be 12.21.2023.

**BOARD DISCUSSION**

No Comments from the Board

**Resolution #2023 – 33**

**MOTION** by Stephen Grandeau **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 22nd day of August, approves a 90 day Extension of Approval for Project #21-16 Mountain View Estates, Major Subdivision extending the expiration date of September 22, 2023 to December 21, 2023.

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann - YES  
Frank Mazza - YES  
Dwight Havens - YES  
William Smith - YES  
John Viola - YES

Motion CARRIED 6-0

**22-21, Stein, Site Plan and 23-08, Stein, Special Use Permit**

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

Lansing requested project approval. Lansing provided architectural renderings and described them in detail. Lansing also noted that all requested information had been submitted to the Planning Board and that a contract had been signed with Northwood Water Company to provide water to the site. Lansing also noted that consistent with suggestions by Planning Staff, a flat roof design had been proposed for the building instead of the original pitched roof design reducing the overall height of the structure. Lansing also noted that the applicant decreased the size of the building from 139 units to 136

units, the retail spaces for the site would be limited to personal services which will reduce potential traffic impacts, the onsite dumpster was relocated away from adjacent properties, and additional landscaping was added to include 20' evergreen trees.

Viola asked Lansing where the East Line Road access would be relocated to if a roundabout was built in the intersection.

Lansing noted that the East Line access would work where it was currently proposed even with a roundabout style intersection. Lansing also noted that if the intersection became a roundabout after the East Line access improvements were constructed, that entryway would change from the currently proposed full access to a right in, right out access as per the request of the County Planning Board. Lansing also noted that the County requested that the applicant relocate the East Line entrance further North once the roundabout were constructed and that the applicant was willing to do this if necessary.

Viola asked if Lansing would need to come back before the Board to approve the East Line access relocation.

Huizinga noted that the need to come back to the Planning Board for the access relocation may be moot since the DOT and the DEC would dictate how the access would be relocated.

Everhart noted that despite the fact that other agencies may require relocation, movement of this access point would be an amendment to the Site Plan and would seem to trigger further Planning Board review.

Stein spoke and noted that he committed to preserving the view to the North of the property for the neighboring community by planting 20 foot tall pines, and by potentially removing parking spaces along the Northern boundary. Stein also noted that the proposed location of the onsite dumpster would be relocated to limit noise, and he would install speed bumps in the parking lot to eliminate the possibility of the site becoming a cut through for traffic. Stein added that he also spoke with the neighboring landowners to the South to discuss the possibility of purchasing their property to alleviate their concerns with his development going in, and committed to a full restoration of the onsite church/school building. Stein also noted that he was committed to relocating the church/school before or after restoration if necessitated by the construction of a roundabout at the Route 67 East Line Road intersection.

Huizinga confirmed that the contract for water service to the site had been provided and that updated architectural renderings had been received by the Planning Department. Huizinga felt that the project was ready to be voted on for SEQRA, Site Plan, and Special Use Permit.

Reuben Hull of LaBella Associates noted that a letter of No Adverse Impact had been received from NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) and recommended that the Planning Board consider incorporating into any approval Resolution, the two contingents noted in the OPRHP letter. Hull also noted that the water report should be updated to reflect that the source of water would be Northwood Water instead of the Town of Ballston.

Hull confirmed that the entryways met applicable requirements, but that if a roundabout were constructed at this location, he recommended that both site entrances be "Right in Right out" to prevent left turn conflicts on Rt. 67 and on East Line Road. Hull also recommended that, if the Planning Board approved this Application, it should consider conditioning approval on the ongoing cooperation of the Applicant with the Town, County and State to help facilitate the proposed roundabout.

Everhart asked Hull to clarify his last recommendation.

Hull explained that he wanted there to be documentation in place to ensure what the Planning Board wanted to accomplish with their decision when the roundabout design moved forward.

Lansing noted that he wanted to keep the full access on Route 67 because he felt that a Right in Right out would be too restrictive. Lansing also noted that the applicant was willing to do whatever was necessary to move the process forward to change the intersection to a roundabout.

Chairperson Viola noted that Board Member Kordich had joined the meeting at 7:07 PM and asked him to come to the dais.

### **BOARD DISCUSSION**

Smith noted that he felt the current intersection sufficiently allowed traffic to make left turns off of East Line onto Route 67 and off of Route 67 into the project site even if the intersection wasn't changed.

Kordich echoed Smith's comments.

Viola asked Hull to explain how people would go South or West out of the site if both entrances were made Right in Right out only.

Hull noted that the Route 67 access would need to be used to leave the site and go through the roundabout to go South or West.

Hull also asked if the East Line access would be constructed once or twice if a roundabout went in after the entrance had been constructed.

Stein and Lansing confirmed that if the access on East Line needed to be moved it would be moved.

Grandeau noted that the fire apparatus access plan needed to be updated to show the relocated Route 67 access.

Lansing noted that an updated fire apparatus access plan had been completed, but that it hadn't been submitted to the Planning Board. Lansing also noted that though the updated plan had yet to be submitted, he thought the plan demonstrated sufficient access.

Grandeau also asked about snow removal.

Lansing noted that he felt there would be enough room onsite to push snow past the parking spaces and onto the grass.

### **Resolution #2023 - 34 SEQRA**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 22nd day of August, 2023 determines that Project #22-21, Stein, Site Plan, and Project #23-08 Stein, Special Use Permit, are consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

#### **VOTE:**

Stephen Grandeau - YES  
Ronald Bormann - YES  
Frank Mazza - YES  
Dwight Havens - YES  
William Smith - YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 7-0

Everhart reminded the Board that Planning Staff had provided the Board with the Special Use Permit criteria to assist in its review effort. She noted that Planning Staff had also provided potential responses which should be treated by the Board as a "jumping off point" to foster discussion. She then read each SUP criteria along with Planning staff guidance for the Board.

### **SPECIAL USE PERMIT CRITERIA**

1. Is the use listed as a permitted special use in the appropriate zoning district;

Everhart reminded the Board that planning staff suggested that the C-2 Route 67 Overlay zoning identified Mixed Use as specially permitted use. All Board members agreed with this recommendation.

2. Conforms to the standards and design requirements specified in the Code and the Master Plan for that particular zone;

Everhart reminded the Board that planning staff suggested that the proposed use will be compliant with the Comprehensive Master Plan, Neighborhood 7 2016 update, C-2 Route 67 West Overlay Zone, and Commercial Corridor Design Standards & Guidelines. All Board members agreed with this recommendation.

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;

Grandeau questioned the validity of the traffic assessment, and felt that despite the results of the traffic study, the project would create too much traffic in an area where there was already a substantial traffic problem.

Alana Moran, VHB, detailed the traffic assessment results for the Board. Moran noted that the traffic standards are based off of many different use codes for both residential and commercial uses. Moran also repeatedly noted that the standards used were a nationwide average that were based on peak travel times both in the AM and PM for both high and low population density areas.

Grandeau asked Moran to confirm that the traffic count used was based on a national average, not specific to Upstate NY.

Moran confirmed that the calculation was based on a national average and noted that in her experience it was consistent with the traffic generated locally.

Grandeau added that he felt no matter what the study stated, adding more cars to the intersection would only exacerbate the current gridlock that was already present at the intersection.

Everhart asked the Board if they had any other comments related to this SUP criteria.

Bormann added to Grandeau's comments that he was concerned with emergency services being able to use Route 67 adjacent to the project site if more cars were added to the area with the project.

Havens noted that even though there would be more traffic on the road with the project, the only real way to mitigate the additional impact would be through the intersection changing to a roundabout.

Mazza noted that the traffic issue was already existing and would be increasing with or without this project due to development elsewhere including in the neighboring Town of Ballston.

Grandeau asked if Northwood Water would have enough capacity to provide water to the site.

Hull noted that a letter had been received by Engineering stating that Northwood Water Company had the capacity to service the site.

Kordich asked what the alleged benefit would be to the community of this project.

Viola noted it would be the church/schoolhouse.

Everhart noted that there was no public benefit required for a Special Use Permit and that this was not part of the criteria to be considered.

Lansing acknowledged Mazza's comment that any use on the site would increase traffic in the area and that the traffic completed was reviewed by licensed traffic engineers who determined that the impacts of the project would be within reason for the area.

Lansing added that a potential public benefit of the project was the applicant was willing to work with the DOT and provide them the land necessary to construct a roundabout at the intersection to ease traffic issues.

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.

Everhart noted for the Board that this required them to determine whether any noise, fumes, vibrations, illuminations or other aspects of the project would be objectionable in their opinions and should not simply reflect whether any neighbor had raised objections.

Havens agreed that the applicant had done a lot to minimize any objectionable operations. Havens also noted that the outward objectionable operations would be illumination and that the applicant had gone above and beyond to minimize this impact.

5. Complies with any other requirements within the zone;

Everhart reminded the Board that planning staff suggested that the project complies with any other requirements within the zone. All Board members agreed with this statement.

6. Will be in harmony and promote the general purpose and intent of the Master Plan;

Everhart reminded the Board that planning staff suggested that the project will be in harmony with and promote the general purpose and intent of the Master Plan

Bormann noted that from what he understood of the intent of the Master Plan, the project site was intended for retail uses, not homes or apartments. Bormann felt that this project would not be in harmony with the intent of the Master Plan. Other Members did not comment.

7. Will not adversely affect the short-term and long-term cumulative impacts on the environment;

Everhart reminded the Board that, in creating their Record, it was important to discuss these criteria aloud, and reminded the Board that controversial applications sometimes result in litigation and that a basis for whatever outcome the Board ultimately reaches should be reflected in its Record.

Kordich added that each Board member should provide a reason why they agree or disagree with each of the Planning staff's suggested responses to the 10 Criteria.

Everhart added that impacts on the environment could include discussion not only of the physical environment, but of the historic character of the area as well.

Viola noted that he felt the church/schoolhouse building was part of this specific Criteria and felt it would be a detriment if the structure couldn't be persevered if the Route 67 East Line Road intersection became a roundabout.

Lansing noted that the Applicant was not affirmatively proposing to demolish or move the schoolhouse as part of this project and noted that if the schoolhouse were to stay in its present location and was thereafter damaged as a result of the roundabout construction, any future impact on the structure would be due to the roundabout project, not this one.

Kordich noted that the future of the schoolhouse and the concern about it was a separate issue from the future roundabout. Kordich added that the roundabout was not within the purview of the applicant, and that the issue that was relevant to the current criteria was that of the onsite wetlands, not the schoolhouse. Kordich noted that it was the responsibility of the Board to consider the environmental impacts of the project on the onsite wetlands.

Grandeau asked how much of the wetlands would be disturbed and asked how would they be mitigated.

Lansing noted that 0.56 acres would be disturbed and that they would be mitigated through compensatory means to the Army Corps. of Engineers.

Havens noted that he felt the wetlands should be discussed when reviewing SUP Criteria #7 and that the church/school should be discussed when reviewing SUP Criteria #9. Havens also added that he felt the applicant was following all State regulations with regards to the onsite wetlands.

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;  
Grandeau noted that he understood the traffic study stated that there would be no significant detrimental impact to the area with the project, but still did not see how the project would not have a significant detrimental impact.

Lansing noted for the Board that the applicant has committed to restoring the schoolhouse completely to OPRHP standards.

Bormann noted that he felt the additional impervious surfaces created by the project would adversely impact the onsite wetlands significantly.

Lansing noted for Bormann that the site was subject to a full Stormwater Pollution Prevention Plan (SWPPP) in accordance with DEC requirements and that the applicant was required to meet or exceed the current pre-development capabilities of the site to manage stormwater.

Bormann asked for the adverse effects of traffic during pre and post-construction of the project.

Moran noted that during the AM Peak Hour the current number of vehicles passing the property was 1300. Moran added that the anticipated future number of vehicles passing the site without construction of the Stein project was approximately 1350 vehicles during the AM Peak Hour. This number according to Moran was based on estimated traffic due to already approved projects in the area including those currently in development.

Moran detailed the number of vehicles generated by the Stein project and noted that during the AM Peak Hour there are projected to be 17 vehicles leaving the site heading West on Route 67 and 24 vehicles leaving the site heading East. Moran also noted that the number of vehicles entering the site from the West on Route 67 was projected to be 13 while the number of vehicles leaving the site utilizing the East Line Road access heading West was projected to be 25 vehicles during the AM Peak Hour and 30 during the PM Peak Hour. Moran also noted that the number of vehicles headed East from the East Line access during the AM Peak Hour was estimated to be 37 and 44 during the PM Peak Hour.

Bormann asked Moran what the current road capacity was and what the proposed capacity would be. Bormann also asked Moran if Route 67 was at capacity or not.

Moran noted that the road was not the dependent variable in this situation but the intersection itself. Moran stated that the current intersection at AM peak hour had a C level of service with an average delay of 33.6 seconds per vehicle. Moran also stated that if the project were approved, the post-construction average delay at the intersection would increase to 35.1 seconds per vehicle at the AM Peak Hour. Moran also noted that the current average delay during the PM Peak Hour was 38.3 seconds per vehicle and that the project would increase that number to an average of 41.5 seconds per vehicle.

9. Will not adversely affect unique and irreplaceable assets or resources of the area;

Havens noted that the project would not have an effect on any unique and irreplaceable assets or resources.

Kordich asked Everhart to confirm where the school would be moved to if the intersection became a roundabout.

Everhart noted that the applicant identified a location onsite for the schoolhouse if it needed to be relocated.

Stein added that the school would be fully restored to OPRHP standards regardless of the intersection's future.

Kordich asked Everhart if the restoration of the schoolhouse would be the public benefit of the project.

Everhart noted that a public benefit was not required by law with a Site Plan or Special Use Permit and recommended that the Planning Board not consider any kind of public benefit or lack thereof for this project since it was not part of the review criteria.

Viola asked Everhart if the public benefit concern was the responsibility of the Town Board instead of the Planning Board.

Everhart noted that the consideration of a public benefit came up in the situation of a zoning amendment called a Planned Development District or PDD when new zoning is being created for a particular project. In that context, the Town Board would consider whether the proposed project would create any public benefit. However, she reminded the Board that applicants before the Planning Board do not need to demonstrate a public benefit.

Kordich amended his earlier statement about a public benefit to state that he felt because of the unique character of the church/schoolhouse, the Board should consider its future at length.

Everhart noted that Kordich made a good point and agreed that the Board could certainly consider the future of the church/schoolhouse and its potential restoration.

Stein noted for the Board that the restoration would follow NYS OPRHP guidelines.

Kordich asked Everhart if it was possible for the Board to institute a condition of approval for the relocation and restoration of the church/schoolhouse.

Everhart noted that the applicant had a proposed location onsite for the church/schoolhouse that would be reserved similar to "banked" parking area on other projects and that this location would be utilized if there was a necessity for it in the future. Everhart also noted that unless the project approval would impact the church/schoolhouse, she did not recommend that the Board condition approval on restoration of the church/schoolhouse.

Stein added that he would be willing to meet such a condition if a condition of approval were going to be required for the protection of the church/schoolhouse.

Hull added for the Board that if the project were to not be approved, the church/schoolhouse would be at risk of deteriorating further instead of it being stabilized and relocated if necessary as stated by the letter received by OPRHP.

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.

Havens noted that his only concern had related to the fire prevention water supply and that it had been remedied by the contract between the applicant and the water service provider.



**Resolution #2023 – 35**

**MOTION** by Stephen Grandeau **SECONDED** by Dwight Havens to resolve that the Malta Planning Board on the 22nd day of August, 2023 approves Project #23-08 Stein, Special Use Permit, with the following conditions:

1. The East Line Church will be stabilized and mothballed following NPS standards as outlined in Preservation Brief 31: <https://www.nps.gov/orgs/1739/upload/preservation-brief-31-mothballing-buildings.pdf>. Mothballing work should, at minimum, include exterior painting, structural stabilization, and roofing replacement. Photographic documentation of the completed work will be submitted to OPRHP via the existing CRIS project.
2. Historical documentation: The church will be documented in its current condition using digital exterior and interior photography and a brief narrative history. Photographs should be keyed to site and floor plans. A copy of the digital documentation package will be submitted to the OPRHP via the existing CRIS project.
3. The applicant resubmit the water report that was submitted in March 2023 noting Northwood Water Company as the new Water Service Provider.
4. The applicant change the Route 67 access to a Right in Right out only access if and when the Route 67 East Line Road intersection be converted to a roundabout.

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann – NO  
Frank Mazza – YES  
Dwight Havens - YES  
William Smith – YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 6-1

**Resolution #2023 – 36**

**MOTION** by Frank Mazza **SECONDED** by Dwight Havens to resolve that the Malta Planning Board on the 22nd day of August, 2023 approves Project #22-21, Stein, Site Plan, with the following conditions:

1. The applicant satisfactorily addresses the outstanding August 17, 2023 LaBella Associates Comment Letter.
2. The applicant provide an updated final architectural rendering not exceeding the maximum building height of 34 feet.
3. The extension of Northwood Water Company be approved by the Public Service Commission prior to the chairperson signing final plans.
4. The applicant obtain a Wetlands Disturbance Permit prior to the chairperson signing final plans.
5. The applicant return to the Planning Board for a Site Plan Amendment if changes are proposed to the East Line Road egress/ingress.

**VOTE:**

Stephen Grandeau - NO  
Ronald Bormann – NO  
Frank Mazza – YES  
Dwight Havens - YES  
William Smith – YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 5-2

Smith asked to be excused. Viola excused Smith at 8:28PM.

### **23-15, Jersen Construction Group, Site Plan (Concept)**

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Scott Lansing presented on behalf of the applicant.

Lansing noted that the applicant wanted to build a larger headquarters in Malta when they relocate from Waterford. Lansing also noted that the property was zoned C-3 NYSEDA, where Light Industry is an allowed use. Lansing stated that the proposed site would have two buildings, an office space that would be a 2 story, 6,882 SF building, and a 15,400 SF maintenance building behind the office space. Lansing also stated that the maintenance building would feature 4 garage doors, 3 on the back of the building and 1 on the front. Lansing noted that the front garage bay would be aligned with one of the rear bays to allow for through access to the building.

Lansing noted that there would be two entrances to the site, requiring two curb cuts. The Northern entrance would be for customers and the Southern entrance would be for employees, construction vehicles, and heavy equipment. Lansing also noted that there would be an outdoor amenity space for customers and employees adjacent to the office building along the Northwestern side of the building. The proposed plan includes 60 parking spaces for employees and customers, onsite stormwater management, water serviced by Saratoga Water Services, and sewer serviced by the Saratoga County Sewer District.

Lansing noted that LaBella Associates had requested the applicant combine the two curb cuts to the site in an effort to minimize curb cuts on Hermes Road; however, the applicant requested that the two curb cuts still be installed in order to separate employee and heavy truck traffic from customer traffic. Lansing also noted that a traffic study would be completed for the project and stated for the Board that he was before them to answer their questions and comments about the project.

Viola asked Lansing what the height of the two buildings was.

Lansing noted that the height of the buildings had not yet been determined, but that they would each be under 30 feet.

Huizinga confirmed that the zoning and use were as Lansing stated and that he had addressed her initial comments. Huizinga noted that the conceptual renderings were similar to the HVCC Tech Campus across the street and that she would like the final design of the office building to be similar to the Tech campus. Huizinga also noted that she would like to see a Lighting and Landscaping Plan and more details about the proposed amenity space in addition to parking calculations, traffic study, and stormwater details. Huizinga also suggested that the applicant should consider linking the onsite sidewalks to the NYSEDA trail on Hermes Road.

Hull noted that there were 6 comments in total that he had noted in the August 17, 2023 LaBella Associates Comment Letter.

Viola asked Hull if he would consider keeping both accesses in the interest of safety.

Hull noted that he would consider this going forward.

### **BOARD DISCUSSION**

Grandeau asked Lansing if the rear lot would be fenced in and separated from the office building.

Lansing stated that it would be an enclosed fenced in area.

Grandeau also noted that he wanted to see additional trails on the site to allow the greenspace to be utilized.

Lansing noted that the applicant intended to connect the site to the offsite trails in the area but did not plan on building trails onsite.

Kordich asked Lansing to explain the parking design for the customer parking.

Lansing noted that the customer parking area was designed to reflect more greenspace and be more aesthetically appealing.

Huizinga noted for the Board that Hermes Road was a privately owned road that was maintained by NYSEERDA and that the future of the ownership was uncertain given the potential of NYSEERDA to divest its interest in the property. Huizinga also noted that all truck traffic entering and leaving the site would need to use Stonebreak Road to the South of the property to access Hermes Road and the site. Huizinga stated that no truck traffic associated with the site was allowed on Dunning Street to the North.

Everhart noted for Lansing that she would like to see easement language granting the applicant access on Hermes Road at the next stage of project development since it was privately owned.

#### **23-14, ES-TD Ventures, Site Plan Amendment & Special Use Permit**

**Public Hearing (SUP)**

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

Lansing noted for the Board that the presentation was an amendment to a previously proposed project. Lansing noted that there would be two onsite buildings. Lansing stated that the Northern building would remain the same as previously proposed, and that the Southern building would be one story now instead of two stories. Lansing also noted that the building would be smaller than before, 12,000 SF instead of 24,000 SF due to the loss of the 2<sup>nd</sup> story.

Lansing stated that the Southern building would be an office space and for storage (4000 SF office space, 8000 SF storage space) Lansing also stated that there would be a single full access off of Route 9 with parking in the rear of the site. Lansing also stated that there would be access to the rear of the Southern building by tractor trailer and box trucks. Lansing also noted that there would be 97 total parking spaces with 29 banked and 68 installed. Lansing stated that stormwater would be managed onsite with the current Stormwater Management Practice and that the site would be serviced by Saratoga Water Services and the Saratoga County Sewer District.

Lansing stated that there would be two onsite amenity areas, one to the North of the Northern building and the other to the South of the Southern building. Lansing also stated that the site would exceed the 50% greenspace requirement by offering 57% greenspace and that there would be 6 foot sidewalks along Route 9.

Viola asked what the use of the Southern building would be.

Lansing noted that the site would be used by Active Solar for offices and storage of equipment related to the Solar Industry.

Cattell noted for the Board that this project required a Special Use Permit because of the Light Industry use in the C-7 Zone. Cattell also noted that he wanted to make sure the applicant planted native trees onsite instead of non-native species as per previous requests by the Planning Board under the original site plan approval. Cattell also noted that the applicant had provided vegetative screening for the residential neighbors that abut the property to the rear. Cattell noted the applicant would need to revise plans to show bicycle parking as per the Route 9 North requirement, and wanted to know what the onsite amenity spaces would be used for, as well as their square footage.

Cattell also noted that he wanted to know where the onsite dumpster was going to be located for Phase 1 of the project as the phasing plan showed the dumpster located in Phase 2. Cattell noted that the Malta Ridge Fire Department was not satisfied with the current emergency turning plan and wanted an improved fire apparatus access plan that allowed a firetruck to make a full loop instead of having to back up to turn around.

Lansing noted that the new setup for the parking lot should allow fire apparatus to fully turn around by making a loop.

Cattell also asked Lansing to note where signage would be and requested that the applicant planted at least 4 more shade trees in the parking area to comply with Route 9 North design standards.

Additionally, Cattell noted that the Board may consider requiring additional lighting for pedestrian areas, and that the lighting plan may need to be updated to accommodate the sidewalk from the site to the sidewalk along Route 9. Hull cited the August 17, 2023 LaBella Associates Comment Letter and stated that his comments were related to fire apparatus turning radii, the traffic analysis, stormwater, and onsite lighting. Hull specifically mentioned that while the fire apparatus turning plan was satisfactory from an engineering standpoint, his office defers to the Fire Department.

Lansing noted that onsite lighting would be a mixture of pole mounted lighting with single and dual head fixtures throughout the site and wall mounted lighting along the building.

Hull stated that he felt this was acceptable.

Viola asked where the closest home was to the project site.

Lansing noted that closest homes to the site were immediately to the East behind the site and to the North of the site.

### **PUBLIC HEARING**

Viola opened the Public Hearing at 9:10 PM.

Elaine Lambert of 2685 Rt. 9 was concerned with the increased traffic flow with specific consideration to truck traffic.

Viola asked if a traffic study had been completed for the project.

Hull noted that a study had been completed in 2022 and that it was modified more recently to indicate less trips compared to the original study.

Lambert noted that she mainly was concerned with heavy truck traffic.

Lansing stated that VHB completed a traffic study and stated that there would not be many trucks accessing the site.

Lansing also stated that the traffic study stated that there would be 27 trips to the North and South at peak hours.

Vince Barbaro of 2689 Route 9 was concerned about how close the amenity space for the Northern building was to his property and that he preferred that the minimum required amount of illumination along the sidewalk of the north property boundary line be installed.

Viola asked Lansing what kind of buffer would be installed along the property line.

Lansing outlined the buffers and noted that the Northern building was 25-30 feet away from the property line and that there would be a vegetative buffer that included existing trees along the property line.

Viola closed the Public Hearing at 9:16 PM.

Everhart noted for the Board that there may be more materials required by Planning staff and that the Board could allow as a Condition of Approval that those materials be only reviewed by Planning Staff and allow the project to move forward.

Grandeau asked Lansing when he felt the applicant would be moving into the Northern building.

Lansing stated that he did not have a definitive answer.

### **SPECIAL USE PERMIT CRITERIA**

Everhart read the Special Use Permit Criteria and *Planning staff guidance* for the Board.

1. Is listed as a permitted special use in the appropriate zoning district;

Yes. All Board members agreed with this statement.

2. Conforms to the standards and design requirements specified in the Code and the Comprehensive Plan for that particular zone;

See *Site Plan Analysis*. All Board members agreed with this statement.

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;

*This project is located in a generally commercial area, with a few single family homes. The Speedway is a neighbor to the south, and two commercial buildings neighbor the site to the north. All Board members agreed with this statement.*

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;

*Screening has been provided at the rear of the property to shield the residential neighbors. All Board members agreed with this statement*

5. Complies with any other requirements within the zone;

*See Site Plan Analysis. All Board members agreed with this statement.*

6. Will be in harmony and promote the general purpose and intent of the Comprehensive Plan;

*See Site Plan Analysis. All Board members agreed with this statement.*

7. Will not adversely affect the short-term and long-term cumulative impacts on the environment;

*The changes to the site plan because of the special use create no additional disturbance than the original site plan approved on July 26, 2022. All Board members agreed with this statement.*

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;

*Applicant will be required to pay mitigation fees such as open space and traffic as a result of developing this land. Stormwater will be managed onsite. No wetlands exist on the property. All Board members agreed with this statement.*

9. Will not adversely affect unique and irreplaceable assets or resources of the area;

*Correspondence from State and Federal agencies indicated no protected animals or plant life are located on this site, no wetlands are present, and no cultural or archeological resources are present. All Board members agreed with this statement.*

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 the Board deems appropriate.

*See Site Plan Analysis. All Board members agreed with this statement.*

Viola noted that his only concern related to Fire Apparatus turning radii and that he felt confident that it would be handled in the final plans.

Everhart asked the Board if they questioned any of the 10 Special Use Permit Criteria.

No comments were made.

**Resolution #2023 – 37  
SEQRA**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 22nd day of August, 2023 determines that Project #23-14, ES-TD Ventures, Special Use Permit and Site Plan Amendment, is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann – YES  
Frank Mazza – YES  
Dwight Havens - YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 6-0

**Resolution #2023 – 38**

**MOTION** by Stephen Grandeau **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 22nd day of August, 2023 approves Project #23-14, ES-TD Ventures, Special Use Permit, as presented:

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann – YES  
Frank Mazza – YES  
Dwight Havens - YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 6-0

Viola asked Cattell if the sidewalk along Route 9 would be illuminated or not.

Cattell stated that Hull would have reviewed the Lighting Plan and that the reason he made the comment about requiring pedestrian illumination being under the purview of the Board was related to the fact that original plans for the building did not note front doors facing Route 9 as would be required by design standards, and thus the lighting plan would need to be updated.

Bormann asked how bright the lights along the front of the building would be.

Hull stated that he felt that Lansing would replicate the lighting that was proposed along the side of the building on the front.

Lansing confirmed this.

Bormann also asked if there would be illumination along the sidewalk bordering Route 9.

Lansing noted that there would be no illumination along the sidewalk as it wasn't required.

**Resolution #2023 – 39**

**MOTION** by Stephen Grandeau **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 22nd day of August, 2023 approves Project #23-14, ES-TD Ventures, Site Plan Amendment, with the following conditions:

1. The applicant satisfies all comments in the Town of Malta Planning Department Staff Review dated August 9, 2023
2. The applicant satisfies all comments in the LaBella Associates Comment Letter dated August 17, 2023

**VOTE:**

Stephen Grandeau - YES  
Ronald Bormann – YES  
Frank Mazza – YES  
Dwight Havens - YES  
Kyle Kordich - YES  
John Viola - YES

Motion CARRIED 6-0

**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 Ronald Bormann, motion carried unanimously at 9:35 PM.

Respectfully submitted by,

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