



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
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David E. Jaeger, Jr. – Planning Technician & Board Secretary
Mark Schachner – Legal Counsel
Leah Everhart – Legal Counsel

Meeting Minutes for July 25, 2023

The Town of Malta Planning Board held its regular meeting on Tuesday July 25, 2023 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, Jean Loewenstein presiding:

Present:

Leejun Taylor
William Smith
Stephen Grandeau
Jean Loewenstein
Dwight Havens
Frank Mazza

Absent:

John Viola
Ronald Bormann
Kyle Kordich

Correspondence: All correspondence is on file.

Chairperson Loewenstein read the following agenda into the minutes:

Project #	Project Name	Project Type
20-10	Malta Montessori	Site Plan
22-21	Stein	Site Plan
23-08	Stein	Special Use Permit

Chairperson Loewenstein elevated William Smith and Leejun Taylor to full voting members.

Planning Board Business

MOTION by Frank Mazza **SECONDED** by William Smith to accept the June 28, 2023 minutes.

VOTE:

Stephen Grandeau - YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein – YES

Motion CARRIED unanimously.

20-10, Malta Montessori, Site Plan

Scott Lansing presented on behalf of the applicant.

Lansing noted that the project was before the Planning Board on 5/26/2020 before it was tabled by the applicant until a later date. Lansing also noted that since the project was tabled, the applicant had purchased the property and was ready to move forward. Lansing stated that the project site was 4.03 acres and zoned C-7. Lansing also stated that there were 1.07 acres of Army Corps. of Engineers (ACOE) wetlands on the site to the North of the proposed structure and that there was an archeological site on the property that would not be impacted by the construction.

Lansing noted that the proposed structure would be a single story, 12,523 SF educational facility with one-way access on Cramer Road. Lansing also noted that the site would include 34 parking spaces, two fenced in playground areas to the West and East of the building, and a sidewalk system that would connect the front of the building to Cramer Road and Route 9. Lansing also noted the onsite monument in the Southeast corner of the property and stated that it would not be disturbed. Lansing noted that the project would be served by public water and sewer, and that all stormwater management would be contained onsite in the Southeast corner of the property.

Huizinga noted for the Board that she felt SEQRA was consistent with the Town-wide GEIS and Statement of Findings and that the project site was zoned PDD #54 and C-7. Huizinga also asked Lansing for specific details on the protection of the onsite monument and wanted to see landscaping plans for parking lot screening and a buffer along Route 9. Huizinga also noted that Lansing had addressed neighbor concerns about onsite lighting and committed to a plan where the onsite exterior lighting would only be on between 7 AM and 6 PM when it was seasonably needed.

Reuben Hull of LaBella Associates noted that his comments were limited to stormwater management and fire prevention concerns.

BOARD DISCUSSION

Loewenstein asked if the 2020 Traffic Study was still accurate for 2023.

Hull noted that the 2020 Traffic Study was sufficient.

Loewenstein also asked about concerns about site distances on Route 9.

Huizinga noted that these concerns were answered in the Traffic Study.

Grandeau asked if the proposed playground areas would be fenced in or not and how Fire Apparatus would access the rear of the building.

Lansing noted that the playground areas would be fenced in and that the building would be sprinkled since Fire Apparatus access to the rear of the building would not be possible.

Grandeau asked Lansing how many students would be in the building.

Lansing noted that he was unsure.

Alana Moran of VHB noted that there was an estimate of 144 students.

Mazza asked how Fire personnel would access the building on foot in the Winter since there were no sidewalks proposed for the rear of the building.

Lansing noted that sidewalks around the building were not proposed and that the area around the building would be flat with a 5x5 landing pad around each entrance.

Mazza also asked how much space was between the parking lot and the front of the building.

Lansing noted that the distance from the edge of the pavement to the building was thirty (30) feet.

Havens asked if fire code required additional sidewalks to connect egress points to the onsite sidewalks.

Lansing stated that he needed to speak with the applicant about the matter and that they would be installed if it was required by the NYS Office of Child and Family Services (OCFS).

Smith asked what class the Cramer Road Route 9 intersection was considered.

Alana Moran of VHB noted that a capacity analysis was not completed in the traffic study for the intersection given the size of the land use.

Smith also asked about site distances.

Moran noted that there would be no issues with site distances if the roadside vegetation were properly maintained along Route 9 at the intersection.

Loewenstein asked if the plan had been reviewed by the Fire Department.

Lansing stated that he thought the plan had been submitted.

Everhart noted that she felt the project had two options moving forward. 1) If the project were approved in its current form and additional sidewalks were eventually required, the applicant would need to come back to the Board in the future for a Site Plan Amendment. Or 2) the approval be tabled until confirmation had been received that additional sidewalks were required or not.

Lansing felt that an alternative option would be to approve the project as is and add a construction addendum for the sidewalks in the future if they ultimately were required.

Everhart asked Lansing to clarify, specifically if he felt the change could be done administratively.

Lansing confirmed this.

Huizinga added that minor changes such as the sidewalk concern could be handled administratively.

Everhart asked Lansing if there was a minimum width sidewalk that would need to be installed.

Lansing noted that the minimum width sidewalk was 3 feet, but that he would typically install a 5 foot wide sidewalk because it was a more comfortable width path to traverse. Lansing also noted that the egress concerns would be for the project architects to consider, not his firm.

Hull added that he wanted the stormwater management plan to be modified to handle the additional impervious sidewalks if the change was anticipated to happen.

Lansing stated that he would document that in the stormwater management plan.

Loewenstein asked Lansing to clarify what he said.

Lansing stated that the stormwater management plan would be modified to include the additional hardscapes in the calculations.

Grandeau asked if the wetlands at the Northwest corner of the building would be impacted if a sidewalk were installed to wrap around the building.

Lansing noted that there would be enough room for the sidewalk to be installed if it were needed.

Loewenstein asked Huizinga if a condition of approval could be placed on the project based on the confirmation of if additional sidewalks being needed by the Fire Department.

Huizinga noted that this could be the case.

**Resolution #2023 – 31
SEQRA**

MOTION by Frank Mazza **SECONDED** by Stephen Grandeau to resolve that the Malta Planning Board on the 25th day of July, 2023 determines that Project #20-10, Malta Montessori, Site Plan, is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

VOTE:

Leejun Taylor - YES
Dwight Havens – YES
Frank Mazza – YES
Stephen Grandeau - YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 6-0

Resolution #2023 – 32

MOTION by Jean Loewenstein **SECONDED** by Frank Mazza to resolve that the Malta Planning Board on the 25th day of July, approves Project #20-10, Malta Montessori, Site Plan, with the following conditions:

1. That the 7.20.2023 LaBella Associates Comment Letter be fully addressed.
2. That all correspondence from the Fire Company regarding access be obtained.
3. That the final stormwater management plans will include the calculations for the potential for additional hardscapes to allow for improved onsite fire access.

VOTE:

Leejun Taylor - YES
Dwight Havens – YES
Frank Mazza – YES
Stephen Grandeau - NO
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 5-1

Prior to the beginning of the Stein presentations, Chairperson Loewenstein left the meeting and appointed William Smith as Chairman of the Board for their presentations.

22-21, Stein, Site Plan

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

Lansing detailed the project for the Board. The proposed structure would be a mixed use retail and multi-family 3 story, 62,654 SF building with approximately 7,700 SF being dedicated to retail use along the front of the building.

Lansing noted that access would be from Rt. 67 and East Line Road via private roads with the primary access on Route 67 with secondary on East Line. Lansing also noted that the project would feature 227 parking spaces, more than the required 226 spaces, that the parcel featured 64.5% greenspace, greater than the required 40%, that the project would be served by public utilities, and that stormwater would be managed onsite.

Lansing noted that a Traffic Impact Study was prepared and submitted and that there were no archeological concerns

from OPRHP. Lansing also noted that OPRHP asked about how the historical church/schoolhouse onsite would be stabilized and maintained in the future, and that Saratoga County Planning approved the project after seeking additional information.

Lansing detailed the County's request and noted that it related to having the East Line Road access changed to a Right-In Right-Out access and an alternative location that relocated it further North. Lansing noted that if the East Line access were moved further North, it would disturb the NYSDEC 100 foot buffer zone for the onsite wetlands.

Lansing added that the DEC would not issue permits for an access within the buffer zone unless a concrete plan with secure funding had been received from NYSDOT for the intersection to be changed to a roundabout. Lansing also added that the County accepted the East Line access where it was currently proposed but wanted to suggest the alternative to alleviate traffic concerns.

Lansing noted that a second comment from the County was to relocate the Route 67 access to the Southeast corner of the property and that the applicant was willing to satisfy the request. Lansing added that with the request to relocate the Route 67 access, the County also requested that an access easement to the project parcel be provided for neighbor to the East to use the new driveway to eliminate the extra curb cut on Route 67. Lansing also stated that the applicant agreed to the County's request that they be willing to work with the DOT to allow them to take some of the applicant's land to construct the roundabout if it is in fact constructed.

Lansing noted that an additional comment from the County was for a Will Serve Letter for water service to the property. Lansing noted that the applicant was working with Northwood Water Services to secure water for the site.

Lansing also stated that the ownership of East Line was questioned and that the Malta Town Highway Superintendent stated that the road was entirely owned by the Town of Ballston. Lansing stated a licensed land surveyor had determined that the road was owned by both Ballston and Malta with the property line going down the middle of the road.

Huizinga noted that Lansing addressed most of her concerns, and that she wanted a building height reduction for the structure and suggested a flat roof with an updated rendering being submitted to Planning. Huizinga also noted that the church/school would be maintained as per OPRHP and that the building may need to be moved for the possible future roundabout. Huizinga also noted that since the last meeting an updated landscaping and lighting plan was submitted and that a Will Serve Letter was needed from County Sewer and Northwood Water.

Hull noted that his comments were related to Water and Sewer Will Serve Letters, concerns about the proposed onsite stormwater management practice being undersized, and that Engineering wanted to make sure the Fire Egress "geogrid system" would be satisfactory per town code.

BOARD DISCUSSION

Smith asked Lansing to explain the purpose of the access easement for the property to the East of the project site.

Lansing stated that this access easement was to reduce the number of curb cuts on Route 67 if the neighboring property were developed in the future.

Smith also asked Lansing to explain how a full access would be possible on Route 67 with the construction of a roundabout.

Alana Moran answered for Lansing and stated that there would be a shared left turning lane for people to turn left into and out of the development.

Smith asked for the distance between the roundabout and the access to the site on Route 67.

Lansing stated that the distance from the center of the roundabout to the access was 650 feet.

Grandeau asked Moran to detail how much traffic would be added to Route 67 if the project were approved.

Moran stated that according to the traffic study the peak AM traffic number would increase by 82 vehicles and the peak

PM traffic number would increase by 99 vehicles.

Grandeau asked Lansing if there would be sidewalks around the entirety of the building.

Lansing confirmed that the building would have sidewalks completely surrounding it with a connection to Route 67 and East Line Road.

Grandeau asked Lansing if there were any limits on what kind of retail could be onsite.

Lansing noted that he was unsure but felt that whatever tenants that utilized the space would fit the surrounding area.

Grandeau also asked if the building would be sprinkled.

Lansing stated that the building would be sprinkled.

Havens asked Lansing who would be providing water to the site.

Lansing stated that Northwood Water would provide service.

Havens asked for Lansing to identify the location of the closest main.

Lansing stated that the closest main was at the corner of Raymond Road and Route 67.

Havens asked Lansing to define how much water was available.

Lansing stated that Northwood would provide water in conjunction with additional flow from Saratoga County.

Havens also asked if the fire hydrants at the Southeast and Northeast corner of the property would be relocated.

Lansing stated that the hydrants would be relocated.

Havens wanted Lansing to make sure the geogrid access was installed properly and also wanted an additional egress at the Northeast corner of building.

Taylor made a comment about the Montessori project and wanted to know if a traffic light was proposed for the Cramer Road Route 9 intersection.

Lansing stated that no traffic modifications were proposed for the intersection.

23-08, Stein, Special Use Permit

Public Hearing

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

Lansing noted that the Special Use Permit application was code compliant and echoed his applicable comments from the Site Plan presentation.

Huizinga noted that she had no additional information to add other than to inform the Board that they should refer to her staff review for the Special Use Permit consideration criteria and that a Public Hearing was associated with the Special Use Permit process.

No comments were received from Engineering.

PUBLIC HEARING

Chairperson Smith reconvened the Public Hearing at 7:37 PM. The Public Hearing was originally opened at the March 28, 2023 Planning Board Meeting and left open.

Joseph Duffy of 733 Route 67 was concerned about stormwater flows flooding his and his neighbor's properties across the street and downgrade from the project site. Duffy was also concerned that there was no way to make the project fit the neighborhood given the increased traffic and additional light and noise pollution that would be created by it.

John Bard of 2 Timber Trace was concerned that the traffic study was not completely accurate since it was still unknown what types of retail locations would be going in onsite.

Dan Renzi of 36 Timber Trace was concerned about the preservation of the historical structure. Renzi was also concerned about where the water for the site would be coming from and about onsite hydrants. Renzi did not feel that the proposed connection location would not work for the site.

Erica Pietrafesa of 6 Timber Trace wanted clarification on the access to the site on Route 67 prior to the construction of the roundabout.

Lynn Davis of 38 Timber Trace didn't feel that the project application was ready to be submitted to the Board in its current form without all of the required agency permits being secured. Davis also felt that the project did not meet the zoning requirements for the C-2 Route 67 West Overlay Zone and wanted an additional traffic study completed for the proposal because she felt the current one was inaccurate. Davis added that she also felt a traffic hazard would be created by people trying to avoid the intersection by cutting through the parking lot of the proposed development.

Angelo Patalino of 34 Timber Trace was concerned that the project would create too much additional traffic for the area and felt that the project would adversely affect the quality of life in Malta.

Richard Allen of 32 Timber Trace felt that the proposed use didn't fit the image that Malta should convey. Allen was also concerned about that the project would adversely affect neighbors in Timber Trace, Allen felt the applicant hadn't considered neighbors fairly. Allen's last comment was about his concern for how the project could be approved prior to the roundabout being constructed and water being provided to the site.

Everhart asked if the applicant had plans to modify the project plans.

Lansing stated that it was not anticipated unless they were directed to by the Board.

Everhart asked Lansing if there were additional items that still needed to be submitted for the traffic study.

Lansing stated that all traffic materials had been submitted and all comments had been satisfied.

Everhart noted for the Board that she felt the Public Hearing could be closed at that point in the project process since no other project materials or concerns needed to be addressed.

Smith asked Moran if she had any other comments.

Moran stated that the traffic evaluation was completed using industry standards and guidelines.

Smith asked Lansing if he was willing to table the project application until water service had been secured for the site.

Lansing noted that the applicant was currently working with Northwood Water for a contract agreement and requested that the securing of a water service provider be a condition of approval for the project.

Smith asked the Board if they wanted to move forward.

Grandeau felt it was appropriate to table the project approval process until water service was secured and an additional traffic study was completed for the site.

Mazza felt it was appropriate to move forward with the approval process in its current form.

Havens wanted to wait until water service was secured because of his concern over how much water would be available for the site.

Taylor felt the concerns brought to the Board were valid and that it was appropriate to wait until the next meeting to move forward.

Everhart noted for the Board that regardless of the Board's decision to approve the project or not, there would need to be sufficient water provided to the site before any building permits could be issued. Everhart also noted that even if the project was approved by the Planning Board, its complex nature required it to be further approved by the Building Department for multiple detailed and extensive permits prior to any kind of construction.

Everhart asked Lansing if he had any comments that he wanted to make to reply to the concerns presented to be Board prior to the consideration of the Special Use Permit Criteria.

Lansing stated that he would reply if the Board had questions.

Chairperson Smith asked Lansing to stay at the podium during the criteria review process and closed the Public Hearing at 8:07 PM.

SPECIAL USE PERMIT CRITERIA

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

C-2 Route 67 Overlay zoning identifies Mixed Use as specially permitted use.

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

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.

Everhart noted that the Board could disagree.

No comments were received from the Board.

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;

The use is consistent with the Master Plan Neighborhood 7, Route 67 West 2016 update. The proposed use provides sufficient parking, public water and sewer will be extended to service the project. The town designated engineer concurs with the applicant traffic assessment.

Grandeau felt the project did not meet water requirements prior to service being secured.

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.

The proposed use should not create any objectionable operations. The applicant is proposing a 6' privacy fence and vegetated buffer along the eastern and a portion of the northern property lines.

Havens felt the Public was not happy with how the project would adversely affect the surrounding areas and that those concerns were not yet considered.

Lansing noted that stormwater would be controlled onsite with an underground chamber system with filtration and a flow regulation system that would connect to the natural drainage course at the Southeast corner of property. Lansing added that the proposed management practice would recreate or exceed the pre-development permeability of the project site. Lansing also added that the current proposal met all zoning requirements, satisfied all Engineering comments for the site and met or exceeded all Lighting and Buffer requirements.

Havens asked if the culvert that crossed under Route 67 was part of the natural drainage course and if it had

been evaluated by Lansing.

Lansing noted that the culvert was part of the natural drainage course and that it had been evaluated as sufficient for the project.

5. Complies with any other requirements within the zone;

Yes

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

Yes

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

The proposed use/project impacts 0.56 acre of wetlands. A wetlands disturbance permit is required.

Havens wanted to know if the finding was only concerned with wetlands.

Everhart confirmed that the criteria considered all possible environmental impacts.

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;

Yes. The project is subject Town Mitigation fees such as traffic, open space and GEIS. The applicant has reserved a significant area along Route 67 and East Line Road for future traffic improvements.

Everhart noted that this criteria was based on generic growth calculations determined by the Town-wide GEIS and Statement of Findings and added that the Board had the discretion to determine if they felt a specific project met this criteria or not given that every project had the potential to be unique beyond the generic growth calculations considered in the GEIS.

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

The existing c-1780 church/school may be relocated on site at a later date, most likely, in conjunction with the Route 67/East Line Road traffic improvements. A location has been reserved on the site plan for the future relocation of the building.

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.

Yes.

Everhart noted for the Board that they had the opportunity to comment on these criteria and also had the opportunity to disagree with or modify the suggested answers made by Planning Staff to the 10 criteria.

Smith asked Grandeau to comment further about his concerns with water service.

Grandeau felt uncomfortable agreeing with the final criteria before an agreement was secured that stated there would be enough water for the site by the selected service provider.

Havens agreed with Grandeau.

Lansing noted that there were two potential options to provide water to the site, the Town of Ballston and Northwood Water Services, and that the applicant was working out the details with both potential service

providers to determine which would provide water to the site through the easiest means possible. Lansing also noted that there would be water provided to the site regardless of the provider chosen since there would need to be a reliable water source for the site in order for the project to move forward.

Everhart noted for the Board that if there were any of the 10 criteria that the Board did not agree with or had concerns about, they should bring that up during the review process.

Richard Allen asked if further comments could be submitted by the public in writing.

Everhart stated that the public could not make further comments because the Public Hearing had been closed.

Smith asked Lansing if he was willing to table the approval until a later date.

Lansing agreed to this.

Smith noted that the applicant, Ron Stein had made many efforts to work with the public and their concerns.

Stein confirmed this noted that he provided his information to the public at a previous meeting and stated that no one had reached out to him.

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 8:35 PM.

Respectfully submitted by,

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