



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

Meeting Minutes for March 28, 2023

The Town of Malta Planning Board held its regular meeting on Tuesday, March 28, 2023 at 6:30 p.m. at the Malta Town Hall, with Co-Chairperson, Jean Loewenstein presiding:

Present:

William Smith
Frank Mazza
Jean Loewenstein
Dwight Havens
Ronald Bormann
Kyle Kordich

Absent:

John Viola
Leejun Taylor
Stephen Grandeau

Correspondence: All correspondence is on file.

Co-Chairperson Loewenstein read the following agenda into the minutes:

Project #	Project Name	Project Type
10-02	State Farm 1D Site Plan	Extension of Approval
10-03	State Farm 1A Site Plan	Extension of Approval
22-25	Arnoff Global Logistics Phase #6	Site Plan Amendment
22-21	Stein (750 NYS Route 67)	Site Plan
23-08	Stein (750 NYS Route 67)	Special Use Permit
23-07	Terrell	Special Use Permit
23-05	Heflin (721 NYS Route 67)	Site Plan
23-06	10 Hermes Road	Site Plan Amendment

Chairperson Loewenstein appointed William Smith as a full member.

10-02 State Farm 1D (40 State Farm Place), Site Plan (Extension of Approval)

The applicant and owner, R2 Development Partners LLC, requested a two-year extension of approval for the site plan at 40 State Farm Place. The applicant has experienced difficulty in securing funding and tenants during the poor economic climate. The site plan consisted of a 2-story (29' tall) 76,000 GFA building to be located at 40 State Farm Place (the parcel located behind the Hyatt). The zoning is PDD #22, State Farm Mutual Automobile Insurance Company.

SEQRA was completed on May 18, 2010, with site plan approval.

John Rosenblum of R2 Development presented. Rosenblum noted that the locations would be office spaces and that the projects had not moved forward at this point due to the challenge of locating tenants since the 2020 COVID-19 pandemic. Rosenblum also noted that the use for the locations had not changed since initial approval and that they were still zoning compliant. Rosenblum requested a two (2) year extension of approval for the site plan that included 40 (1D) State Farm Place which would expire on May 18, 2023 and 10 (1A) State Farm Place which would expire on September 28, 2023.

Huizinga noted that the applicant had requested extensions and was granted them in the past and that the Planning Board had the ability to grant up to a two (2) year extension for approval on the project. Huizinga also recommended that the Board should grant an extension for both projects separately, one for 40 State Farm Place and one for 10 State Farm Place respectively.

BOARD DISCUSSION

Chairperson Loewenstein asked Huizinga if the Board would be able to grant an extension of approval prior to the actual expiration date of the projects.

Huizinga informed Loewenstein that pre-expiration approval would not be an issue and the early approval would be based on convenience for both the applicant and the Board to not have to come back separately for each project.

Loewenstein asked if the project as it was being presented would be able to meet all requirements for engineering, stormwater, and zoning for the area.

Huizinga stated that the project in its current form met all requirements and the applicant would need to return to the Planning Board with a Site Plan Amendment application if anything were to change from what was originally approved.

Rosenblum noted for the Board that the SWPPP permit was up to date and was paid for annually to ensure that the project could move forward once tenants for the property had been acquired.

Resolution #2023 – 07

MOTION by Ronald Bormann **SECONDED** by William Smith to resolve that the Malta Planning Board on the 28th day of March 2023 approves Project #10-02, State Farm 1D (40 State Farm Place), Extension of approval, for 2 years, from May 18, 2023 to May 18, 2025.

VOTE:

Kyle Kordich – YES
Ronald Bormann - YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 6-0

10-03 & 10-19 State Farm 1A (10 State Farm Place), Site Plan (Extension of Approval)

The applicant and owner, R2 Development Partners LLC, is requesting a two-year extension of approval for the site plan at 10 State Farm Place. The owner has installed the utilities and has a building permit ready set of drawings but is still in the process of securing tenants which is necessary before they move forward with construction. The site plan consists of a 2-story, 27,425 SF GFA building to be located at 10 State Farm Place (the parcel located to the west of the Hyatt). The zoning is PDD #22, State Farm Mutual Automobile Insurance Company.

SEQRA was reaffirmed on September 28, 2010, with site plan amendment approval.

BOARD DISCUSSION

No comments were received from the Planning Board.

Resolution #2023 – 08

MOTION by Frank Mazza **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 28th day of March 2023 approves Project #10-03 & 10-19, State Farm 1A (10 State Farm Place), Site Plan Extension, for 2 years, from September 28, 2023 to September 28, 2025.

VOTE:

Kyle Kordich – YES
Ronald Bormann - YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 6-0

22-25. Arnoff Global Logistics Phase #6, Site Plan Amendment

The applicant, Arnoff Moving-Storage-Rigging has submitted a Site Plan amendment for the expansion of their existing Arnoff Global Logistics campus located at 10 Stonebreak Road. The applicant proposed a plan to construct an 110,164 SF light industry/commercial/warehouse building #4 (304) with associated parking east of the existing Building #3 (302). The most eastern access would be moved approximately 150 feet further East on Stonebreak Road.

Scott Lansing of Lansing Engineering presented on behalf of the applicant. Lansing noted that updated plans with the correct elevations for the project, updated renderings, and Landscaping and Lighting plans had been submitted to the Planning Department.

Lansing also noted that the requested “Will Serve” letters from both Clifton Park Water Authority and Saratoga County Sewer District had been received and submitted to the Planning Department.

Huizinga noted that the applicant had addressed of the Planning comments and that the Saratoga County Highway Department had reached out to Planning and approved of the needed curb cut for the project. Huizinga also noted that the applicant would need a Highway Work Permit from the County DPW prior to obtaining building permits.

Huizinga also noted that she did not take exception to Engineering comments. Huizinga noted that SEQRA was determined in February 2023 and recommended approval based on the applicant satisfying any remaining engineering comments and reiterated her comment about a Highway Work Permit.

Reuben Hull, LaBella Associates, noted that he concurred with Fire Department comments from February needing to be addressed and that he wanted the applicant to choose a hardier species of street/parking trees to better handle the environment onsite.

Loewenstein asked Hull if Sewer and Water reports had been received by Engineering.

Hull confirmed that they had been received but had not yet been reviewed.

BOARD DISCUSSION

Loewenstein asked Lansing if he would be able to address Hull's comments regarding tree species.

Lansing confirmed that he would be able to address those comments.

Loewenstein asked Hull if all Stormwater comments had been addressed.

Hull confirmed that there were no other comments regarding Stormwater.

Kordich asked if Lighting had been approved for the site plan.

Hull said that Lighting comments had been satisfied.

Resolution #2023 – 09

MOTION by Frank Mazza **SECONDED** by Ronald Bormann to resolve that the Malta Planning Board on the 28th day of March, 2023 approves Project #22-25, Arnoff Global Logistics Phase #6, Site Plan Amendment, with the following conditions:

1. The applicant satisfy any and all remaining engineering comments from the March 21, 2023 Labella Associates comment letter.
2. That a Saratoga County Highway Work Permit be obtained prior to obtaining building permits.
3. Addressing any and all fire department comments.

Kyle Kordich – YES

Ronald Bormann - YES

Frank Mazza – YES

Dwight Havens – YES

William Smith – YES

Jean Loewenstein - YES

Motion CARRIED 6-0

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

22-21, Stein (750 NYS Route 67), Site Plan

The applicant, Ronald Stein, proposed a site plan to develop a 11.69± acre site located at the corner of East Line Road and NYS Route 67 with a three-story (62,654 SF footprint) building with 139 apartments and 7,700 square feet of first floor retail space (3 commercial units), associated parking, outdoor amenity space, utilities and landscaping. The existing c.1780 church/school building will be relocated on site. A new full-access curb cut is proposed on NYS Route 67 approximately 470 feet east from the East Line Road and Route 67 intersection. The existing full access on East Line Road would be relocated north approximately 70 feet.

Scott Lansing of Lansing Engineering presented on behalf of the applicant. Lansing stated that his main goal for the evening was to receive comments from the public during the Public Hearing. Lansing noted that there were both State and Federal wetlands onsite, and that the structure would contain 139 units, 39 two bedroom units and 100 one bedroom units. Lansing also noted that the structure had been redesigned from a four (4) story building to a three (3) story building and had been decreased in size from its original design.

Lansing noted that access to the site would be from NYS Route 67 and East Line Road with a primary access on Route 67. Lansing also noted that the accesses would need to be coordinated with the NYSDOT and that a traffic study was underway through VHB Engineering.

Lansing stated that parking for the location would feature a total of 227 parking spots, and includes parking for residents, visitors, and retail customers. Lansing also stated that the proposal met all Town Code requirements and included interior sidewalks that connected the apartments to main roads, and street lights and street trees.

Lansing also mentioned that there was an interest from the applicant to incorporate trails in the future, but there was no definitive plan for trails at that time. Lansing stated that the site featured 64.5% greenspace which exceeded the required amount of 40%. Lansing also stated that there was a full SWPPP plan for the project, that stormwater would be managed onsite, and that water would be provided by the Town of Ballston via a water main by the Stewart's Shop on the SW corner of the intersection. Lansing also noted that public sewer would be provided by the Saratoga County Sewer District via a connection on the North side of the property.

Lansing stated that he did not take exception to the remaining Engineering comments that were yet to be addressed and noted that he felt that he would need to come back in the future in order to satisfy those remaining comments and any other concerns posed by the Planning Board and the public.

Huizinga noted that a Special Use Permit would be needed for the mixed-use proposal in the C-2 zone. Huizinga also noted that prior to final approval a lot consolidation would need to be completed for the church structure via the Town Assessor's office. Huizinga stated that Planning is waiting on the traffic analysis, a SWPPP, "Will Serve" letters from Water and Sewer providers, and that wetland disturbance permits would be required in order for the project to proceed.

Huizinga noted that the applicant was at the meeting for the Public Hearing portion of the Special Use Permit process and that the Board should review the 10 Special Use Permit considerations prior to moving forward with approval. Huizinga suggested that the Board should act on the site plan and special use permit at the same time.

Reuben Hull, LaBella Associates, noted that he had several comments. Hull requested two traffic studies, one for the intersection as the current standard 4 way intersection, and one if the intersection becomes a roundabout. Hull also wanted the Site Plan to show accesses based on the current intersection and a roundabout intersection. Hull also noted an onsite retaining wall on the property that seemed to be within the wetlands and wanted that addressed. Hull also wanted more details pertaining to stormwater management and how the system would work onsite.

BOARD DISCUSSION

Bormann asked Lansing if the square footage of the building had increased since the last submission and if that would affect FD access.

Lansing stated that the square footage did increase and that he would work with the Fire Department regarding how the change would affect access.

Havens was concerned with interior fire department access and wanted to make sure the design of the complex would allow for easy Fire Department access to staircases.

Lansing noted Havens comments and stated that they would be considered.

Kordich concurred with Hull regarding the two traffic studies for the site and asked what the plans were for the church.

Lansing stated that for now the church would be relocated and further plans were in the works for future restoration.

Stein added that he would like to restore and repurpose the structure as a retail location while keeping the exterior as true to the historical character as possible.

Lansing added that the traffic study that was being completed would consider the intersection as a standard four way and as a roundabout.

Mazza asked Lansing about the configuration of the access to the property from Route 67.

Lansing stated that the access on 67 would be a full in and right out unless the traffic study suggested a better alternative with mountable curbs for Fire Department access regardless of the design.

Chairperson Smith opened the Public Hearing at 7:04 PM. The Public Hearing would be left open until a later date.

Joseph Duffy, 733 Route 67, noted that he lived across the street and was concerned with how the applicant would be granted the ability to construct a 3 story structure when he stated that he wasn't. Duffy was also concerned with stormwater flow given that the proposed location was higher than where he lived across the street and asked the applicant how long the project would take to complete.

Stein noted that he was hopeful the project would start in a year.

Duffy noted that traffic on Route 67 was very heavy and wanted to know if the roundabout would be one or two lanes since his home and his neighbors are very close to the road. Duffy also wanted to know if he and his neighbors would be able to connect to public water and sewer when it was provided to the project and if his and his neighbor's well water would be tested during construction to detect and prevent potential contamination.

John Bard, 2 Timber Trace, asked about the landscaping for the site, if it would feature trees or shrubbery.

Lansing and Huizinga noted that the landscaping would be a mixture of trees and shrubbery.

Barbara Connor, Brownell Road, felt that there were too many apartments being proposed given the traffic being very heavy in the area. She felt that traffic would use Brownell Road to alleviate the build-up on Route 67 and this concerned her since according to her knowledge, Brownell Road was slated to remain "rural".

Erica Pietrafesa, 6 Timber Trace, felt that the traffic was too heavy currently and that the proposed number of apartments would further exacerbate those issues.

Pete Shaw, Chief, Malta Ridge Fire Department, brought up his comments from the Fire Department's perspective. He recommended a larger water main, standpipes in stairways, adding an additional egress for one of the stairways in the building, and relocating fire hydrants to allow for better access.

Lynn Davis, Timber Trace, felt the 3 story building was too much for the area and that the relocation and repurposing of the church/school took away from the character of the building. Davis was also concerned with light and noise pollution caused by the site and was concerned with the tree buffer not being enough for a complex of this size. Davis also asked about if open space would be allowed on site or not and if the wetlands would be considered at a higher level of review since they are designated as NYS DEC wetlands instead of standard review.

Chairperson Smith informed Davis that her concerns would be investigated.

Joe Duffy felt that the Board needed to take their time to go over the project in detail prior to moving forward.

Smith stated for the public that the roundabout at the East Line and NYS Route 67 intersection was not something that the Town of Malta could answer questions about, it was a NYSDOT project and the DOT would need to be contacted regarding any future questions.

Smith also noted that the timing of the roundabout being constructed was unknown.

Lansing noted that a SWPPP will be submitted and that the traffic analysis will confirm the amount of trips on the road.

Smith noted that 10 criteria would need to be addressed regarding the SUP and asked the Board if they had any questions about the criteria.

23-08 Stein (750 NYS Route 67), Special Use Permit

The applicant, Ronald Stein, requested a Special Use Permit for a Mixed Use development on a 11.69± acre site located at the corner of East Line Road and NYS Route 67 consisting of a three-story (62,654 SF footprint) building with 139 apartments and 7,711 SF of first floor retail space (3 commercial units), parking, outdoor amenity space, utilities and landscaping. The existing c.1780 church/school building would be relocated on site. A new full-access curb cut is proposed on Route 67 approximately 470 feet east from the East Line Road and Route 67 intersection. The existing full access on East Line Road would be relocated north approximately 70 feet. A total of 226 parking spaces are proposed.

BOARD DISCUSSION

The Board reviewed the Special Use Permit criteria set forth in §167-38.1.

SPECIAL USE PERMIT CRITERIA

1. The use listed is a permitted special use in the appropriate zoning district;

Yes, C-2 zoning identifies Mixed Use as specially permitted use.

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

Yes, the proposed use will be compliant with the standards and design requirements of the C2 Route 67 West Overlay Zone, Comprehensive Master Plan, and Commercial Corridor Design Standards & Guidelines.

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;

Kordich felt that traffic conditions would be adversely affected by this project. He felt the amount of apartments and potential cars adding to the already heavy traffic conditions at the intersection would make the situation worse. He also felt that safety would need to be considered due to the current traffic conditions being worsened by the proposed project.

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 proposed use/project is proposing a 6' privacy fence along the eastern property line and vegetated buffer.

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;

Kordich did not feel that this project fit well with the intent of the Master Plan in this area of Malta and felt this needed to be considered.

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

Kordich felt that the proposed use would affect 0.5 acres of the onsite wetlands and offsite areas as well due to stormwater runoff.

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;

Kordich felt this was unknown at the time of the meeting.

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

The existing c-1780 church/school will be relocated on site.

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.

Chairperson Smith stated that the final consideration will be reviewed during future Planning Board meetings when the applicant returns.

Smith asked Lansing if he had any comments about the Special Use Permit Criteria.

Lansing stated that he did not.

Smith asked Lansing how far the proposed entrance on Route 67 was from the turning lane at the intersection to go South on East Line Road since the lane itself stretched down Route 67 for a long distance.

Lansing was not sure how far it was from the turning lane and stated that he would look into it and that it would be part of the traffic study for the project.

Once the Stein presentation was completed, Chairperson Smith stepped down and Jean Loewenstein returned from her refusal to chair the remainder of the meeting.

23-07 Terrell (2795 US Route 9), Special Use Permit

The applicant, Racing City LLC, requested a special use permit to operate a machine shop for a concrete pumping service. The shop will be located in an existing building located at 2795 Route 9. Code Enforcement determined the proposed use qualifies as a machine shop and therefore is allowed in the C7 zoning district by way of a special use permit. The applicant would not be making any changes to the exterior of the site. No fuel would be stored onsite and concrete would be washed out from the trucks on job sites.

Rich Saxton of Racing City, LLC presented for the applicant. He requested a Special Use Permit for a satellite office for Racing City, LLC to store concrete trucks, water, and Diesel Exhaust Fluid (DEF).

Huizinga noted that the site is located in the C-7 Zone and is part of the Adirondack Deck PDD #14A which had approved uses added to the zone in 2018. Huizinga noted that a Special Use Permit was needed because the proposed use was determined to be a machine shop by Code Enforcement. Huizinga also asked the applicant to clarify what would be done onsite since the applicant's description of their plans included repair and maintenance of concrete pumps.

Saxton stated that Racing City, LLC was a concrete pumping business in Albany that featured truck mounted pumps. Saxton noted that this location would be used for truck storage to be closer to jobs to the North of Albany.

Huizinga asked Saxton if any repairs would be done to the trucks onsite.

Saxton stated that no repairs would be done onsite.

Huizinga stated that Code Enforcement considered the business a Machine Shop that needed a SUP because of the use that was being proposed and the history of businesses where repairs and modifications were made being onsite. Huizinga also stated that the Board would need to review the 10 Special Use Permit Criteria set forth in §167-38.1 for their consideration. Huizinga also noted that a full site plan would not be needed for the project since it was similar to a change of tenancy for the site with no changes being made to the site itself.

BOARD DISCUSSION

Kordich asked the applicant how many trucks would be onsite and if they would be inside or outside.

Saxton stated that there would be 2 or 3 trucks onsite and stored inside.

Kordich asked if the applicant would be taking over the entire site.

Saxton stated that the trucks would be parked there and a 100 gal water tank and DEF storage tank would be onsite.

Loewenstein opened the Public Hearing at 7:45 PM.

Loewenstein closed the Public Hearing at 7:46 PM. There were no comments from the public.

Loewenstein asked Huizinga if the Board needed to go through the Special Use Permit Criteria prior to or after making a SEQRA determination on the project.

Huizinga stated that either would be acceptable and recommended that the project be considered consistent with the Supplemental Town-Wide GEIS and Statement of Findings.

SPECIAL USE PERMIT CRITERIA. The Board reviewed the criteria.

1. The use listed is a permitted special use in the appropriate zoning district;

The C7 zoning chart states that a machine shop is allowed in this zone. Code enforcement determined that, based upon the description the applicant submitted, the use of a concrete pumping service station qualifies as a machine shop.

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 standards and design requirements of the Code and Comprehensive Plan because no alteration to the exterior of the building is proposed.

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 proposed action should not have an adverse effect upon the adjacent properties as no changes are happening to the exterior of the building, and the business would not generate retail traffic – only concrete trucks and employee vehicles.

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.

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;

No.

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;

Staff recommend it does as there will be no additional disturbances and the only chemical material to be stored onsite in bulk (Diesel Exhaust Fluid) will be stored in approved containers and according to any applicable NYS laws.

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

The use should not adversely affect unique and irreplaceable assets/resources because no expansion of the site is occurring.

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.

**Resolution #2023 – 10
SEQRA**

MOTION by Jean Loewenstein **SECONDED** by Kyle Kordich to resolve that the Malta Planning Board on the 28th day of March, 2023 determines that Project #23-07, Terrell, 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
Ronald Bormann – YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 6-0

Resolution #2023 – 11

MOTION by Kyle Kordich **SECONDED** by Dwight Havens to resolve that the Malta Planning Board on the 28th day of March, 2023 approves Project #23-07, Terrell, Special Use Permit, with the following conditions:

1. The applicant would not make any additional changes onsite.
2. The only chemical stored in bulk onsite would be stored in approved containers in accordance to any applicable New York State laws.

Kyle Kordich – YES
Ronald Bormann - YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED 6-0

23-05 Heflin (721 NYS Route 67), Site Plan (Concept)

The applicant, Garry Heflin, proposed a concept site plan on a 8.11± acre site located at 721 Route 67 for three (3) two-story, 11 unit apartment buildings with associated garage parking and outside parking (72 spaces total), sidewalks, utilities and landscaping. The applicant requested feedback from the Planning Board prior to developing a complete site plan application.

Yates Scott Lansing, Lansing Engineering, presented on behalf of the applicant. Lansing noted that his objectives were to introduce the project to the Planning Board, receive their initial comments, and to return at a later date for additional comments and project approval.

Lansing noted that a front yard setback variance would be needed from the Zoning Board of Appeals for the project. Lansing also noted that the project was located east of East Line Road, the site is approximately 8.11 acres and the site is zoned C-2 NYS Route 67 West Overlay.

Lansing also mentioned that there are environmental constraints onsite due to the Ballston Creek including the flood zone of the stream, a town designated 100 foot buffer zone from the creek, and Army Corps of Engineers (ACOE) wetlands.

Lansing noted that the project site is adjacent to the Zim Smith Trail and that the proposed multi-family facility would be located towards the back of the property near the trail. Lansing also noted that the project would require a stream crossing that would necessitate a culvert in order to reach the upland area of site where three (3), eleven (11) unit (33 units in total) apartment buildings would be constructed with associated parking. Lansing noted that 8 of the 11 unit complexes would have garages with 48 exterior parking spaces, totaling 72 parking spaces for the project.

Lansing stated that the project would feature greenspace that would comprise 80% of the entire parcel, would require a full SWPPP, and would be serviced by the Town of Ballston for water from the NYS Route 67 intersection and the Saratoga County Sewer District for sewer connected at the back of the property along the Zim Smith Trail.

Lansing also noted that onsite wetlands disturbed would be less than 1/10 of an acre with the stream crossing of the Ballston Creek, and that the project met all zoning requirements except for the 500 foot setback that is required for the multifamily use in the C-2 zone and that a variance would be needed in order to construct the structures on the property. The variance request would be for 300 feet from the front property line, requiring a 200 foot variance.

Lansing noted that the applicant felt the proposed use was the best fit for the parcel given other allowed uses in the C-2 zone and intended to construct the apartments towards the rear of the parcel to keep the apartments secluded and to mitigate the environmental constraints towards the front of the property.

Lansing stated that his intentions were to present the project to the Zoning Board of Appeals and return to the Planning Board if the ZBA granted the applicant a variance.

Huizinga confirmed that the zoning for the property was C-2 Route 67 West Overlay and would need an area variance for the project to move forward. Huizinga also noted that the parcel was at most 500 feet deep and since the project was still in its early stages she did not have many comments at that time beyond noting that the applicant would need a wetland disturbance permit, a stream crossing permit, utility permits, and a stormwater management plan.

Huizinga also noted for the Board that the area was rezoned in 2016 by the Town Board as C-2 West Overlay to encourage growth in the area and that extension of public utilities was included in the rezoning of the corridor.

BOARD DISCUSSION

Loewenstein asked Lansing how far the proposed access would be from Raymond Road.

Lansing stated that the access would be approximately 250 feet from Raymond Road but would provide a definite answer at a later date.

Smith asked Lansing if the buildings would be sprinkled.

Lansing stated that he believed the units would be sprinkled but would confirm this for Smith.

Mazza asked if the waterline for the project would be the same waterline that would be servicing the Stein project.

Lansing confirmed this.

Mazza stated that he felt the water line would need to be increased in size in order to meet fire suppression requirements.

Lansing stated that he would work with the Town of Ballston to meet this request.

Mazza asked Lansing if the applicant would be able to construct a fire lane for apparatus to turn onsite.

Lansing noted that the setback from the stream would prohibit the applicant from creating a turnaround lane for fire apparatus.

Kordich asked Lansing how far the project would be from the Zim Smith Trail and how wide the stream would be at the proposed crossing.

Lansing stated that the trail was approximately 60-80 feet from the site and that the stream was approximately 8 feet wide at the site of the proposed crossing.

Havens asked Lansing how close the furthest building was from the Ballston Creek at its Southern corner.

Lansing noted that the location of the building was close to the stream and was unsure how far it was at that point but would confirm the measurement and relocate the building if necessary.

Loewenstein asked Lansing if a traffic study would be needed for the project.

Lansing noted that the Board could decide to request one but since the project would generate less than 100 trips that a study would not be needed for the EAF.

Loewenstein stated that since NYS Route 67 had such heavy traffic she felt a traffic study would be wise for the applicant to complete.

Hull noted that he felt the applicant should provide a traffic study given the location of the proposed access to the site not being in line with Raymond Road due to onsite wetlands and the Ballston Creek impeding access to the site.

Loewenstein reiterated the comment that the applicant would need to stay out of the Town designated 100 foot buffer from the Ballston Creek and that the applicant would need to obtain permits from the ACOE.

Huizinga requested a pedestrian connection to the Zim Smith Trail from the site to which Loewenstein agreed with the request.

Lansing stated that access would be provided to both the Zim Smith Trail and out to NYS Route 67.

Loewenstein asked Lansing if he was scheduled to go before the Zoning Board at that time.

Lansing stated that he had not yet applied to go before the ZBA but would do so in the following months.

23-06 10 Hermes Road, Site Plan Amendment (Concept)

The applicant, Hermes Development, LLC, requested a site plan amendment for the commercial development at 10 Hermes Road. The applicant proposed a 12,000 square foot addition to the existing building (22,983 SF), demolition of an existing tower, and modification to the existing parking lot. The building would be occupied by G&G Industrial Lighting for the use of light manufacturing, design, and engineering of industrial lighting.

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

Lansing stated that he was before the Board to present the project and receive comments from the Board. Lansing also noted that the project would require a Lot Line Adjustment (LLA) and preliminary final engineering review in order for the applicant's project to move forward and that he would return once this had been completed. Lansing also noted that the project is located at 10 Hermes Road, zoned C-3 NYSEDA, light industrial and is an allowed use for the area, and currently houses a 22,983 SF building.

Lansing noted that the applicant is proposing a 12,000 SF addition to the current structure with three (3) loading docks at the rear of the building and would require the demolition of an existing tower on the site. Lansing also noted that the site featured 103 parking spaces with 22 banked parking spaces included and that stormwater would be managed onsite.

Lansing stated that the site would be serviced by existing utilities and that the required LLA would be between 10 and 30 Hermes Road and would be needed for the proposed loading docks to allow for truck access to the new addition and an application for the LLA would be submitted at a later date.

Huizinga noted that the site was slated to be sold to G&G Industrial Lighting contingent on Site Plan approval. Huizinga also noted that a LLA will be needed that can be determined administratively but will need to be completed or as a condition of approval during Site Plan approval from the Board. Huizinga also asked the applicant if any modifications would be done to the outside of the building and informed them that Planning would like to see renderings of any potential modifications.

The applicant noted that they would be updating the exterior of the building and stated that they would happily provide renderings.

Huizinga noted that all truck traffic would need to be routed to Rocket Drive and Stonebreak Road through the industrial park since no truck traffic would be allowed on Dunning Street. This was stressed in order to preserve the tranquility of the residential neighborhoods to the North of the site on Dunning Street.

The applicant suggested including signs noting a "truck route" that would avoid the residential area on Dunning Street.

BOARD DISCUSSION

Smith asked the applicant if the addition would be sprinkled.

Lansing and the applicant confirmed that the addition would be sprinkled.

Bormann asked the applicant about the utility pit that had an electrical service contained within it and asked what their intentions were with it.

The applicant stated that they planned on cutting the electrical service, demolishing and filling the pit, and providing a new overhead electrical service to the site.

Bormann also asked the applicant if there were any environmental concerns with the utility pit given its age and the site originally being Starfire and the Malta Test Site.

The applicant stated that a full environmental review was underway to confirm any environmental issues that might be onsite.

Loewenstein asked the applicant if the environmental review would be provided to the Town once it was completed.

The applicant stated that the review would be provided.

Loewenstein asked Huizinga to clarify her SEQRA recommendation.

Huizinga noted that SEQRA had been completed in 2003-2004 for the STEP Park and that she did not have a clear SEQRA recommendation at that time for the new project. Huizinga also felt that the project would be consistent with the original SEQRA and the Supplemental Town-Wide GEIS once all information was provided by the applicant.

Planning Board Business

MOTION by Ronald Bormann **SECONDED** by Jean Loewenstein to accept the February 28, 2023 minutes.

VOTE:

Kyle Kordich – ABSTAIN
Ronald Bormann - YES
Frank Mazza – YES
Dwight Havens – YES
William Smith – YES
Jean Loewenstein - YES

Motion CARRIED with 5 YES and one ABSTENSION

William Smith **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 8:15 p.m.

Respectfully submitted by,

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