



Glenn Rockwood - *Chairman*
Kyle Kordich
Roger Laime
Jean Loewenstein
William Smith
Dave Wallingford
Carrie Woerner
Dave Bowman (alt)
John Viola (alt)

Town of Malta

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Anthony Tozzi - *Director*
Sophia Marruso - *Senior Planner*
Shelley Norton - *Planner*
Floria Lowin - *Planning Exec. Secretary*

Meeting Minutes for December 17, 2013

The Town of Malta Planning Board held its regular meeting on Tuesday, December 17, 2013 at 6:30 p.m. at the Malta Town Hall, with Chairman, Glenn Rockwood presiding.

Present: Glenn Rockwood, Bill Smith, Dave Wallingford, Kyle Kordich, Carrie Woerner, Roger Laime, Dave Bowman and John Viola, Mark Schachner, Town Legal Counsel; Joe Lanaro, Town Engineer; Anthony Tozzi, Director; Floria Lowin, Planning Executive Secretary

Absent: Jean Loewenstein

Correspondence: All correspondence is on file.

ROCKWOOD read the following agenda into the minutes:

Project #	Project Name	Project Type
12-06	Maple Forest	SD Extension
07-17	Farley	SD Extension
13-32	Weiss	Minor SD
13-31	LFTCEDC Temp. Parking Lot	Site Plan Amendment

#12-06 Maple Forest Subdivision

106 East Line Road

Scott Lansing, Engineering presented on behalf of the applicant. The applicant is requesting a 90 day extension of approval. The applicant received conditional approval on July 16, 2013. The applicant is waiting for agency approvals from Clifton Park Water Authority, NYSDOH and NYSDEC. There are no changes to the plan. The applicant is working with Chazen to address outstanding engineering comments.

LANSING asked the Board for direction in creating a drainage district for the subdivision. ROCKWOOD deferred comment to Anthony Tozzi and asked if there is a time frame the Town Board may take up drainage districts. TOZZI noted that the Town Board has not set a date for a workshop to discuss the creation of drainage districts. ROCKWOOD suggested the applicant petition the Town Board to create a drainage district. LANARO recommended, if the applicant does not petition the Town Board to form a drainage district, conveying the off ROW drainage infrastructure to the Town at no cost and forming the drainage district to collect revenue for the Highway Departments' operation and maintenance of same, then the HOA documents for the project will need to include provisions for the ownership, operation and maintenance of the drainage infrastructure, which should be subject to review by the Town attorney and Town engineer.

RESOLUTION #2013 - 48

Motion by: Wallingford
Seconded by: Smith

Be it resolved that the Malta Planning Board grants an extension of approval for Project #12-06, Maple Forest, Subdivision, with the following condition:

- The approval is granted for 90 days, 01/13/2014 to 04/12/2014.

Vote: Smith - Yes, Wallingford - Yes, Woerner - Yes, Laime - Yes, Viola - Yes, Rockwood - Yes

#07-17 Farley Subdivision

Locust Road

John Viola recused himself from participating in the discussion of this project and stated that he is the Vice President of the Lakeside Acres Association, which has an active lawsuit against the applicant.

Paul Goldman, Esq., presented on behalf of the applicant. The applicant is requesting an additional 90 day extension of approval. The applicant is waiting for Saratoga County Sewer District's approval for servicing of each lot. The Sewer District is in the process of constructing the extension and the subdivision is on hold until its completion. ROCKWOOD asked if there is a firm date from the Sewer District for completion. TOZZI stated that completion could possibly be by July of 2014.

RESOLUTION #2013 - 49

Motion by: Wallingford
Seconded by: Laime

Be it resolved that the Malta Planning Board grants an extension of approval for Project #07-17, Farley, Minor Subdivision, with the following condition:

- The approval is granted for 90 days, 01/13/2014 to 04/12/2014.

Vote: Smith - Yes, Wallingford - Yes, Woerner - Yes, Laime - Yes, Rockwood - Yes

#13-31, LFTCEDC Temp. Parking Area, Site Plan Amendment

Rocket Way & Stone Break Road

Ed Garrigan, CT MALE, presented on behalf of the applicant, DA Collins. The applicant has entered into a lease agreement with LFTCEDC and would like to construct a temporary parking lot at the northeast corner of the Malta Rocket Fuel Area (MRFA). The proposed temporary gravel parking lot is consistent with previously constructed temporary parking lots at GlobalFoundries. GlobalFoundries would like to return to the original plan after the temporary parking area is no longer needed. The proposed plan is for the lot to be used by construction workers and not GlobalFoundries employees. The proposed lot would be connected to Lot E. The lot will have temporary lighting. Access to the lot will be from Cold Springs Road through Wafer Way. Construction workers currently enter the site this way and will continue do so. Stormwater management will be managed in the same manner as prior projects and will be built to 100 year flood standards. All water infiltrates into the ground, which is consistent with current conditions for the site. GARRIGAN acknowledged receiving Chazen's engineering comments dated December 12, 2013. The applicant will address the comments accordingly.

ROCKWOOD asked for clarification of what is on the site today. GARRIGAN noted that the site is currently a laydown area for the LOT D soil placement area.

TOZZI advised the Board that the site can move forward either with the previously approved Logistics Plan or this proposed temporary parking lot. TOZZI questioned whether there would be any conflicts between the temporary lot, the currently approved Construction Logistics Plan, and what the length of time is for the temporary parking lot. GARRIGAN indicated that the current laydown area would be the parking lot. The main approved parking lot is unaffected by this project. The batch plant is not affected by this proposal. The lay down area is temporarily not needed at this point. TOZZI asked if there are any conflicts with traffic circulation in the lot or in the overall Construction Logistics Plan with the already approved plan and this proposed plan. GARRIGAN stated that there are no conflicts.

ROCKWOOD asked if the MRFA site is safe and if the soil disturbance is going to be an issue. TOZZI advised that the Town Board did an Environmental Impact Statement (EIS) and that there is no soil disturbance proposed and that the lot will be placed on top of existing soil. GARRIGAN advised that the MRFA site has been remediated. If any issues arise during construction, a plan will be in place to address potential issues. The EPA regulates the soil disturbance.

SCHACHNER advised the Board that the Town Board served as Lead Agency in the LFTC GEIS. Schachner referred the Board to the applicant's proposal Section B, Page 2 Paragraph 5 which states:

It is important to note that the project has been designed to be constructed and operated within the appropriate thresholds of the prior New York State Environmental Quality Review Act (SEQRA) statements of findings for LFTC and PDD legislation in both the Towns of Malta and Stillwater. There is not anticipated to be a need to amend the prior SEQRA findings as there are no new environmental impacts associated with the project.

If the statement is true, then no further SEQRA analysis is needed. If it is not true then further SEQRA review is needed. The items that were identified in TOZZI's review are appropriate issues for the Board to look at but do not need to be reviewed under the context of SEQRA review. TOZZI advised the Planning Board they do not need to review the Part 2 of the EAF and suggested that the Board disregard his comments on SEQRA in his review. SCHACHNER stated review of Part 2 is only needed if the Board disagrees with the applicant.

WALLINGFORD asked if traffic will cut through Parking Lot E. GARRIGAN confirmed that traffic will cut through Lot E. Appropriate signage will be installed to identify the drive and manage traffic. ROCKWOOD expressed concern of the drive cutting through the lot.

WOERNER referred to the EAF and asked if a SHPO review needs to be provided due to the proximity to a national registered site and an archeological sensitive site. TOZZI stated that SHPO does not need to review it because SEQRA does not apply. GARRIGAN stated that a discarded properties management plan for the MRFA property was completed. SHPO has reviewed it and the applicant can provide a letter supporting the approval and that the proposed use is consistent with the plan.

LAIME asked if the lighting for this lot is consistent with other temporary lots. GARRIGAN clarified that the lighting will be consistent with other temporary lots but not with the permanent lots. Minimum lighting standards will be applied.

ROCKWOOD asked what the plan is for the lot after 60 months. GARRIGAN stated that the gravel would be removed and grass planted. ROCKWOOD recommended planting trees at the perimeter of the lot after the lot is not needed. GARRIGAN noted the lot is not visible from any public road and that planting of trees had not been considered. ROCKWOOD also recommended having the applicant return to the Planning Board in five (5) years if the parking lot is still needed.

WALLINGFORD asked what the time frame for construction is. GARRIGAN stated that the applicant anticipates construction to begin in late January or early February and to be completed by early April 2014.

ROCKWOOD opened the public hearing at 7:05 PM. There being no comments from the public, the hearing was closed at 7:06 PM.

RESOLUTION #2013- 50

Motion by: Woerner
Seconded by: Wallingford

Be it resolved that on this date, December 17, 2013, the Town of Malta Planning Board hereby approves Project #13-31, LFTCEDC Temporary Construction Parking Area, Site Plan Amendment, with the following conditions:

- The applicant shall address the Chazen engineering comments dated December 12, 2013.
- The applicant shall return to the Planning Board in 60 months for a renewal of the approval if the parking area is still needed.
- The applicant shall plant trees along the perimeter of the adjoining property when the temporary parking area is no longer needed.

Vote: Smith – Yes; Wallingford – Yes; Woerner – Yes; Kordich – Yes; Laime – Yes; Bowman – Yes; Rockwood – Yes

#13-32, Weiss, Subdivision

141 Old Post Road

Joe Dannible, Environmental Design Partnership, LLP, presented on behalf of the applicant, Richard Weiss. The applicant is proposing to subdivide an existing 42.75± acre lot into three 14+ acre lots. The applicant has proposed large estate lots to preserve privacy and the rural character of the neighborhood. Three (3) curb cuts on Old Post Road are proposed. Each lot will be serviced by a private well and individual septic systems. Soil test pits have been constructed. The results from the tests pits indicate that the soils will support either a conventional or a shallow trench system on the site. An existing well on the site produces 12 gallons per minute. A well on Mr. Weiss' neighboring property produces approximately 5+ gallons per minute. As the lots are developed and sold, wells will be drilled and built to DOH standards. Septic systems will be built to DEC standards at the time of construction.

TOZZI reviewed Shelley Norton's staff review, dated December 13, 2013, and noted the following:

- (a) The application was reviewed with the applicability of the Town of Malta Comprehensive Plan and the 2003 Linkage Study. The Linkage Study indicates that an asphalt sidewalk should be placed along Old Post Road and a trail link back to the Kayaderosseras Creek. No trails have been placed to date. Staff does question how viable the trail requirement is currently. The access to the Kayaderosseras Creek seems to be relocated to the Kumar PDD.
- (b) The subdivision is located across the street from an Agriculture District. DANNIBLE noted that an Agriculture Data Statement has been submitted.
- (c) Staff recommends a reduction in the number of curb cuts.
- (d) Staff notes that SEQRA falls under the TWGEIS.
- (e) LOT 1 is a flag lot and meets the Town's Flag Lot legislation.

LANARO reviewed the engineering comments dated December 6, 2013 and noted the following:

- (a) Chazen recommends the validation of adequate site distance for the proposed driveways. The applicant should include verification of the site distance for the driveways on the drawings. He also recommended that the driveways be located close to each other, placing them within 10 feet of each other. Site distance should comply with DOT standards. SMITH expressed concern with the site distance for the driveways and

recommended shared driveways. DANNIBLE noted that the applicant does not want common drive ways and does not want to force neighbors to have driveway maintenance agreements. WEISS noted that visibility from the driveways is good due to the location of the lots on the curve.

- (b) Soil test data should be included on resubmittal of the final plat. DANNIBLE noted that two test pits have been done on the site and would like to delay additional test pits to a later date or at the time of issuance of building permits. LANARO recommended verifying soil type consistency across the three lots and correlate the soil data with what is observed at the two lots that will be sold. It may support waiver of lot by lot testing. Each lot must be validated that it is suitable for residential construction. A suitable water source should be annotated on the subdivision plat.
- (c) A stormwater plan will be needed if more than 1 acre of disturbance on the three lots. A basic SWPPP will need to be submitted and include an erosion control plan.
- (d) If a driveway exceeds 300 feet, fire code requirements must be included on the plans. The 2010 Fire Code for residential driveways should be referenced.
- (e) A disclosure requirement for the DEC wetlands and buffer should be noted on the plat.

WEISS advised that the third lot, adjacent to his property, will be used as a buffer and he has no intention to sell the lot.

WOERNER asked for clarification of the EAF Part 1 Section D.2.a "Excavation of foundation". TOZZI noted this is relevant to the excavation of the new foundation and not an existing foundation. The amount of soil removed will depend upon the size of the foundation. SCHACHNER noted that the intent of the question is not when the disturbance is occurring but the duration of time the disturbance would be for the time of building of the foundation.

ROCKWOOD opened the public hearing at 7:34 pm. There were no comments from the public. The hearing was adjourned until the next time the applicant appears before the Planning Board. The applicant will address staff and engineering comments and return with a final proposal.

WOERNER motioned to accept the October 22 and November 19, 2013 minutes, seconded by SMITH, motion carried.

ROCKWOOD reminded the Board of the upcoming Saratoga County Planning Conference on January 29, 2014.

ROCKWOOD announced that he has submitted his resignation as Planning Board member as well as Chairman effective December 31, 2013.

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 WALLINGFORD, motion carried at 7:45 PM.

Respectfully submitted by,

Floria Lowin
Planning Board Secretary