

TOWN BOARD AGENDA MEETING
Monday January 25, 2021
6:00 PM
Via Zoom

ELECTED OFFICIALS PRESENT: Supervisor Darren O'Connor, Deputy Supervisor Mark Hammond, Councilwoman Cynthia Young, Councilman Tim Dunn, Councilman Craig Warner, Councilman John Hartzell, Superintendent of Highways Roger Crandall, Town Justice Ellwood Sloat and Town Clerk Jennifer Holmes

OTHERS PRESENT: Town Attorney Steven Gottmann, Town Comptroller Kevin King, Director of Parks & Rec Alyssa Benway, Co-Ordinator of Building & Planning Jaime O'Neill

PUBLIC PRESENT: Jeffrey Wink, Tracy DeRagon, Kevin Manz, Chris Morrell, Michael Sterthous, June Pakatar, Michele Stabinski, Richard Lynch, Eric Litwin, Tom Minnick, Abbey Barker, John Cashin, Thomas Lochner, Marc Smith, Paul Johnson, James Stodgell, Paul Loomis, Ed Brewer, Tim Kennedy, Amy Buteau, Joyce Soltis, Patti Ellis, Anne Daley, Robert Pennacchia, Kathy Eitzmann, Geoffrey Booth, Rose Tait, Bruce Biegeleisen, Robert DeCelle, David Wallingford, William Navojosky, Amanda Hartmann, Eliot Cresswell, William Calhoun, Peter Klotz, Village of Round Lake Mayor Gary Putman, Lisa Joy Rupinski, Kevin Carpenter, Joe Rupinski, Laura Moulton, James Koval, David Olsen, Ed Cameron, Stephen Griffen, Holly Spadaro, Mark Richardson, Kelley Winslow, Ed & Degenhart, Glenn Hogue, Ted Willette, John Winters, Mark Welcome, Karleen Whitaker, Philip Kelly, Hugh Eddy, Carlton Boorn, Joan Carbone, John Viola, Barbara Conner, Sophia Marruso, Christina Galante, Paul Murphy, Tasha Stewart, Timothy Downey, Roseanne Clavin, Sharon Pineo, Renee Farley, Neal Kramer, Fred Nest, Ed Meehan, Bernhard Schiel, Steven Schuman, Lynn Pennacchia, Rae-Lyn Dussault, Marian Crandall, Patricia Tuz, Allen Osaheni, David Rosenberg, Cheryl Sovern, Pamela Koebbeman, Thomas Dimopoulos, Sandra Crandall, Linda Reiss, Gail Anderson, Jeff Knox, David Borisenok, Ann Klotz, Karen Lucci, Gary Spadaro, Suzanne Hartz, Elizabeth Stupp, Rick Mangino, Peter Brooks, Chrisanne Pierson, Robert Rosborough, Michael Ponticello, Michael Williams, Jim Glavin, Catherine Cronin, Jeff Knox, Helen Endres and Stephanie Ferradino

SALUTE TO THE FLAG & SILENT PRAYER:

ACCEPT TOWN CLERKS MINUTES FROM 1/4/2021:

Motioned by: Councilwoman Young Seconded: Councilman Warner

Vote: Ayes-5 Nays-0

TONIGHTS PRESENTATION: South Shore Marina Proposed Planned Development District-Sophia Maruso, the owner of Plan & Site Consulting LLC located in Ballston Lake also a certified planner with the American Institute of Certified Planners representing to principals at New York Development Group, Geoffrey Booth & Jeff Knox, presented a conceptual PDD. The following is the narrative that was presented to the Board.

The applicant, New York Development Group, is proposing a new 8.69+ acre mixed-use planned development district on the southern shore of Saratoga Lake within the Town of Malta. Located near the intersection of Route 9P and Plains Road (County Route 108), the planned development district concept proposes mixed uses consisting of condominiums (96 units among 5 buildings), marina, restaurant (4,000 SF), and potentially associated amenities such as clubhouse, fitness center, and public access with parking to Saratoga Lake. The PDD process is being pursued for this proposed development due to the nature of the pre-existing, non-conforming uses and conditions of the project property; to contemplate a unique combination of new uses; and to foster development of a new community of residents seeking pride of ownership with appreciation for Saratoga Lake, while offering the opportunity to fulfill a long-sought public amenity for the Town of Malta. The applicant recognizes that the project area has historically functioned as a dining and recreational fixture within the town and is enthusiastic about the prospect of enhancing the aesthetic value of this location, improving the environmental conditions of the site, and further

enhancing this gateway into the Town of Malta. The total project acreage is approximately 8.69 + acres. All parcels are owned by Joseph and/or Anthony DiDonna. The project parcels have been for sale for 2 years. As indicated above, the existing zoning designations of the subject parcels are R-1 and R-4. Prevailing zoning designations generally permit single-family residential development. Existing uses on site include restaurant/bar, marina, boat storage and repair, and single family residential. Within the project area, the majority of lots are either pre-existing nonconforming by size or by use. The PDD proposes to rectify these nonconformities by legislating a new suite of uses while creating the opportunity for a unique public benefit, consisting of designated public access to Saratoga Lake for light recreational uses (canoe / kayak launch). As a redevelopment project, all existing structures on site would be demolished to support the new proposed layout, new construction, and to provide adequate space for public access to Saratoga Lake. The utilities proposed to service the site include Saratoga County Sewer and Saratoga Water Services. Stormwater management for the site will be designed in full compliance with the requirements of GP-0-20-001. Additionally, the site will use both underground and surface parking. In acknowledgement of the Town's extensive work in updating the Comprehensive Plan with corresponding zoning updates, the applicant notes that the proposed PDD concept responds to a number of critical elements identified in the Town of Malta Comprehensive Plan (2006). According to the existing Town of Malta Comprehensive Plan, the proposed PDD is located within Neighborhood 8, Saratoga Lake. Upon review of this critical planning document, several key items were identified within the vision for this neighborhood, including: ▪ Future development must be serviced by Saratoga County Sewer ▪ Lakeside development must provide adequate stormwater management to support the improvement of lake water quality ▪ The Town will vie for opportunities to secure public access to the Lake (pg. 33) Additionally, the goals and objectives identified to achieve the Town's vision include: ▪ Land Use- Goal 10: Provide adequate public access to creeks, streams, lakes, land conservation zones and viewsheds for recreational opportunities. (Saratoga Lake, Round Lake and Kayaderosseras Creek) (pg. 8) ▪ Recreation / Open Space- Goal 1: Provide sufficient, well-balanced, active and passive recreational opportunities for Town residents, businesses and employees (pg. 17). Additionally, Objective 17 specifically identifies "Encourage cooperation between developers and the Town of Malta to gain access to the Kayaderosseras Creek, Saratoga Lake, Round Lake, other creeks..." The applicant notes the Town's desire for added environmental protections and public access to Saratoga Lake. The applicant is pleased to have the opportunity to share this planned development district concept with the Board and to gain feedback on the concept. We believe this proposal contemplates the future of this neighborhood in a way that serves existing residents of the town, creates additional home ownership opportunities, diversity in housing stock, and supports the improvement of Saratoga Lake water quality, while bringing to fruition the dream of public access cooperation between developers and the Town of Malta to gain access to the Kayaderosseras Creek, Saratoga Lake, Round Lake, other creeks..." The applicant notes the Town's desire for added environmental protections and public access to Saratoga Lake. The applicant is pleased to have the opportunity to share this planned development district concept with the Board and to gain feedback on the concept. We believe this proposal contemplates the future of this neighborhood in a way that serves existing residents of the town, creates additional home ownership opportunities, diversity in housing stock, and supports the improvement of Saratoga Lake water quality, while bringing to fruition the dream of public access to Saratoga Lake to the Town of Malta and its residents.

Councilman Hartzell thanked Sophia for attending the meeting and bringing this concept proposal to the Board. He then inquired if Sophia's clients were in control of the land across Route 9P from the DiDonna property.

Sophia answered that the 9 parcels are under contract and that the DiDonna's are the owners of the land and parcels at this time.

Councilman Hartzell said he wanted to get an idea of the quality that is envisioned and the price points for the condo units.

Sophia responded that at this time there has not been a price point established and that is based on multiple factors. First being, market rate always drives the price point and the square footage of the condo will be a determining factor also. Cost, type of building material and site preparation

will also be a determining factor of price points. Sophia made note of the driving costs of building materials as the result of the ongoing COVID pandemic and what those costs may be at that potential time will also contribute to the price point.

Councilman Hartzell said the reason for this question is because he wants to avoid a lower quality of construction material and sales price as to avoid transient type activity. He said he would like condos that are owner occupied, a development of quality with no revolving door. He said he wants to avoid any potential disruption to the existing neighborhood. He understands that there will be rental of condos like there is rental cabins that currently exist in the area but he wants to avoid a high density where people just buy the condos and rent them out without caring who is renting them and without caring who is living there. He likes the idea and supports the idea but if it does go forward he wants units that have real owner occupancy and price point will affect that.

Sophia responded the development of quality lakeside condominiums will typically accompany some degree of investment into the property. The other piece is that the gentlemen that Sophia is working for has a robust condo development history that takes great pride in the architectural choices, the design, the massing, the scale, the integrity and has always worked in a collaborative way with municipalities that they have done business in along with the sought and approval of. They deliver a product that you can be comfortable with. The developers are really particular and driven to protect the brand they deliver.

Councilman Hartzell said that he tends to be supportive and if the Board decides to move forward with a PDD approval process he will safeguard this particular concern.

Sophia responded that she understands that you would want to have a permanent community to the Town. They envision a particular amenity to the project, a potential boat slip/marina option that would accompany the potential buyer. It will allow the pride of ownership to own and possess something in Town and still have the convenience to a boat slip, a restaurant and different access points to Saratoga, the Northway, etc. all while living on beautiful Saratoga Lake.

Councilwoman Young said she likes the project and a couple particular pieces of it. She has been an advocate for public access to Saratoga Lake for years. She also likes that the concept doesn't use every bit of available space, there is a lot of green space and a public amenity of public parking. She said she does have some concerns, but the County will have to deal with that. The intersection of Plains Road and Route 9P, it is busy with a deep bend and many access points, development and improvement of an intersection would be a safety feature. She said she agrees with John regarding the condos being owner occupied. She believes that there are some HOA agreements that specifically say they can't be rented out as an Air B&B situation and that would be important to her. The Master Plan, that is currently being updated, mentions Neighborhood Eight including a development that specifically protects the integrity of the lake. Councilwoman Young said that there was mention of the owners having the option of boat slips and asked if there was a plan for winter storage of the boats.

Sophia responded, that is something that could be refined especially if legislation moves forward. As legislation moves forward those are things that would be looked into, permanents versus temporary storage. Sophia continued that they would like to create more permanent structures and more permanent uses on site and said she doesn't know if boat storage would be part of those new proposed uses but doesn't believe that it is because it is not a subject that has been discussed. She said that is a great question that would be part of site design and logistics that would need to be discussed and she would make note of that. Addressing the intersection of Route 9P and Plains Road, one of the first steps would be reaching out to NYS DOT and to coordinate with the Saratoga County DPW in order to get the preliminary ideas and feedback as to what they imagine for that intersection. She followed with, that the site is pretty wide open and there is opportunity to close up curbs a bit and align with the current intersection and these are critical steps to the site design. Sophia said that she looks forward to getting a better idea as to what the state and the County would be looking for regarding the location.

Councilman Warner said overall, he likes the concept and that there is water protected options that have to happen and that he likes the public benefit. He said price point is definitely an issue and

he would prefer not to have a lot of transients with rental properties. The other thing, is that there is a really bad issue with the intersection, that it's very dangerous. It has been the scene of many accidents and that would have to be addressed. Councilman Warner said he likes what he sees with the proposal and will be interested as the project goes forward.

Sophia thanked Councilman Warner and said that while they cannot confirm price point, these would be of a higher quality development and that the applicants typically cater to an upscale residential feel. With involving certain amenities and resources that will be available to those residents she is sure price will reflect that as well. She said the applicants have a robust history of dealing with this particular type of development understanding that the Town's position wanting to ensure that the development is contributing to the base of the community and is something that is permanent and with the right considerations in legislation and site design that could really be achieved and have a product that the Town is really proud of.

Councilman Dunn said he had a couple questions as he looked at the plan. First the condominium building units or unit buildings and their anticipated height.

Sophia said that there has not been a height prescribed yet because there are a couple factors that would need to be considered as part of the design and certainly something like a height requirement would be anticipated to be part of the legislation. That would be established along with other bulk requirements like setbacks and things of that nature. Sophia followed with that being said she imagines that the unit buildings would be two to three stories high because of the proposed density of the units but the inclusion of underground parking as well or ground level parking. So, if we get a green light and move forward, when we start to pair up with the architect and work through those designs there would be a better idea of what kind of proposed height they would be looking at agreed that the Town would want to establish a threshold like they would with any other bulk requirement for the legislation.

Councilman Dunn said that leads to his next question in terms of anticipated square footage of the units.

Sophia answered that at this point it is roughly estimated at 1500 to 1800, that particularly has to be worked out as the floor plans and the architecture evolves. Hallways, closets and all those different things tend to factor into how those units can really be built out. That would be something to definitely look forward to having a little bit more specific numbers and a breakdown saying an x number of units and square footage and so on and so forth but the general number being contemplated is 1500 to 1800 square feet per unit.

Councilman Dunn said he had two other questions first being that Sophia mentioned that the developer had completed similar projects in other communities and inquired if there were any examples that could be shared so the Board members could look at websites or other projects that they could do a little homework on.

Sophia answered that they definitely could and she will coordinate with her client and they would put together a synopsis of what those projects would be so the Board could get a good familiarity with their work. Sophia followed up saying that her clients are very vested in this County and in this region and they are very familiar with the layout of Malta and Ballston and they would be happy to put something together like a portfolio.

Councilman Dunn said he loves the idea of being able to have public access to the lake and feels it is a great use for this site. The one consideration that he is wondering about would be plans for connecting the Dunning Street trail from the Malta Community Park the balance of the way down to the lake. Is that something that could be considered as part of the community benefit? He said it would be a valuable addition to the project.

Sophia answered that as they are getting feedback tonight that's certainly an interesting and understandable amenity, it's good to know what the Town is looking do with that and as conversation continues should you allow it to continue further they would love to discuss that further. She said they recognize that the public benefit is really the treat that comes with the PDD

so she knows that the developer, like they have in the past, is committed to contributing what the Town is looking for and trying to strike the balance of development and redevelopment here.

Councilman Dunn said what he is seeing and hearing here is very encouraging and he is happy for the DiDonna's stating that they have been working hard and long at that site and happy they found a good partner for this.

Supervisor O'Connor thanked Sophia saying that he appreciates it and feels the same way as the other Board members and he is particularly interested in seeing the public benefit of a kayak/canoe access and how many people that will accommodate and what the provisions near the lake will be launching the kayak or canoe or sitting areas or parking for the residents that go in there with their watercraft.

Jaime O'Neill informed Supervisor O'Connor that Geoffrey Booth, one of the applicants on this project has had his hand raised and if you want to allow him the opportunity to speak he may be able to answer some of the questions that have been brought up.

The Supervisor acknowledged Geoffrey and had Councilman Hartzell ask a quick question or two before having Mr. Booth answer.

Councilman Hartzell asked what the timing was in regards to coming forth with a PDD application, realizing that the Board is looking to finalize the Master Plan Update and it would be nice before they do so to have some sense as to whether this project is actually going to go forward.

Sophia answered on behalf of Mr. Booth saying that they would like to proceed as fast as possible. She followed with appropriately fast, not too fast, we want to have a thorough process and be thoughtful of what is put together but there are no hang ups on their end. They are very excited to be working on this project and know it's the kind of thing where it feels like we are getting the official, okay nod. If we are interested we would like to produce an application as quickly as we possibly can so the team and I would probably get to work on it tomorrow morning.

Councilman Hartzell responded saying jokingly, I'm going to try to pin you down, does that mean this year?

Sophia responded saying not to speak out of turn of Mr. Booth but they would probably want to put in an application within the next month or two.

Geoffrey Booth said he would like to answer some of the questions from earlier and one of the questions was price point and although they have not refined a price point because all the considerations, all of the costs that are involved in this will weigh in on what that eventual number looks like. He followed saying this is certainly going to be an upper end project not a lower end project. He said they are envisioning a signature piece for them with this development and he wanted to inform the Board of that. He said it will not be designed to attract transient type people or have people coming and going, not to say an individual might not rent out their unit or let a family member use it but the intent is for home ownership. Especially for people who want to live in Saratoga and want to enjoy the lake so it is meant to be an upper end development. With respect to the question that was posed about winter storage of boats on site, he said, absolutely not, that the intent is not to have boats with blue tarps strewn about the site. Again, this is meant to be an upper end development and with that the site needs to be kept in pristine condition twelve months a year. Even to the point of the way the DiDonna's propose or work their business now, they take their docks out. Mr. Booth continued that their goal would be to try to work a system that actually left the docks in so you're not stacking dock on top of dock on top of dock on the shoreline. He said he feels that will allow for more amenities at the shoreline for residents of the condos, visitors to the restaurant and also the public and that would be the goal. He continued with respect to the traffic, one of the things that they looked at when they were laying the site out is that as of right now there is access all along the restaurant area along Route 9P. This provides an opportunity to define an entrance and an exit to the property and streamline what is now just a wide-open area where people can come and go wherever they want. They park in front of the restaurant, they park beyond the restaurant. He said this will allow for us to really refine that in and out of the traffic patterns as we move forward.

Councilman Warner asked for clarification on what the water source for the property, is it Saratoga Water Services?

Sophia answered that yes Saratoga Water Services is the utility provider for water.

The Supervisor thanked everyone for the conversation and informed the public that this is a presentation not a public hearing so they won't be taking questions at this time but any resident can make any comment they want during the Question/Comments from Town Residents public comment section of the meeting and there are two of those on the agenda.

Sophia thanked the Board for their time and the opportunity to present this proposal as well as hear their feedback. She emphatically stated that they are happy to come back.

COMMENTS FROM TOWN BOARD & DEPARTMENT HEADS: Supervisor O'Connor asked Deputy Supervisor Hammond/Chairman for the OATS Committee to update the Board regarding the GNIP property and the PDR program.

Deputy Supervisor Hammond thanked the Supervisor and the Board for the opportunity to give an update on the Gnip property. Saying that late last year around Nov/Dec the OATS Committee resurrected the PDR Program within the Town of Malta that has been quite since 2001. The Committee targeted parcels that are sensitive in way or another that the Committee thought would merit attention terms of purchasing development rights. When the list was narrowed down they came up with their top pick which is the Gnip property located on Brownell Road, the old farm towards the end of Brownell before it meets Eastline Road. Along with the presentation last year it was brought to the Boards attention the suggestion that they partner with Saratoga PLAN and other agencies in terms of funding for these development rights purchases to lessen the burden on the Town. Supervisor O'Connor and Chairman Hammond reached out with a joint letter to Saratoga PLAN and received a response quite quickly. Mark spoke with Michael Horn the Conservation Director and was very encouraged with what he had to say in terms of guidance and achieving the goal of obtaining the parcel of land. They will be meeting next week regarding what is available in terms of funding, what's available and what can be utilized. Deputy Hammond said he has spoken with the property owner Louie Gnip who is very excited about the opportunity and seems very encouraged that the Town has sought out his property and is going through the steps necessary to obtain this for future generations. Mark said it takes a type of person to enroll or get involved in PDR programs where they sell their development rights to a municipality. The individual has to be thinking long term rather than short term, it's about future generations and what we leave behind for them to enjoy. Deputy Hammond said his hat is off to Mr. Gnip for being patient, he stuck with the committee right from the start and he is really excited for that movement down the road. Mark said he is hopeful that the Board will move forward on getting an appraisal of that property and once that occurs they can move to the next step.

Supervisor O'Connor thanked Mark and said that the appraisal will be on the agenda next week and they will talk this week about what's involved in getting the appraisal and what the logistics are in getting that done and paid for. Supervisor O'Connor said he is happy about this and the Gnip property looks great for the next installation on the PDR Program.

Councilman Hartzell said that although there has been a lot of media coverage over the past few days the Taste of Malta event is coming up very quickly, they have been creative this year and decided to have a takeout event. He said hats off to the organizers of that so they can sustain the event through the COVID period. So, look for the details on it, it features a lot of great local restaurants and let's do what we can to support them and the price is very modest. Councilman Hartzell said he believes it may be eight dollars to have a take out. He said he also just wanted to follow up quickly on some work they had contracted to have done by the Prosperity Partnership and I asked a series of questions. At the time I didn't realize the Town Board and Shelby Schneider were on the mail chain and at the time some of those questions were directed at Shelby and our colleague Tim. At the time I didn't realize that Tim had recently been appointed to the Board of Prosperity Partnership and would probably be in a tenuous position in terms of answering questions about a contractual relationship that we have with them. Councilman Hartzell continued that he had posed questions that Town Board members had all seen with respect to our contractual

relationship with Prosperity Partnership. He said he posed those questions to Shelby and Tim, at the time, not realizing that Tim had been recently appointed to the Prosperity Partnership Board and given that perhaps it's not fair to expect him who is now responsible as a Board member on the Prosperity side to be the one answering the questions as well as sitting as a Town Board member. Given that, and given that we have a busy agenda tonight I'd suggest that we adjourn any further discussion and ask Shelby if she wanted to appear and respond to the questions directly.

Councilman Dunn responded that he has no problem filling you in on that.

Councilman Hartzell said the concern is that you're a Board member with a party that we have a contract with.

Councilman Dunn said when that contract was enacted Darren was a Board member of Prosperity Partnership. I don't know what the problem is, it's not a contract with any compensation involved.

Councilman Hartzell responded that doesn't change the fact that there are duties as a board member to a party we have a contract and it seems a little bit awkward for us to be asking you as a Town Board member about a potential dispute we have with a party that we have a contract with.

Councilman Dunn answered that he didn't know it was a dispute.

Councilman Hartzell said we have questions about why work we contracted for 18 months ago is not complete yet. My suggestion is given the busy agenda tonight that we adjourn that discussion, request Shelby to come in so that there is no issue about who is responsible for what.

Supervisor O'Connor asked if there was a problem with postponing that to next week or the one after?

Councilman Dunn said whatever you guys want to do. I have a couple different updates involving economic development and Prosperity Partnership. He continued that he is not sure (a) this is a dispute and (b) it's an issue with a Board membership. Like I said, Darren until a few months ago was a Board member of the prosperity Partnership and it wasn't a problem then.

Councilman Hartzell said that it is now 18 months in and the work is not done.

Councilman Dunn responded that if you would like to talk about that we can talk about that.

Councilman Hartzell or we can consider where this is going and whether we're going to enforce our contractual relationship with these folks.

Councilman Dunn said well so let's be clear about what the contractual relationship is, there is no money involved here, they are doing a free service.

Councilman Hartzell answered that there is an enforceable contract in place, I've seen it, we authorized it, it's in effect. The Town Board needs to decide what we're going to do about that contractual relationship. Right? You are now seated on both sides of that relationship.

Councilman Dunn said okay.

Supervisor O'Connor said we may have an executive session after this meeting on another subject so it may be that this is a discussion with Town Council in an executive session. Supervisor O'Connor asked if any other Town Board members had any other statements or announcements.

Councilwoman Young said she briefly wanted to ask Alyssa to make sure that she is all set for Thursday. We are teaming up with the Regional Food Bank for a food distribution and I want to make sure that you have all the personnel you need.

Alyssa Benway the Director of Parks & Recreation responded that she has plenty of volunteers. Enough so that if volunteers need to pop inside to warm up and pop back out because it's going to be cold.

Councilwoman Young also inquired about the workshop regarding solar and what the next steps were. She thanked Jaime for setting up the meeting saying it was very informative and that she learned a lot about solar energy and wonders what our next steps are.

Jaime O'Neill the Building & Planning Coordinator said they were waiting for information to be passed on to us from NYSERDA and Ian had talked about making a map for us so we had a better idea according to zoning and location of power lines in the Town of Malta where potential installations could go. He reached out to Jaime today and said he had some health issues going on but he is back at work now and looks forward to working with us. Jaime said she and Ian will reconnect and start marching down that path.

Supervisor O'Connor said it will be interesting to see the input from the state given the information that John sent to us today on the state control of the large solar project so this will be an interesting issue.

Councilman Dunn said he had a couple things to report. First being the Water and Sewer Feasibility Study where there were some questions with the EDC. He said they did get those comments in to Kevin and Darren a week ago Friday so the Board has that input and he apologized that he didn't have time to package that up into a formal memo for the Town Board. The reason for this was the input came through notes taken in the meeting as well as four or five other emails. Councilman Dunn said he can take some time and get that disseminated later in the week. He continued saying that Darren had shared some of that with other folks earlier.

Supervisor O'Connor said that he had sent that to Cynthia earlier today he said he basically forwarded all those emails. The Supervisor asked Councilwoman Young if she had something close and if she could forward that onto the Board so that all five of us have the most recent thing.

Councilwoman Young said it would be easier to have Tim put together a synopsis just because, like you saw, she continued that she is more than willing to put them together to send out to everybody but it was a lot of back and forth with stuff.

Councilman Dunn said yeah that might be better to get it a little bit more, I mean it's if you need it today then Cynthia can probably forward but if you like something a little more thorough give me a couple days and it will be worked into a clearer memo.

Councilwoman Young said she didn't see anything that was concerning about our process moving forward. The comments were mostly just questions about the scoping and things like that, nothing to hold us up at all.

Councilman Dunn continued on to another EDC matter/project that is starting to get some real traction. Working with Prosperity Partnership they were awarded a \$5,000.00 grant to support Malta businesses during the winter months and these lean times. He continued saying we are going to be getting this operational here in just the next couple days. He said basically they will be running a winter Malta Works promotion for Malta businesses where part of those funds will be going towards social media promoted content to encourage people to shop in Malta. The other part is going to be a contest where if you spend \$20.21 in any Malta business and take a picture of the receipt and send it in to be entered in to contest to win a gift card from a local Malta business. The cards will be restaurants and others, a gift card will be given every week and at the end of the promotion there will be a larger drawing that everyone is entered into. So that \$5,000.00 that Prosperity Partnership received will be split between gift cards going to Malta residents from Malta businesses that residents can win as well as promote direct social media content to promote people to go shop those Malta businesses and dine at those Malta restaurants.

Councilman Warner said he had been inquiring on our NYSERDA grant application that we have been waiting for since early fall. They have not issued them yet but as soon as its out he will have it filled out, filed and hopefully we will have our electric car funded in full. We are just waiting for that application.

Supervisor O'Connor responded that the state certainly got diverted with COVID.

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS: Kathy Eitzmann said the Malta seniors are striving and surviving, they have started a small exercise program, they are meeting once a month, crafting once a month, creating some really cool things and playing Bingo once a month. They have been reaching out to the seniors, who have had good participation and they are

contacting them by phone and by mail just to let them know we are thinking about them. They are all doing well, there has been two that have suffered through COVID and so far, both of those are well. Wearing a different hat to comment on the project for Saratoga Lake Kathy said she thinks it sounds fabulous. She said that she knows the two gentlemen and the work they do is amazing. They always pick top quality construction materials. She continued saying she thinks it will be nice to have an access to Saratoga Lake. She said she would like to see a beach there but that is something more.

Supervisor O'Connor asked Kathy to please assure the seniors that we, especially at the County level, we are working very hard to speed up this vaccination process and they have been patient. Unfortunately, we are going to ask them to be a little more patient but we are working on various ways to be able to speed up this process to getting the vaccine especially to the seniors.

Kathy said thank you very much for that. Just keeping them calm and knowing that we're working on getting the vaccines to them as soon as possible. Thank you

Kelly Winslow the President of the Highpointe HOA said she was hoping to ask a few questions regarding the upcoming hearing on Chapter 139-10 regarding the Highpointe sidewalks. She said they are in the process of creating a mailing for Highpointe residents to let them know about the public hearing and what this will mean and she wanted to make sure all their information is accurate before it is sent out. First question was to confirm the process. As they understand it March 1st, if the Board decides tonight that it is March 1st, there will be public hearing that will have legislation to amend section 139-10 to remove the Highpointe exemption. In conjunction with that the Town has committed to either doing repair or removal of the sidewalks. She said she just wants to confirm that is accurate for our mailing.

Supervisor O'Connor said that is correct.

Kelly said secondly in regards to repair option saying they did review the RFP and the estimate of repair work but there is no detail regarding what repair will be done. Its really hard for homeowners to weigh in on future state if we don't have those details. She continued saying she isn't sure how there was an estimate without those details in the RFP. She said she is not sure if they are missing a document or how they can understand what repair would be done if that option is selected.

Supervisor O'Connor said we can't be more specific than what we've been Kelly. We have the estimate in on the cost of taking the trees down, especially on Thistle and correcting some of the dangers that occur with the bulging from the tree roots. Dealing with the ADA requirements on the intersections and possibly rerouting them where necessary if they conflict with grates. So other than that, the Supervisor said he knows it is not the kind of detail that you and the HOA would like but it's the best we can do at this point. Our aim is to try to make the sidewalks walkable and safe. In terms of the actual specifics they may well change by the time we are doing it anyway. Unless any of the other Board members or Kevin can add anything, we can't get more specific than that.

Kelly thanked the Supervisor.

TONIGHTS DISCUSSION ITEMS:

1. Supplemental Agreement Complete Streets-Creighton Manning- Kevin King updated the Town Board Members providing information that has been acquired so far. He said there is no action on this item tonight or next Monday but at some point, the Board will have to authorize the supplemental work agreement because Creighton Manning did incur additional costs as a result of delays of the contractor. The contract was supposed to be completed by July 31 being substantially with completed final completion August 31st. The contractor did not make those dates. He said they worked with the contractor throughout the process and gave them some extensions due to the pandemic. Liquidated damages have been calculated by Creighton Manning and there will be a process of discussing those damages with Malloy. At some time in the near future, maybe by the March meeting, this should be concluded and would have had conversations with all parties and look to move

a potential contract amendment for Creighton Manning for their additional services. The project will be completed in the spring this year. There is a short punch list; some perennial plantings that have not been planted, there is also some work at the Citgo driveway to install a drywell due to ponding. Kevin said he noticed this weekend that the sign that was installed to the entrance way needs replacing because the adhesive did not hold.

Supervisor O'Connor thanked Kevin and acknowledged that there had been some problems with COVID this year and that may have had an impact on some of the delays. Nevertheless, there are liquidated damages and our expectations will be to at least cover the increased costs for Creighton Manning overseeing the work. We will deal with the specifics and numbers later on but we don't expect that this is going to be an impact to the budget on part of the Town.

Councilwoman Young asked Kevin for an update to the lighted beacons at the mid-span crossing asking if there was a delay in ordering.

Kevin said that there were some delays in the ordering in the manufacturing but they are in and fully operational. Kevin said he has pressed the button; the lights go on and people stop. Kevin updated the Board, also Kathy Eitzmann who mentioned a couple meeting ago, about a pedestrian lighted beacon that was damaged on the December 17th storm on Round Lake Road. The Town will have to take care of it in the spring time when they can examine exactly how much damaged was caused by whatever hit it. Research has been done with the Sheriff and the State Police as far as accident claims but none were reported.

2. 12 Hearn Road Zoning Proposals- Supervisor O'Connor asked Rob Rosboroug if he wanted to share his ideas that were discussed privately the other day in terms of the zoning change at 12 Hearn Road.

Rob thanked the Board for the opportunity. He said that he represents Northwest Saratoga Holdings with the owner of 12 Hearn Road and he is here with his colleague Michael Sterthous and Stephanie Ferradino who also represents the owner of 12 Hearn Road. He said that they have been discussing with the Towns Council as well as Supervisor O'Connor an idea of moving the line that currently divides the C7 zone from the LC zone that bisects the owner's property. Currently the line runs from the northeastern portion of the land down to the southwestern corner. He continued saying that they had proposed back in the fall and would like to re-propose, now that the Board is reconsidering the legislation, is moving the lines so that it reflects more appropriately the conditions and the particular environmental circumstances that are on the site. He continued saying that they believe moving the line to more of a horizontal or a diagonal type line that would protect the DEC wetlands that are on the site, the Drummond Kill on the site and either run through or just outside of the wetland buffer that is presently on the site. He said they believe that would serve the Town's interest and provide for protecting the environmentally sensitive characteristics on the site while also ensuring that there are sufficient/potential developable land that could be considered developable sometime in the future. The way the line is now by their understanding is any type of development might be difficult. He continued saying given there is no development or even accessory uses that would be permissible in the LC portion of the property that's on the eastern boundary. Rob asked Michael or Stephanie if they had wanted to talk a little bit about the actual constraints the zoning presents for their client.

Stephanie Ferradino said when they were talking with the Town informally and specifically with Leah Everhart they had raised some concerns that they thought perhaps they were not factored in by the Board when they were determining how to rezone the property. She continued saying those practical constraints exist from rezoning the property to two zones on one parcel. She said the Board may not have considered the impact on the dimensional relief that that type of zoning has. She exemplified when the property was zoned wholly commercial in the C4 zone they had 35 acres and approximately 17 ½ of the acres were usable because you have a 50 percent green space requirement or 50 percent maximum build out. As the property is currently zoned they are not able to utilize land conservation

in those calculations. So, they go from 17 ½ usable acres to less than a third of that at 5.85 usable acres. She said that is a huge change resulting not because we have subdivided the property and suddenly we have less land but it occurs because we're told by the Town that we were not allowed to use the rest of the lands that are in land conservation towards the density calculations, towards setbacks nor can they use the storm water controls or other accessory uses towards the site. She continued saying that in essence what you're trying to do which we've encouraged on the Town to pass a restrictive covenant or some other way to protect the land. She said she understands what the Town wants to do and they think there are other vehicles to do it. Practically what you did when you rezoned the property you have in essence cut off the property and subdivided it because we cannot any longer utilize those lands towards the developable portions of land for the commercial zone. She said she wasn't sure if that is something that the Town was very conscious of certainly when we're talking about a change in zoning we're usually concerned with uses but it also impacts other things and those other things are the maximum lot coverage, the density, the setback requirements, the acreage, there's a minimum lot size per use of roughly an acre. Stating that they have gone from 17 ½ useable acres arguably 17 individual commercial lots, which wasn't something they were contemplating but we could have arguably done that as a C4 zone and now they are down to less than six. So that dimensional relief could be given some modest sense of relief if we change the zoning line from the green line to the red line that they proposed. She said that they just wanted to throw that out there to make sure the Town Board was aware of the impact on things other than uses when rezoning one single lot into two separate zones.

Rob spoke up saying just to be clear this is not a proposal for a development of the land now. The property was previously approved for development about 20 years ago but right now there is no approved development on the land and we're not proposing to develop it. What we are proposing now is to ensure that the zoning is drawn in a way that serves both the interest of the Town and protecting those natural features that exist on the site but also the client's interest could they either sell or potentially sometime in the future develop the land. He continued saying that what they wanted to do today was discuss the sort of the options that they have and see if the Board members had any questions with the view that they would come back and make a full presentation to the Board with the public hearing scheduled next week but they wanted to see if there were any particular issues that the Board would like to discuss now or if there were questions that they needed to ask an engineer or something like that then they could before the public hearing.

Supervisor O'Connor said he would start with thanking Rob and Stephanie and that he appreciates it. He said he is one out of five but is certainly willing to consider other suggestions for this and he is looking at the map that they had sent over to the Board and has one question which was whether it would be possible to take that line and move it north a little bit so it wouldn't be having it at all or so much in the wetlands adjacent area. If that line were north of the wetlands adjacent area that was a thought that the Supervisor had but he said he is not sure how the Board is going to react to changing the line at all but he wanted to throw that out there as something that is a possible consideration for the Board.

Rob said that they would absolutely be willing to consider an adjustment to the line within reason so that it protects the Board's interests.

Councilman Hartzell said unless he is mistaken we are in litigation over this matter right now and as far as he is concerned if the petition or plaintiff in the matter wants to make some kind of settlement proposal through our council that we can discuss with an attorney client privileged conference he will certainly listen to what our council has to say and look at it but to have this conversation in a public meeting when we are now in jeopardy because of the laws that you have brought he thinks it is ill advised.

Rob responded that the idea would be to try to resolve any issues that were being litigated in the lawsuit and that they would need to go through a public process before this Board to do that anyway if the zoning were changed. So, what we're discussing now is that their

proposal is because there is an introductory local law currently pending before the Board to rezone the property again using the same line that that was done before and like you said is subject to litigation. Rob said that they propose just an alteration to the line that could all result.....

Councilman Hartzell interjecting saying that he understands and if they want to discontinue your lawsuit tomorrow that he would be happy to have a public conversation about it. But right now, you have sued us and we are in court.

Supervisor O'Connor said that one of the issues right now is that we have a public hearing scheduled on this next week, a week from tonight, and obviously anyone can make any comments they want to at that public hearing including a dispute on the line. The Supervisor said that is why I scheduled it for today, he said he agrees with John that anything having to do with a settlement certainly has to be reserved for attorney client executive session. The supervisor then said he thought it was a good idea for this idea to be hashed around to the Board a little bit in connection with the public hearing that we are scheduled to have next Monday night. He asked if any other Board members have any comments.

Councilman Hartzell asked if he could correct the gentleman saying that this was approved in 2009 and that approval was extended several times. It was an approved project. The medical building was an approved project until 2013 or 2014, six years ago not 20 years ago.

Rob Rosboroug said that approval has expired and there is no current....

Councilman Hartzell said understood but it was six years ago that it expired not 20.

Michael Sterthous said you are correct to Councilman Hartzell and that his colleague gave him a little heart attack when he said close to twenty years because he just dated me by another ten years. He continued saying he was the one representing the applicant in 2008 and 2009 and he and Councilman Hartzell had meet at some of those Planning Board meetings. He said the emphasis for today is that back in 2008 and 2009 the applicant and property owner at the time worked a very coordinated effort with both the Planning Board and the planning staff of the Town. Over several meetings there were comments raised by the public with respect to protection of the Drummond Kill and the Drummond Kill corridor. As a result of those comments and sessions both the Planning Board and the applicant developed a plan for that site that was very protective of that corridor, steeper slopes of the wetlands on that property, limited development to the north and the final development plan that was approved in 2009 resembles the boundary that we had proposed with respect to the rezoning. He said he understands the concern with the litigation but being that the Town has revisited the zoning proposal they thought it was important that they participate so that they can all be better informed. Thank you.

Supervisor O'Connor thanked Michael and asked if any other Board members had questions.

Councilwoman Young said she had a question because she seems to hear two conflicting things from Rob and Stephanie. She continued saying that Stephanie was talking about us rezoning the entire property and having the LC portion as a protected covenant so that you can develop more of that. She said in our previous discussions she remembered seeing a situation where Stephanie had suggested just moving the line that the Board drew. Councilwoman Young said she thought that still kept the LC part there. So, she wanted to know what they were asking, is it to move the line or abandon the LC and do the protective covenant?

Supervisor O'Connor held up a map and said they are looking to do this. (redrawing the line)

Councilwoman Young continued asking if that the comments about the protective covenant then no longer are being asked for?

Stephanie Ferradino responded saying obviously we would love that you would like that, it would be perfect. She said if you could do that all of the issues we have would go away. She continued saying that those were merely alternatives that were provided to the Board last summer.

The Supervisor thanked everyone and said there is a public hearing next week. The Board will get together with council and decide whether we are going to move forward with that right now it's on the calendar so we will move forward with it. He said obviously all these things are subject to change but for now we will move forward with the public hearing and then we will hear everything. Supervisor O'Connor said he is anxious to hear the public on this and he is sure there will be members of the public who want to be heard.

3. Community Center Gymnasium Fees- Supervisor O'Connor thanked Alyssa for putting together this comprehensive memo that reminds the Board of how these fees were developed. Supervisor O'Connor said Tim I guess you have an idea about a modification of fees at this point.

Councilman Dunn responded saying that his general thinking regarding the policy that was developed that guided the pricing was quite a long time ago without a lot of changes notwithstanding the most recent one with COVID. Looking at the pricing structure we do seem to be tracking above our neighbors in terms of gym costs. He said we have the facility rented so now it is kind of a moot point for this winter but he said that it would be worthwhile to consider revisiting that policy. Particularly around the community health benefits that come with physical activity for our youth. He said there may have been more that went into the classification of those activities in the categories they are located. He continued saying it might be a good time to think about an update of the policy.

Supervisor O'Connor thanked Councilman Dunn and said since we do have this winter taken care of this might be something we take a look at during budget workshops in October for next year.

Councilman Dunn said he is fine with that and now is a good time to look at the guiding principles within the document now so the Board is not in the situation next winter. So that community sports groups aren't driving sixty minutes because a gym is half the price in Troy or something.

Councilman Hartzell asked Alyssa if she has received any inquiries or complaints about our pricing structure from our local sports groups?

Alyssa responded that she has received comments saying "Wow, it's only a hundred dollars? I'm spending way more at X Y Z gym." She continued saying there is that handful of people and I have people like Tim Dunn noticed that Ballston Spa Soccer saying "can I have a discount you know 100 dollars is a little bit of a reach for us, is there any type of discount".

Councilwoman Young asked about the policy that was sent and where the fees were dictated. She asked if Alyssa had any comments on that and she is willing to take a look at it but it seems pretty sensible to her. Stating that maintaining the gym is an expensive cost for the Town so it makes sense to recover our Community Center costs. He asked if Alyssa had comments on the community benefit.

Alyssa answered that the pyramid pricing strategy is common among parks and rec departments across the country. She said when you look at the pyramid there is a couple different filters or questions you ask yourself when you put your services and where it ranks. One question you look at is who has access to being on the team and obviously there are lots of sports teams where anyone can sign up, its low cost with volunteer coaches. Then you have to balance competitive teams where there are tryouts with a paid staff, so it

is balancing those two kinds of sport/rec teams and one of those more elite sports teams. So that's where you look at where it falls and obviously the community benefit is huge but the access to get on those teams ranks it a little higher as opposed to a parks & rec soccer program that we run, anyone can take it.

Councilwoman Young asked, do you find you get a lot of those paid programs as rentals or more rec stuff.

Alyssa responded that she really cannot speak to the competitiveness of who rents our gyms.

Councilman Dunn said let's use the months now to take a look at the policy that was enacted in 2007.

Councilman Hartzell said Kevin can probably attest to this, I believe the context for the policy was the decision to invest in constructing the Community Center and the expense that the taxpayers would have to shoulder to repay that debt. He continued saying that he believes that timetable was right around the time that major capital expenditure was being made and was being made with the view towards what revenue do we need to have come in to pay that debt and to cover programming costs.

Kevin responded that is about the time the Community Center Gymnasium was being constructed and we were trying to balance a multitude of things and trying to provide for the financing of that and we incurred long term bonds to construct that facility and we are trying to gauge it between some programming that benefits all that's free to the public and we know that's a cost we incur that cost and we have those programming. There was other programming that is more specific to just individuals and therefore their fees are a little higher.

Councilman Warner asked Councilman Dunn who was actually questioning the \$100.00 fee? Was it a group of students or a group of adults?

Councilman Dunn said typically students don't pay the fee the club does. So, its adults or residents of Malta. He said he had three different groups say "hey how do you guys figure out this rental rate because its at least double what we are paying elsewhere". That was for soccer, for basketball and for softball.

Councilman Warner asked if this was a paid group or a volunteer group that goes out and shoots hoop?

Councilman Dunn asked what's this you mean the coaches? He said all the coaches are volunteer.

Councilman Warner said the coaches are, how about the students.

Councilman Dunn said no the students are not paid to play.

Supervisor O'Connor asked if the students had to pay to join, right?

Councilman Dunn said yeah, they do.

Councilman Warner responded okay, thank you.

TONIGHT'S (12/28) ACTION ITEMS:

RESOLUTION NO. 61 JANUARY 25, 2021

CHAPTER 139 STREETS & SIDEWALKS AMENDMENT – SET DATE FOR PUBLIC HEARING

Motion by: Councilman Warner **Seconded:** Councilman Hartzell
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town Board of the Town of Malta finds that the existing exemption of the Highpointe Homeowners' Association from responsibility to clear and maintain sidewalks within that development as currently provided in §139-10 of the Town Code of the Town of Malta, and wishes to amend §139-10 to remove that exemption and also to remove the specific reference to Highpointe in §139-9 (the "Project"); and

WHEREAS the Town Board of the Town of Malta designated itself Lead Agency for purposes of administration of the State Environmental Quality Review Act (6 NYCRR 617.6(b)) with respect to the Project; and

WHEREAS that the Town Board of the Town of Malta previously scheduled a public hearing pertaining to proposed amendments to Town Code §§ 139-9 and 139-10 (Sidewalks) on the 1st day of February, 2021, at 6:00 o'clock P.M. at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020 but wishes to reschedule; now, therefore be it

RESOLVED that the Town Board of the Town of Malta will reschedule and hold a public hearing pertaining to proposed amendments to Town Code §§ 139-9 and 139-10 (Sidewalks) on the 1st day of March, 2021, at 6:00 o'clock P.M. at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, at which hearing all persons desiring to be heard thereon will be heard; it is lastly

RESOLVED that the Town Clerk is directed to publish notice of the public hearing as required by law.

**PUBLIC NOTICE
TOWN OF MALTA**

PUBLIC NOTICE IS HEREBY GIVEN that the Town Board of the Town of Malta will hold a public hearing pertaining to proposed amendments to Town Code §§ 139-9 and 139-10 (Sidewalks) on the 1st day of March, 2021, at 6:00 o'clock P.M. at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, at which hearing all persons desiring to be heard thereon will be heard.

Dated: January 25, 2021

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF MALTA
JENNIFER HOLMES, TOWN CLERK

REVIEW THE FOLLOWING DRAFT AGENDA FOR THE 2/1/2021 TOWN BOARD MEETING:

2/1/2021 TOWN BOARD MEETING DRAFT AGENDA

PUBLIC HEARING 6:00 PM

1. 12 Hearn Road Zoning

OLD BUSINESS:

- a. Adopt 12 Hearn Road zoning

- b. Approve Maltaville Water Assistance Program Application

NEW BUSINESS:

- a. Naming the Malta Veterans Memorial in Honor of David T. Wallingford
- b. Approve Animal Control Intermunicipal Agreement
- c. Approve 2021 renewal of Low-Income Physical Disability Property Tax Exemption
- d. Approve 2021 renewal of Low-Income Aged Senior Citizens Property Tax Exemption
- e. Establish Summer Pay Rates/Authorize Staff Hire
- f. Authorize Purchase of Highway Plow Truck
- g. Authorize NYSDOT Permit Request-2021 Malta Veterans Parade-May 15
- h. Authorize PDR Appraisal-Gnip Property
- i. Budget Transfers

OTHER BUSINESS:

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS:

ADJOURN: 7:42 PM to executive session

Motioned by: Councilman Hartzell Seconded: Councilwoman Young

Vote: Ayes-5 Nays-0

ADJOURN: 8:10 PM

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk