

**TOWN BOARD PUBLIC HEARING**  
**PDD #22 (C-2 & Rt. 67 West Overlay District)**  
**Monday March 21, 2022**  
**5:30 PM**  
**TOWN BOARD MEETING ROOM**

**ELECTED OFFICIALS PRESENT:** Supervisor Mark E. Hammond, Councilman Tim Dunn, Councilman Craig Warner, Councilman John Hartzell, Councilman Al Ricci, Town Clerk/Deputy Supervisor Jennifer Holmes

**OTHERS PRESENT:** Town Attorney Steve Gottmann, Floria Huizinga Stormwater Management/Planner, Planner Cara Sherman and Planning Technician Adrian Cattell

**PUBLIC PRESENT:** Elliot Cresswell, Barbara Conner, Chris Morrell, Ben Karlin, Ryan Jones, Matt Jones, Cynthia Young, ted Willette and Maya McDonough

Town Attorney Steve Gottmann- We're going to proceed with the public hearing my advice to the Board would be to keep that open because we still need to make the SEQRA determination that wasn't done at the last meeting.

Cynthia Young- So does that mean the public hearing is also available for next week?

Town Attorney Steve Gottmann- If the board so chooses, yes, that's what I'm recommending. So, the normal process that we would go through is to first complete the SEQRA determination, and then schedule the public hearing. Then after that determination is made, conclude our public hearing, but in the interest of moving this application forward, due to some matters that were previously discussed. We moved ahead with the hearing in the anticipation that some additional documentation regarding traffic and otherwise would be provided to the Board. As I previously mentioned, from my knowledge, it's not been provided. I don't know if the Board is ready to move on SEQRA. So now it's for the public, it is open for public hearing, anyone from the public that wants to be heard with respect to this matter.

Cynthia Young- I have. I do have remarks but if I'm going to be afforded the opportunity to do them next week, I would save them for next week.

Supervisor Hammond- It will be open.

Cynthia Young- We will have an opportunity to have comments during the public comment period at the board meeting next week?

Supervisor Hammond- I see as yes, Steve?

Steve Gottmann- Yeah, it's up to the Board if they want. There's one person who wants to speak and be heard and wants to wait until the next meeting. If the Board is going to follow my advice to keep the matter open. Again, the bigger issue is the information we need to complete that SEQRA review.

Councilman Hartzell- I'm certainly comfortable keeping the hearing record open for both oral and written submissions for a reasonable period of time. Do you guys have in mind what that would be?

Town Attorney Steve Gottmann- So for the Board's understanding, you know, the reason for our time schedule was to address some concerns of the applicant with respect to contract, but we've got a duty to thoroughly review the matter, including SEQRA. We can keep it open till next week but I don't have information on when if we're going to receive that information from the applicant for the Board's consideration.

Councilman Hartzell- Our planning staff hasn't heard from them or their consulting engineer about the traffic submission.

Floria Huizinga- Not that I'm aware of. I don't know, Jamie was not in today. So, I don't know if anything came into her email. I'm assuming not, we also haven't received a response from the County. Although it's probably in the works of being drafted because we just haven't gotten the form written documentation.

Councilman Hartzell- It make sense then to keep the hearing record open for a week and we can always extend it when the week comes should circumstances come together.

Attorney Steve Gottmann-I think that would work as long as we have those two pieces of information.

Councilman Warner- Do we have to wait until the following week to act on it or next week?

Supervisor Hammond- Well traditionally that would be the way we would operate with the terms of resolution.

Attorney Gottmann- Our traditional path forward is we have the hearing, and we usually act at the next meeting, because that's what we have agenda meeting.

Councilman Warner- Then we'll keep it open until next week. We have to have a gap in there.

Attorney Gottmann- We're not required to, you know, provided the Board has the necessary information that it's received. We've completed the SEQRA review and we're satisfied that the public has been so addressed, there would be the possibility of acting at the next meeting. That's not our normal course but if the circumstances were right and the board was satisfied we could.

Councilman Warner- So what info are we will be lacking at this time still?

Supervisor Hammond- The SEQRA determination.

Attorney Gottmann- We referred the matter Saratoga County Planning. We haven't heard from them yet, but they just met and we should be receiving their response. Then secondly, there were some information related to SEQRA including traffic that the board was looking to get from the applicant.

Councilmen Warner- As far as the traffic's study, this property is in the back of their existing property, so they're entering into the front anyways, true? Is there a separate entrance?

Attorney Gottmann-Well, again, this is a zoning matter at this point, so we're talking about rezoning the parcel, and there was no other pending matter in the town. I mean, their discussions and their prior representations have been that that's what they intend to do. If they use it for the intended purpose, but so all goes back to the last meeting.

Councilman Warner- So they have to have a formal traffic study.

Councilman Hartzell- They've indicated that they've engaged somebody, and they're going to provide it to us. I mean, they didn't do one already. They're doing one for us and it's going to be submitted. We don't know why it hasn't come in yet.

Attorney Gottmann- Correct, that's what they represented.

Councilman Warner- We will see if it comes in next week I guess.

Supervisor Hammond- Anyone from the public that wants to talk about this? I see none. So, we can at this time adjourn and we will keep the public hearing open for one week for written or oral submission.

**AJOURN WITH PUBLIC HEARING BEING LEFT OPEN: 5:38 PM**

Respectfully Submitted,

Jennifer Holmes  
Malta Town Clerk