

STATEMENT OF FINDINGS  
GLOBALFOUNDRIES DEVELOPMENT AT  
LUTHER FOREST TECHNOLOGY CAMPUS  
  
SARATOGA COUNTY, NEW YORK

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August 19, 2013

*Appendix I*



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## 1.0 INTRODUCTION

- 1) The proposed action for which this Findings Statement has been prepared is the modification of the Planned Development District #46 (PDD) legislation for the Luther Forest Technology Campus (LFTC). Two separate PDDs have been established in the Towns of Malta and Stillwater for the LFTC project site, which establishes nanotechnology manufacturing, inclusive of, but not limited to, semiconductor manufacturing as a permitted use. GLOBALFOUNDRIES US, Inc. (GLOBALFOUNDRIES) currently leases a portion of the land within LFTC known as Development Area 1 from the Saratoga County Industrial Development Agency (IDA). These Findings apply to GLOBALFOUNDRIES as well as any future Owner/Operator, presently the County of Saratoga Industrial Development Agency/GLOBALFOUNDRIES. The term "Operator" is used in these Findings to refer to any current or future owner or operator.
- 2) These Findings have been prepared for a Second Supplemental Environmental Impact Statement (SSFEIS) prepared in accordance with Article 8 of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations. The original Town of Malta Planned Development District legislation which created the Luther Forest Technology Campus (LFTC) was classified as a SEQRA Type 1 Action and a Generic Environmental Impact Statement (GEIS) was prepared. The LFTC is located on approximately 1,350 acres situated one-half mile southeast of the intersection of Dunning Street and Route 9 in the Town of Malta and west of Cold Springs Road in the Town of Stillwater, Saratoga County. The SSFEIS addresses proposed revisions to that legislation which would affect a portion of Development Area 1 of the LFTC.
- 3) The proposed modifications to the PDD legislation are requested by Operator to facilitate the further development of Fab 8 Campus to include Fab 8 Module 2 (Fab 8.2). Operator is the lessee of all the land subject to the PDD and to be used in the further development of Fab 8.2. The Operator is also  
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the lessee of adjoining land not proposed to be used in the development of Fab 8.2.

- 4) The original Town of Malta PDD legislation creating the LFTC was subject to a Draft Generic Environmental Impact Statement (GEIS) adopted on January 16, 2003, a Final Generic Environmental Impact Statement adopted on October 16, 2003, and a Findings Statement adopted on May 18, 2004. In 2003, Advanced Micro Devices (AMD), Operator's' predecessor in LFTC, applied for amendments to the LFTCPDD and a SEQRA review was conducted by the Town of Malta. On March 25, 2008, a Supplemental Draft Generic Environmental Impact Statement (SDEIS) was adopted by the Town of Malta, and followed by the adoption of a Supplemental Final Generic Environmental Impact Statement (SFEIS) on August 1, 2008. On August 25, 2008, the Town of Malta adopted a Findings Statement concerning the supplemental environmental review. Collectively, these documents, including their appendices and exhibits, constitute "the Prior SEQRA Record."
- 5) In accordance with Operator's' application to amend the LFTCPDD, and pursuant to the State Environmental Quality Review Act (SEQRA), the Malta Town Board, as Lead Agency, prepared a Second Supplemental Draft Environmental Impact Statement (SSDEIS) adopted on March 7, 2013 and a Second Supplemental Final Environmental Impact Statement (SSFEIS) adopted July 29, 2013 to evaluate the potential environmental impacts of the proposed PDD modifications. Collectively, these documents, including their appendices and exhibits, constitute "the SSEIS."
- 6) The proposed action involves the amendment of the LFTC PDD legislation. Operator has proposed essentially four changes to the legislation which were analyzed in the SSDEIS dated March 7, 2013. The Operator's changes and those of the Malta Town Board changes were further analyzed in the SSFEIS dated July 29, 2013.
- 7) The following procedural steps were followed.
  - a) The Town Board accepted the SSDEIS as complete on March 7, 2013. The SSDEIS included the Operator's' Industry Requirements Report ("the IRR") dated January 31, 2013 which set forth the metrics and

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parameters used to analyze the environmental impacts from the Operator's Fab 8.2 project.

- b) The Town Board held public hearings on the SSDEIS on March 25, 2013 and April 15, 2013. The Town Board accepted public comments until May 7, 2013.
- c) The Town Board adopted the SSFEIS on July 29, 2013.
- d) The Town Board issued this Findings Statement on August 19, 2013.

## 2.0 Summary of the Proposed Action

- 1) The proposed action is the construction of up to three semiconductor manufacturing facilities ("Fab" or "Fabs") by Operator on approximately 230 acres in Development Area 1 of the LFTC. The first phase of development, known as Fab 8.1, began in 2009. A Technology Development Center (TDC) has been approved by the Malta Planning Board and construction has commenced. The next phase of development proposed is the development of Fab 8.2 which would involve the design and construction of one main wafer fabrication clean room facility as well as associated manufacturing space and other support spaces and structures. The SSEIS and these Findings address the environmental impacts associated with Fab 8.2 development. These Findings incorporate by reference all prior Statements of Findings by the Town of Malta Town Board related to LFTC, but address solely the changed conditions from the Statement of Findings adopted on August 25, 2008.
- 2) Upon adoption of amendments to the LFTC PDD, Operator would be positioned to seek site plan approval from the Malta and Stillwater Planning Boards as well as all necessary building permits for construction of Fab 8.2. Consistent with the existing Statements of Findings for LFTC, Operator will enter into a development agreement to provide substantial and tangible benefits to the Town of Malta simultaneous with enactment of the PDD legislation.
- 3) Fab 8.2 is comprised of three major building elements: (1) fabrication (fab) building; (2) a combined Electric Services Building (ESB) and central utility building (CUB); and (3) miscellaneous manufacturing support buildings as well

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as service yards, a high voltage (HV) electric switchyard, and small support buildings. The SSEIS contains a detailed description of each building element in the IRR. The major difference between the project proposed by Operator currently and the project analyzed in the Prior SEQRA Record is that Operator is proposing to: (i) increase the allowable height for rooftop appurtenances by 15 feet, (ii) increase the main fabrication building foot print to 575,000 ft<sup>2</sup> and deleting the redundant constraint on cleanroom space, and (iii) modify the off-site transportation mitigation measures. The larger footprint for the manufacturing building is not anticipated to have any new adverse environmental impact, since the overall amount of buildings and clean room space for the three (3) phases of development is less than contemplated in the Prior SEQRA Record. The height increase is not anticipated to have a significant detrimental adverse visual impact to off-site resources, including Saratoga Lake. The Traffic Impact Study demonstrates that the increased levels of traffic can be accommodated by improving six (6) intersections without the need for a new Exit 11A. Technical demonstrations have been provided to document available utility capacities. A construction logistics plan, which extends onto adjacent property owned by the Luther Forest Technology Campus Economic Development Corporation (LFTCEDC), is proposed to mitigate the impacts associated with construction activities and a larger construction work force.

- 4) Many of the impacts analyzed in the Prior SEQRA Record for LFTC and AMD were based on an analysis of generic emission and resource use metrics from nanotechnology facilities. For LFTC, the analysis was prepared by Abbie Gregg, Inc. Consultants and is known as the Abbie Gregg Report (AGR). The AMD SEIS contained an analysis of the specific emission and resource use metrics from the proposed AMD facilities known as the AMD Industry Requirements Report (AMDIRR). Operator has submitted an IRR as the basis for much of the impact analysis in the SSEIS. In general, the proposed Operator's facilities will operate within the thresholds established by the Prior SEQRA Record. Where they will not operate within the thresholds established by the Prior SEQRA Record, the SSEIS contains additional analysis of such impacts.

Permits and approvals for the proposed GLOBALFOUNDRIES' action are as follows.

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**Local and State Agencies**

Agency	Permit/Approval
Town of Malta (Town Board)	PDD Amendment
NYS Department of Environmental Conservation (NYSDEC)	Title V air emissions permit. Construction stormwater permit (coverage under the State General Permit)
Town of Malta Planning Board	Recommendation of PDD approval Site plan approval Soil disturbance approval (potential) Temporary construction approval (potential) Subdivision approval (potential)
Town of Stillwater (Town Board)	PDD Amendment
Town of Malta Building and Planning Department	Building permit
Town of Stillwater Planning Board	Site plan approval Subdivision approval (potential)
Town of Stillwater Building Department	Building permit
Saratoga County Sewer District #1	Permit to connect to sewer system Commitment to reserve capacity Permit to discharge wastewater to sewer system
Saratoga County Planning Board	GML 239-m review Advisory recommendation on PDD Amendment
Saratoga County Department of Public Works	Approval of highway improvements
Empire State Development Corporation	Funding
Saratoga County Water Authority (SCWA)	Water connection

Other Federal Reviewing Agencies (non-SEQRA)

Agency	Permit/Approval
New York State Department of Transportation	Approval of Highway Improvements
Federal Aviation Administration	Determination of No Hazard to Avigation

Although federal agencies (and some State agencies, such as SHPO, which does not formally 'approve' a project whose review is nevertheless needed for other State and federal permits to be issued) are not officially required to participate in the SEQRA review process or rely solely on the State EISs to make their decisions, it is customary and good practice to address the project technical issues in the State EIS so that the document is inclusive and comprehensive with respect to all environmental permitting issues, even though the federal review may also come after State-level review.

3.0 FACTS AND CONCLUSIONS

3.1 Transportation

- 1) The operation of Fab 8.2, at full production, in combination with the other Fab 8 Campus buildings, is estimated to generate a total of 2,034 vehicle trips during the AM peak hour of adjacent street traffic and 1,974 vehicle trips during the PM peak hour of adjacent street traffic.
- 2) Operator has provided estimates of potential employment and construction related traffic associated with the projected development of Fab 8 Campus, including the full production projection of Fab 8.2. The new traffic study in the SSDEIS included a detailed assessment of current conditions, as well as theoretical future projections for twenty-eight intersections, consistent with the scope of work for the previous traffic study done as part of the 2002 Draft GEIS for LFTC.
- 3) The updated traffic study, submitted as part of the SSDEIS and supplemented in the SSFEIS, demonstrate that the projected full production for Fab 8.2 can be accommodated without significant impact of service levels, if the

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following six (6) off-site transportation mitigation measures are implemented prior to the full production ramp for Fab 8.2:

- a) Construction of an eastbound right-turn lane at the US Route 9/Malta Avenue/Malta Avenue Extension intersection.
  - b) Construction of northbound and southbound left-turn lanes on East Line Road at NY Route 67.
  - c) The impacts to the US Route 9/NY Route 67/Dunning Street roundabout will be mitigated by decreasing intersection usage and thereby improving intersection operation by constructing connector roads around the intersection (i.e., northwest-Kelch and northeast-Hemphill quadrants) instead of adding new slip lanes, as proposed in the SSEIS. In addition, modifications will be made to the Route 9/Route 67/Dunning Street roundabout to allow east/west through movements to use the existing eastbound and westbound left-turn only lanes. Eastbound and westbound approaches to the roundabout will also be modified to improve deflection angles and decrease approach and entering speed.
  - d) Modification to the travel lane assignments of the US Route 9/NY Route 67/Round Lake Bypass roundabout to provide an eastbound left-turn lane and vehicle deflection on the eastbound approach.
  - e) Installation of a traffic signal at the Interstate 87 Exit 11 southbound ramp with Round Lake Road.
  - f) Traffic signal coordination between the new traffic signal at the southbound ramp with the existing traffic signal at the northbound ramp at Exit 11.
- 4) See Finding 3.17 for improvements to be made to the Round Lake Road Corridor Improvement Project (NYSDOT PIN Number 1757.54) to be funded in part by Operator.
  - 5) It has been demonstrated that the proposed action, with the above transportation mitigation, can be accommodated and provide adequate levels of service without a new Exit 11A on the Northway (I-87) at this time.

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As such, the mitigation measures identified in Paragraph 3 above must be in place prior to the issuance of a Certificate of Occupancy for Fab 8.2. Operator shall be responsible for implementation of the mitigation measures in accordance with the phased traffic improvement schedule contained in Appendix N and other related information of the SSFEIS. In order to facilitate these off-site mitigation measures, the Operator shall provide the Town of Malta a bond or letter of credit in an amount estimated by the Town to be sufficient to pay for all of the mitigation measures set forth above, upon the issuance of a building permit for Fab 8.2. If New York State or Federal funding is used in making such improvements, Operator's liability shall be limited to paying the "local share" of the improvements, that is, the Town and County share.

- 6) It is also recognized that advanced planning activities in consultation with NYSDOT and Federal Highway Administration (FHWA) need to be proactively taken in order to realize a new exit on the Northway at some point in the future. Towards this end, Operator has stated its favor for the development of Exit 11A and will continue to collaborate and support efforts to move it forward. As such, in the event no adequately funded group has been established and is operating with the following mission, the Town of Malta will form a task force whose mission is to work with the appropriate agencies to assist with the planning and implementation of a new Northway Exit 11A connecting from the Northway I-87 to the LFTC. In addition to required participants of the Town of Malta, Operator (and any successor) and LFTCEDC (and any successor), the following organizations will be invited to participate in the Exit 11A Study Task Force:

Village of Round Lake  
NYSDOT  
Capital District Transportation Committee  
Saratoga County Department of Public Works  
New York State Empire Development  
Saratoga County Board of Supervisors

Operator shall be responsible for payment of ½ of any planning and engineering costs associated with the operation of this task force, to the

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extent not covered by other sources. The ~~Task Force Committee~~ shall operate until it determines, based upon empirical data, that the filing of an Interchange Justification Report that a new Northway Exit 11A is not warranted, or until completion and submission to the Federal Government of an Interchange Justification Report.

- 7) All other construction traffic mitigation measures identified by the Prior SEQRA Record will remain in place.
- 8) An updated traffic study shall be prepared by Operator if a building permit has not been issued for Fab 8.2 by July 1, 2018. The scope of the updated traffic study shall be determined by the Malta Town Board. The mitigation measures required herein and in SSFEIS Appendix N may be revised as a result of this study.

### 3.2 Water

- 1) The estimated water demand from Fab 8 Campus, including Fab 8.2, is 10.7 million gallons per day (MGD), which is higher than the 7.0 MGD estimated in the Prior SEQRA Record.
- 2) Consistent with the Prior SEQRA Record, LFTC is specifically identified as a project service area for the Saratoga County Water Authority (SCWA). The SCWA has existing capacity, with certain upgrades to the water treatment plant, to service Fab 8.2 and the SCWA's water treatment plant has been designed for phased expansion to accommodate future demand, including demand from LFTC. The water treatment plant was designed to facilitate expansion to 12 MGD average daily demand during Phase II and up to 16 MGD average daily demand in Phase III, with an ultimate capacity of 20 MGD average daily demand. The existing 30-inch transmission main has a capacity of 20 MGD and should be able to provide water to Fab 8.2 without any upgrades.
- 3) The SCWA has indicated its ability to provide water to Fab 8.2 by providing a "letter of service." The connection point into the SCWA system is at or near the 5 million gallon water tank located on the Cold Springs Road Connector Road.

- 4) There are no new significant adverse environmental impacts associated with the increased water use rate of the Fab 8 Campus.
- 5) In addition to using the SCWA system, GLOBALFOUNDRIES has a secondary water system which is serviced by the 5 million gallon on-site storage tank.

### 3.3 Sewer

- 1) The estimated wastewater generation rate for the Fab 8 Campus, including Fab 8.2, is an average wastewater usage rate of 9.5 MGD
- 2) The estimated average usage rate of 9.5 MGD is slightly higher than the 9.2 MGD estimated in the Prior SEQRA Record. This increase in overall wastewater use for the Fab 8 Campus can be accommodated by the Saratoga County Sewer District #1 (SCSD #1) wastewater system. Operator will coordinate the planned construction and operation of Fab 8.2 with SCSD #1 to ensure that the wastewater system will be able to meet their scheduled flows.
- 3) SCSD #1 has provided a letter of service to Operator for the Fab 8.2 project.
- 4) There are no new significant adverse environmental impacts associated with the increased wastewater flow rate of the Fab 8 Campus.

### 3.4 Electric Power

- 1) Operator has received a letter of service from National Grid for the project.
- 2) The existing two (2) double circuit 115 kV lines have the capability of providing a significant amount of electric power to the Fab 8 Campus. The Prior SEQRA Record established a cumulative electric power requirement of 120 megawatts (MW) for the three (3) phases of fab development and demonstrated that National Grid was capable of providing up to approximately 160 MW to LFTC by making certain improvements to its Northeast Region system. The estimated average electric power usage rate for Fab 8.2 is 128 MW. Based on Operators estimates, this will bring the total estimated average electric power usage for the Fab 8 Campus, inclusive of

Fab 8.1 and TDC, to approximately 266 MW which is within the estimated delivery capability of the existing two (2) double circuit 115 kV lines.

- 3) Improvements to National Grid's Northeast Region system to meet Operator's projected electric power requirements are subject to environmental reviews by the Public Service Commission (PSC) prior to construction. Such improvements are not anticipated to include new overhead power lines. If new overhead power lines are proposed, they will be subject to review by the Town to the extent provided by law.
- 4) There are no new environmental impacts associated with the increased use of electric power for Fab 8.2. Operator has and will continue to work cooperatively with National Grid to plan for and address the projected electric power needs of the Fab 8 campus.

### 3.5 Natural Gas

- 1) Operator has received a letter of service from National Grid for the project stating that National Grid will be able to provide the required quantity of natural gas for Fab 8.2.
- 2) National Grid presently provides natural gas service to the Fab 8 Campus via a network of existing distribution pipelines within its E-13 gas transmission system. This existing natural gas transmission system currently services the Luther Forest residential community and the Route 9 corridor, among other National Grid customers in the project area. The E-13 gas transmission system with certain improvements is able to transport a significant quantity of natural gas to the Fab 8 Campus, as noted in the Prior SEQRA Record which established a cumulative, average natural gas requirement of 312,000 cubic feet per hour (CFH) for the three (3) phases of fab development, and demonstrated that National Grid was capable of delivering up to 653,000 CFH of natural gas to the Malta region.
- 3) In furtherance of its efforts to supply natural gas to the Fab 8 Campus, National Grid is constructing a new four mile pipeline in the Towns of Ballston and Malta in 2013. This new pipeline was the subject of environmental reviews completed in 2012 by the New York State PSC. Once

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constructed, the E-13 gas transmission system will have the capability of delivering up to approximately 994,000 CFS of natural gas to the Fab 8 Campus.

- 4) The estimated average natural gas usage rate for Fab 8.2 is 401,692 CFH. Based on Operator's estimates, this will bring the total estimated average natural gas usage for the Fab 8 Campus, inclusive of Fab 8.1 and TDC, to 691,561 CFH which is within the estimated delivery capability of the E-13 gas transmission system.
- 5) There are no new significant adverse environmental impacts associated with the increased use of natural gas for Fab 8.2. Operator has and will continue to work cooperatively with National Grid to plan for and address the projected natural gas needs of the Fab 8 campus.

#### 3.6 Telecommunications

The thresholds for telecommunications infrastructure are consistent with the Prior SEQRA Record.

#### 3.7 Water Resources

The thresholds for water resources are consistent with the Prior SEQRA Record.

#### 3.8 Wetlands

No new or additional impacts to wetlands, other than those identified in the Prior SEQRA Record, have been identified.

#### 3.9 Health and Safety

No new or additional impacts to health and safety, other than those identified in the Prior SEQRA Record, have been identified.

#### 3.10 Geology

No new or additional impacts to geological resources, other than those identified in the Prior SEQRA Record, have been identified.

3.11 Fish, Wildlife, Vegetation, Rare, Threatened and Endangered Species and  
Critical Environmental Areas

No new or additional impacts to fish, wildlife, vegetation, rare, threatened and endangered species and Critical Environmental Areas, other than those identified in the Prior SEQRA Record, have been identified.

3.12 Historic and Archeological Resources

No new or additional impacts to historic and archaeological resources, other than those identified in the Prior SEQRA Record, have been identified.

3.13 Land Use and Zoning

- 1) The proposed amendments to the PDD legislation collectively represent changes to the Town's zoning laws and are collectively analyzed as part of this SSEIS process.
- 2) No new or additional impacts to other land uses, other than those identified in the Prior SEQRA Record, have been identified.

3.14 Noise

- 1) Operator did not request any change to the PDD regarding its current noise requirements. However, as part of the SEQRA process, public comments on the SSDEIS were made regarding noise complaints associated with the operation of Fab 8.1 which were attributable to noise phenomena that ~~was~~ were not reasonably foreseeable at the time of the prior SEQRA approval; specifically, noise associated with the Fab 8.1 electric service building (ESB 1).
- 2) In response to these noise comments and in addition to the existing noise mitigation set forth in the Prior SEQRA Record, the following noise mitigation measures shall be incorporated in the design and construction of Electric Service Buildings (ESBs) for Fab 8.2:  
All ESBs shall be located so that they comply with the standards below.

All ESBs shall be designed to incorporate a vestibule between exterior doors and doors serving CPS rooms. There shall not be any exterior doors in the CPS rooms. All doors shall remain in the closed position when not in use. All doors shall incorporate acoustical seals between the door and frame.

No ventilation opening shall be located on facades facing the residential subdivisions to the north and northeast to the extent practicable.

The ventilation openings in the exterior walls of the CPS rooms shall incorporate noise mitigation elements to adequately attenuate noise emissions. The combined acoustical performance of the silencer and acoustical louver for each opening shall have the following minimum dynamic insertion loss (DIL) values:

Table 1 – Minimum Octave Band Dynamic Insertion Loss (DIL) for the ESB Silencing Elements.									
	Octave Band Center Frequency (Hz)								
	31.5	63	125	250	500	1000	2000	4000	8000
Minimum Silencer DIL, dB	NA	21	22	35	47	49	47	44	28

Roof extractors shall face away from residential properties and with acoustic silencers to meet performance criteria.

The exterior walls of all ESBs shall be designed with a minimum sound transmission class (STC) of 63.

All ESBs shall incorporate interior room acoustical absorption in their design. The sound absorptive material shall have a minimum noise reduction coefficient (NRC) of 0.95, and shall have a minimum sound absorption coefficient of 0.90 at 250 Hz.

The 100% Design Documents shall be submitted for review by the Malta Department of Building and Planning and its consultants, prior to issuing for bid.

~~The 100% Construction Documents shall be submitted for review by the Malta Department of Building and Planning and its consultants.~~

- 3) As such, there are no significant adverse environmental impacts that will not be mitigated associated with the noise for Fab 8.2.

### 3.15 Air Resources

- 1) In the Prior SEQRA Record, the estimated emissions for the first phase of development (i.e. Fab 8.1) would not trigger the need for a Title V permit. Neither the TDC nor Fab 8.1 project was the initial trigger for requiring a Title V permit, but rather due to new greenhouse gas (GHG) regulations promulgated by USEPA. Absent the Title V threshold being triggered by the GHG emissions, the combined Fab 8.1 and TDC operations would not have required a Title V permit.
- 2) Based upon the data used for the air dispersion modeling effort associated with the Fab 8.2 project, it is anticipated the total emissions of hydrogen chloride (HCl) will exceed the 10 tons per year (tpy) threshold for individual hazardous air pollutants, and the facility will address this in the air permit application for Fab 8.2.
- 3) All other mitigation measures set forth in the Prior SEQRA Record will remain in place.

### 3.16 Socio-economic and Growth Inducing Impacts

No new or additional socio-economic and growth inducing impacts, other than those identified in the Prior SEQRA Record, have been identified.

### 3.17 Recreation

Operator is currently obligated to pay an Open Space/Recreation Fee for development of Fab 8.2 in accordance with Town of Malta Local Law 6-2004 Section W.5.(b).(3).

The purpose of the GEIS Recreation/Open Space Fee is to assist the Town in furthering its efforts toward acquisition, improvement and/or enhancement of public recreational opportunities for residents of the Town of Malta. Public access to Saratoga Lake for recreational purposes has long been identified as a significant goal of the Town and surrounding communities. In furtherance of these goals, Operator has offered and the Town Board has agreed that, in lieu of the GEIS Open Space/Recreation Fee that would otherwise be due to the Town of Malta, Operator will instead contribute the sum of \$3.0 Million Dollars for acquisition of the Brown's Beach property and existing improvements.

Brown's Beach is located within the Town of Stillwater and the property will likely be acquired by the Town of Stillwater alone. However, the Town of Stillwater has agreed that the Brown's Beach property and any present or future associated recreational amenities will all be made available to residents of the Town of Malta upon the same terms and conditions as for the residents of Stillwater. The Malta Town Board determines this acquisition and access to a substantial recreational opportunity for the residents of Malta and agrees to accept such contribution in lieu of the Open Space/Recreation Fee which would otherwise be required under the GEIS.

These obligations are further set forth in a Joint Community Benefit Development Agreement between the Town of Malta, the Town of Stillwater and Operator which will be executed contemporaneously with the Town Board's legislative adoption.

### 3.18 Open Space

No new or additional impacts to open space resources other than those identified in Section 3.17 above have been identified.

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### 3.19 Educational Facilities

No new or additional impacts to educational facilities, other than those identified in the Prior SEQRA Record, have been identified.

### 3.20 Visual Impacts

- 1) Operator has requested a change to the PDD which would allow the rooftop appurtenances to be placed no higher than 125 feet, which represents an increase of 15 feet from the existing legislative limit.
- 2) In addition to completing a visual impact assessment report, Operator subsequently prepared two (2) visual animations along Saratoga Lake, and launched balloons at the proposed height of 125 feet (110 + 15 feet height increase) to facilitate a public viewing. The proposed height increase of 15 feet with rooftop appurtenances will not result in a significant detrimental effect on the perceived beauty of Saratoga Lake; nor will such a height increase significantly impair the quality of the lake environs or cause the diminishment of public enjoyment or appreciation of the resource.
- 3) In order to minimize any potential impacts from the increase in the height restriction for rooftop appurtenances, the following mitigation measures shall be incorporated into the design of Fab 8.2:
  - a) Those portions of Fab 8.2 with potential visibility, such as the upper portion of the building and the stacks, shall be screened, fabricated or painted with muted colors such as gray. No reflective material shall be used on visible portions of the buildings or stacks.
  - b) Rooftop lighting, if required, shall be minimized. Lighting fixtures shall be downward facing and shielded.
- 4) As such, the Town Board finds that there will be no significant adverse impact which will not be mitigated from this amendment.

### 3.21 Emergency Services

No new or additional impacts to emergency services, other than those identified in the Prior SEQRA Record, have been identified.

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3.22 Construction Impacts

- 1) In order to minimize local impacts from the construction of Fab 8.2, a construction logistics plan will include the following principal elements
  - a) Use of a concrete batch plant for construction.
  - b) Off-site construction worker parking and staging areas on adjacent LFTCEDC property.
  - c) Multiple construction worker entrances.
- 2) Operator proposes to utilize available land areas to the south of their property which are presently owned by LFTCEDC to facilitate construction of Fab 8.2. The use of LFTCEDC land will enable the separation of construction workers from fab workers and help to mitigate construction traffic, both within the LFTC Campus and off-site.
- 3) A total of approximately 80± acres of LFTCEDC land are proposed to be used as part of the construction logistics plan for Fab 8.2. This off-site land area includes approximately 24± acres of already disturbed areas associated with the Malta Test Station and the construction staging area that was previously used for site driveway construction off of Rocket Way.
- 4) In addition, approximately 56 acres of forested area will be cleared and converted to construction staging and worker parking areas. The use of old logging roads within the LFTCEDC property is proposed, both to minimize land clearing and grading, and to keep concrete trucks off of paved roads.
- 5) Upon the completion of construction, temporary construction areas will be graded and seeded with the objective of reestablishing a permanent vegetated cover.
- 6) All construction workers will continue to be scheduled to arrive and depart the Operator site in such manner as to prevent their coinciding with shift changes for the non-construction personnel. Compliance with this provision shall require that shift changes must be separated by at least 30 minutes in order to reduce commuting congestion. Ride-sharing will be continue to be

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encouraged and noise, dust, lighting and vibration construction mitigation measure outlined in the Prior SEQRA Record will continue to be implemented.

- 7) Operator shall use its best efforts to ensure that construction of Fab 8.2 shall be commenced and concluded within an eighteen month period. In order to facilitate accomplishment of this goal, construction is permitted at all times on all days of the week subject to Section 4.14(3)22 of the SSDEIS Findings Statement adopted on August 25, 2008 by the Malta Town Board. This period of time during which such extended construction hours may be employed may be extended by the Malta Town Board by resolution for good cause shown.
- 8) Implementation of the proposed construction logistics plan, in combination with other construction mitigation measures included in the Prior SEQRA Record will mitigate potential environmental impacts during construction to the maximum extent practicable.

### 3.23 Architectural Guidelines and LEED Certification

No new or additional impacts to architectural guidelines and LEED certification, other than those identified in the Prior SEQRA Record, have been identified.

### 3.24 Alternatives

- 1) No Action represents the environmental conditions if current land use and activities were continued into the future. The "no action" alternative assumes that Operator does not build any additional structures within Development Area 1 of LFTC. Under this alternative, only Fab 8 Module 1, TDC, and the second administrative building would be constructed and operated, and the remainder of the site under lease by Operator would not be available for further expansion. The No Action alternative is undesirable as Operator has purchased land with the intent to build and operate multiple phases of development, and because this additional economic development is beneficial to the Towns of Malta and Stillwater and Saratoga County.
- 2) Alternative fab designs within Development Area 1 of LFTC were evaluated by Operator. These alternatives were either deemed by the Applicant to be  
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infeasible or less desirable than the recommended proposed Fab 8.2 layout. The fan layout previously presented as part of AMD's planned development of LFTC does not maximize space utilization. The proposed design layout for Fab 8.2 avoids any impact to wetlands and streams, and is wholly located in Development Area 1. Alternative design configuration within the existing property limits would be no more protective of the environment than the proposed action.

### 3.26 Unavoidable Adverse Impacts

No new significant adverse environmental impacts were identified in the SSEIS that were not originally identified in the Prior SEQRA Record. The scale and magnitude of some impacts, such as construction traffic, has changed. However, in each case where the scale or magnitude of an impact has changed, appropriate mitigation measures have been developed.

### 3.27 Cumulative Impacts

The cumulative and growth inducing impacts of the proposed action, including socio-economic factors, were comprehensively summarized in the Prior SEQRA Record. These are baseline SEQRA conditions which are unchanged by the proposed Operator action.

## 4.0 DEVELOPMENT AGREEMENT

The PDD Amendment shall also be subject to a Joint Community Benefit Development Agreement, to be executed contemporaneously with the Town Board PDD Amendment approval, pursuant to which, among other provisions, Operator shall be obligated to pay as directed by the Town of Malta a sum equivalent to the total square footage of the third nanotechnology manufacturing facility to be located in Development Area One of the Town of Malta multiplied by \$0.846555 (current 2013 value used herein), and as further multiplied (after 2013) to adjust for inflation pursuant to the Consumer Price Index, upon the issuance of a Building Permit for the construction of such facility. The Town of Malta may direct that such payments be made in one or more payments to the Town, to one or more third parties, or both. Such payments shall be used only for public purposes including but not limited to infrastructure improvements such as sewer, water or road improvements; provision or enhancement of public safety services such as police, The Chazen Companies  
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fire protection or emergency medical services; or provision or enhancement of cultural, recreational, historical or open space resources or programs.

#### 5.0 CERTIFICATION

The Town of Malta Town Board, as lead Agency, is issuing this Statement of Findings pursuant to 6 NYCRR Part 617.11 of SEQRA. The Town Board hereby finds:

- 1) The requirements of 6 NYCRR Part 617 have been met.
- 2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impact to the maximum extent practicable.
- 3) Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.
- 4) The SSEIS is comprehensive and contains the facts and conclusions relied upon to support the Town Board's Statement of Findings and indicates the social, economic and other factors which form the basis of its Findings.

