

# MALTA TOWN-WIDE GEIS

## *FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT*

Town of Malta  
Saratoga County, New York

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# *Section I*

## *Introduction*



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The following is a Final Generic Environmental Impact Statement (FGEIS) for the Malta Town-Wide GEIS, prepared pursuant to the State Environmental Quality Review Act (SEQR). The purpose of this FGEIS is to respond to comments on the Draft Generic Environmental Impact Statement (DGEIS) provided during the comment period.

## **A. PROJECT BACKGROUND**

The Study Area comprises the entire Town, which includes approximately 16,145± acres of residential, commercial, vacant/natural, recreational and future industrial land. The Town sits in the heart of Saratoga County with the Adirondack Northway (I-87) and U.S. Route 9 running through the center of its north-south axis. New York State Route 67 is a major east-west transportation corridor linking Mechanicville, Ballston Spa, Amsterdam, and the NYS Thruway. Surrounding communities include the towns of Stillwater, Halfmoon, Clifton Park, Ballston, and Saratoga. Contained within the Town is the Village of Round Lake, but is not included in this study.

The project involves the preparation of a Generic Environmental Impact Statement (GEIS) to evaluate the cumulative impacts of future development in the town in order to proactively plan for and mitigate growth.

The Town Board was established as Lead Agency on March 7, 2005, without objection from the Involved Agencies. A Positive Declaration stating there is a potential for significant development impacts within the study area was also filed on March 7, which authorized the preparation of the GEIS. A public scoping session was held on March 8, 2005 to solicit public comment on the Draft Scope. The comment period for the Draft Scope remained open until March 23, 2005. Based on the results of the scoping session, the Final Scope was prepared and filed with the Town and Involved Agencies on April 15, 2005.

The DGEIS was prepared and determined complete on December 5, 2005 and subsequently filed along with a Notice of Completion and Hearing Notice pursuant to 6 NYCRR 617.8(d). The public hearing was held on January 9, 2006. A transcript of the hearing is provided in Appendix B of this FGEIS. The comment period for the DGEIS closed on January 20, 2006.

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## ***B. Document Organization and Summary***

The FGEIS is divided into three major sections, an introduction, responses to substantive comments raised during the comment period and Appendices that include written comments, the public hearing transcript, and additional data in support of the responses. The introduction is provided to summarize the actions which have led to the preparation of the FGEIS, describe the general organization of the document, and discuss future actions that may occur following the filing of the is FGEIS. Section II, Response to Public Comments provides a summary of substantive questions or concerns followed by the response.

Pursuant to 6 NYCRR 617.14(I) this FGEIS includes the DGEIS by reference (*Malta Town-Wide GEIS Draft Generic Environmental Impact Statement*, Clough Harbour & Associates LLP, December 2005).

Substantive comments were taken from the written comments submitted to the Lead Agency and those comments made during the public hearing. Written comments are provided in their entirety in FGEIS Appendix A.

This GEIS process is a critical element in a series of planning efforts undertaken by the Town to address the potential future cumulative impacts of induced growth associated with the anticipated Luther Forest Technology Campus (LFTC). This large nanotechnology manufacturing facility will become a major employer in the region having both local and regional growth implications.

Along with other planning initiatives, the Town engaged in an update of their comprehensive plan to provide stronger controls on growth in rural areas and promote well-planned growth in areas appropriate for commercial and higher density uses. This was followed by new zoning in accordance with the plan. The GEIS compliments these efforts by predicting growth, identifying cumulative impacts, and establishing

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appropriate mitigation measures, thresholds, and procedures that the Town can use as development guidelines. All of these tools will be necessary to help the Town both embrace the new economic development opportunity and maintain its community character and quality of life.

This FGEIS provides an opportunity to address comments on the draft and address issues to make this a more useful document. Comments raised during the comment period focused on affordable housing, traffic, mitigation fees, and sewer service. Of these, sewer service generated the most discussion, primarily because new information including the Saratoga County Sewer District study and new development proposals suggested other potentially feasible options than what had been adopted by the Town during previous studies (prior to initiating GEIS). The GEIS process provides an appropriate tool to look at infrastructure planning in greater detail and offers the opportunity to revise plans through the draft and final GEIS.

Major considerations for sewer discussed herein include elimination of the proposed sewer trunk up Route 9 as the backbone of the system in favor of routing sewer down Route 9P to the Saratoga Lake pump station in order to serve the northern portion of the sewer study area. Other considerations included financing options (district formation vs. mitigation fees vs. developer financed w/out mitigation fees).

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## ***C. Future Actions***

Following the filing of this FGEIS, there will be a ten-day period provided for agencies and the public to consider the FGEIS. Comments on the FGEIS may be submitted by agencies and the general public, however, this not an official comment period. Such comments may be considered by the Town during preparation of the Findings Statement but the Town is not obligated to respond to these comments.

This FGEIS, together with the DGEIS and SEQR Findings Statement, sets forth specific conditions under which future actions (i.e. site-specific projects) associated with the proposed action can be undertaken, including requirements for any subsequent SEQR compliance.

No further SEQR review will be necessary if a future action associated with development in the Town is undertaken in conformance with the baseline conditions established in this GEIS or the Lead Agency's Findings Statement.

In instances where a future action associated with development in the Town is not in conformance with the conditions and thresholds established in this GEIS, an environmental assessment form (EAF) will be completed to assist the lead agency in the evaluation of conformance with the GEIS and Findings Statement, as well as potential adverse impacts related to such action. Thereafter, one of the following SEQR compliance steps will be carried out:

1. Amended Findings Statement: If the future action was found to be adequately addressed in the GEIS but was not addressed or inadequately addressed in the Findings Statement, an amended Findings Statement will be prepared; or
2. Negative Declaration: If the future action was not addressed or was not adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts, a negative declaration will be prepared; or
3. Supplemental EIS: If the future action was not addressed or was not adequately addressed in the GEIS, and such action may have one or more significant adverse environmental impact, a Supplemental EIS will be prepared.

## ***Section II***

# ***Response to Public Comment***



## General

**Comment:** *Does the GEIS apply to all projects or just to projects of certain size?*

**Response:** It is intended that the GEIS apply to all new construction projects that are subject to SEQR. For example, construction of a single family home that only requires a building permit or other ministerial permit or approval is not subject to SEQR and therefore not subject to a GEIS. If, however, the home requires a use variance or other approval by the Town Board or Planning Board then SEQR would apply and the GEIS would apply.

**Comment:** *Can an applicant opt out of compliance with the GEIS by doing SEQR specific for the project?*

**Response:** An applicant can choose to do their own SEQR. However, their results would be compared to the GEIS for consistency and it is likely they would be held to the same high standards. The benefit of having a GEIS is the time saved by the applicant by not having to go through the SEQR process.

### A. Topography, Geology and Soils

**Comment:** *Has the Village of Ballston Spa dump along the Kayderosseras Creek been investigated?*

**Response:** The Village of Ballston Spa dump is located outside the Town and was not included in the analysis.

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## **B. Water Resources**

**Comment:** *Supports the recommendation to provide critical aquifer recharge protection areas.*

**Response:** Comment noted.

**Comment:** *Article 15 of the Environmental Conservation Law only protects Class C or higher streams. Some streams in the Town would not fall under Article 15 protections, including Drummond Creek and Ballston Creek. Can the protections of Article 15 be extended to those streams currently not protected? Are they consistent with current zoning?*

**Response:** Most mapped lakes, rivers, streams, and ponds in the State are assigned a water quality Class and Standard. The Class generally refers to the existing quality of the water body. The Standard refers to the criteria for treatment required under the State Pollutant Discharge Elimination System (SPDES) for point source discharges. Therefore, a sewage treatment plant with a discharge to a Class C, Standard C stream must meet the water quality standards for Class C. However, in some cases the Class may be C but the Standard is set higher due to the presence or potential presence of trout. For Class C water, the Standard would be C(T) with the “T” designating trout and the standards for treatment set higher than they would be for Class C, Standard C water.

The regulatory threshold for NYS Department of Environmental Conservation (NYSDEC) jurisdiction under Article 15 of the Environmental Conservation Law (Protection of Waters) is C(T) or higher. The threshold is based on the Standard. Therefore, a stream that is designated Class C but has a Standard of C(T) would be regulated under Article 15. This distinction is not clear on Figure III-B-1. It should be noted that all of the designations provided on this figure are the Standards and directly identify which water bodies would be regulated by NYSDEC under Article 15. It should also be noted that NYSDEC is the best source for the most recent classifications and standards.

More to the point of the question, there are many streams in the Town that would not fall under Article 15 protections. However, all of these streams would likely be considered jurisdictional under Section 404 of the Clean Water Act. Section 404 is administered by the U.S. Army Corps of Engineers and regulates the placement of fill or dredged material into “waters of the U.S.”

Most communities that are concerned about stream protection apply buffers, which are not required by either State or federal regulations. If it is determined that State and federal protections are not sufficient, then local regulations are the next step. This is generally dealt with at a planning level where the justification for the additional protection is documented and draft regulations (Local Law) are proposed.

The GEIS recommends a 100 foot buffer on all mapped streams and 50 foot buffers on unmapped streams, the details of which are provided on DGEIS page III-46. Buffers can be incorporated into zoning and subdivision regulations if a community chooses to do so.

In Malta’s case, to be consistent with the GEIS, the applicant will need to comply with the buffer recommendations.

**Comment:** *Can stormwater management measures that continue after construction be incorporated into zoning?*

**Response:** The SPDES regulations cover both construction and post-construction stormwater and water quality management. Other measures such as Low Impact Development (LID) could be incorporated into zoning or included as part of the Town’s development guidelines. Beyond this, the Town could consider a program of post construction monitoring of water quality/ detention basins. The DGEIS did not make this recommendation but the Town’s Stormwater Management Committee will likely address this issue.

**Comment:** *Do SPDES regulations cover open ditch storm drainage that is prevalent throughout Town?*

**Response:** The SPDES regulations currently do not require treatment or storage of runoff from existing areas. The example being given is the roadside drainage system of existing roads. The exception to this is when a new development intercepts runoff from these existing systems into their own system. In this case, the runoff must be treated via collection and treatment of the water quality volume. Stormwater detention may also be required depending on the location of the new project within the watershed.

**Comment:** *The DGEIS recommends 50 or 100 foot buffer on streams but the Friends of the Kayderosseras recommend 250 foot buffers for major streams. This is addressed in their report (attached to correspondence from Carol Henry in FGEIS Appendix A).*

**Response:** The recommended buffers provided in the DGEIS are intended to provide interim protection for streams while the Town proceeds with efforts to develop a stormwater management ordinance that will address buffers. The DGEIS buffers are significant in that they require the buffer to be natural, consistent with the recommendations made by the Friends of the Kayderosseras (Friends). The Friends' general recommendation is for a 100 foot buffer but concluded that 250 feet or more would be better. Furthermore, they recognize that a buffer can vary depending on the characteristics of the stream in various reaches and further indicate that any buffer provides some benefit to the stream, recognizing that it may be difficult for existing landowners to retrofit a significant buffer into their backyard.

Currently the Town has no buffer requirements so the 50 foot and 100 foot recommendations of the DGEIS will provide some initial protection. It should be noted that many streams, including the Kayderosseras, have riparian (adjacent) wetlands that are also affording consideration under the DGEIS and could result in very significant stream buffers.

### **C. Ecology**

No comments provided.

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## D. Land Use and Community Character

**Comment:** *How is vacant land defined as it appears in DGEIS Table III-D-1 on page III-50?*

**Response:** Vacant land is defined as the New York State Property Class Codes 300-350 and include vacant residential, commercial, industrial, cleared urban land and various other related categories of land that are not being used for any particular purpose.

**Comment:** *The zoning map (DGEIS Figure III-D-3) does not show the Land Conservation (LC) zone within the Steeplechase PDD. Was Drummond Creek zoned LC?*

**Response:** The LC zone has not been established within the Steeplechase PDD because the property has not been deeded over to Town of Malta. The Drummond Creek corridor was not rezoned during the latest revision to the Town's zoning code. However, it is identified on the resource map within the Town's revised comprehensive plan.

**Comment:** *How will the mitigation fees impact the ability to provide affordable housing?*

**Response:** The ability to provide affordable housing will depend on what incentives can be provided to encourage such housing to be built. In general, this could include tax incentives and waiver of certain fees. The mitigation fees could present a burden however this has to be balanced with the fact that the development, whether affordable or not, will have an impact on the community, its infrastructure, and the services it provides. If these costs are waived, they have to be balanced out someplace else. The mitigation fees provide an equitable means of distributing the cost of future cumulative growth. A system without mitigation fees could easily preclude affordable housing in the future when an impact threshold is triggered and the use or value of the residential development has to be significant to cover the extraordinary cost of mitigating the cumulative impacts of past projects that did not pay their fair share.

**Comment:** *The mitigation fees are not consistent with the Comprehensive Plan recommendations to create a downtown and walkable community. The fees will make it difficult to create this type of housing.*

**Response:** The density and value of a “downtown” neighborhood will likely be more than sufficient to cover the costs of the mitigation fees. As envisioned in the Comprehensive Plan, this would be a mixed development community consisting of residential, commercial and office development. The costs of development need to be paid for. It is a much fairer system to spread that cost among all future development projects than to have a handful bear the entire costs.

## **E. Rural Character & Agriculture**

No comments provided

## **F. Recreation & Open Space**

**Comment:** *Access to the Kayderosseras Creek should be added to the list of recreational needs for the next 10 years. This should include a trail system and passive launch area. This effort should be coordinated with those efforts currently underway in adjacent towns.*

**Response:** The list of recreational projects was provided in the DGEIS to establish a budget for the future. The actual projects undertaken by the Town could vary depending on how growth occurs and needs that arise. It may be possible that access to the Kayderosseras Creek becomes a priority.

**Comment:** *The Town should consider long term easements to preserve farmland and open space as previously recommended by the Town’s Open Space Committee. This approach has been successful in Clifton Park.*

**Response:** The Town has considered both term easements and permanent easements through their Agricultural and Open Space Study. As a result, the Town established a Purchase of Development Rights (PDR) program and is currently considering Transfer of Development Rights (TDR).

Term easements were used first in Clifton Park to protect farmland, other open space, and historic properties. This program has generally been successful but it was always understood that the term easement could be used as a tax break until development opportunities reached the rural areas. Clifton Park also understood that the pressure was coming and that they needed a more comprehensive approach to land conservation. They moved forward with an Open Space Plan that identified important areas of the Town to be considered for permanent protections. The next step was to more formally identify parcels and put an open space conservation system in place that would include both regulatory and incentive-based approaches.

Malta could benefit from a comprehensive land conservation plan. The DGEIS recommends a mitigation fee to begin to address the loss of open space in the Town. However, there is a significant public contribution to meet the goals of the Town's Open Space Plan. Clifton Park is a very good model that has gained considerable attention in the region and State.

**Comment:** *The DGEIS refers to the County Bikeway/Greenway Committee. The official name should be the County Heritage Trail Committee.*

**Response:** Comment noted.

**Comment:** *On DGEIS page III-101, item 5 recommends an equestrian trail be developed along the Kayderosseras Creek. There is limited potential trail width along the creek, which would preclude a horse and rider.*

**Response:** No detailed study of this trail has been conducted to date. More detailed information may prove that the comment is correct and that other uses should be considered.

**Comment:** *Wide paved shoulders are not necessary to carry bicycle and pedestrian traffic on rural roads. Signage should be used to alert motorists to the bicycle and pedestrian traffic. Other traffic calming measures could also be employed. Wider shoulders for bikeways should only be used on high volume roadways.*

**Response:** Comment noted.

**Comment:** *How is the mitigation fee determined for loss of open space?*

**Response:** The first step in determining the mitigation fee was to identify an open space acreage goal. This was determined to be 997 acres based on the recommendations of the Open Space Plan. Costs were then applied to this acreage by escalating the 2001 cost estimates identified in the Open Space Plan by 10 percent per year.

Preservation of 997 acres of open space will benefit both existing and future residents and businesses in the Town. Therefore there is a public and private share of the total cost. The percentage applied to each was determined through the buildout analysis that was conducted at the start of the DGEIS study. This analysis revealed that existing development comprises approximately 5,000 acres of developable land. Based on the development projections, it was determined new development would consume approximately 3,080 acres of developable land for a total of 8,080 acres. Therefore, the 10-year growth estimates account for 38% of this total and the remaining 62% is attributed to past development (the public share).

Using a total cost of \$4,673,342 to preserve 997 acres, the mitigation fee becomes \$1,775,870, which is the private or developer's share. It was determined that the best method of distributing this cost would be based on the disturbance of developable land. Therefore,  $\$1,775,870 \div 3,080 \text{ acres} = \$577 \text{ per acre}$ .

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## G. Visual Resources

**Comment:** *View 10 is looking west and View 11 is looking east. This is reversed in the DGEIS.*

**Response:** As noted in the comment, the views were reversed.

**Comment:** *Views of the Ballston Creek area will be severely impacted by the Round Lake Bypass. The Town should actively participate during design of this road to lessen the impact.*

**Response:** Comment noted.

**Comment:** *The discussion for View No. 14 indicated additional development in this area is not anticipated. However there is active farmland along East High Street that may be developed in the future. If so, the viewshed could be impacted.*

**Response:** Commented noted. While there is some remaining active farm land in the vicinity of Key View 14 the re-use or redevelopment of that parcel will not affect the visual quality of the view which was selected for inclusion within the GEIS.

**Comment:** *View No. 15 is not shown on Map III-G-1.*

**Response:** View No. 15 has been added to the Visual Resources Map. The revised map follows this page.

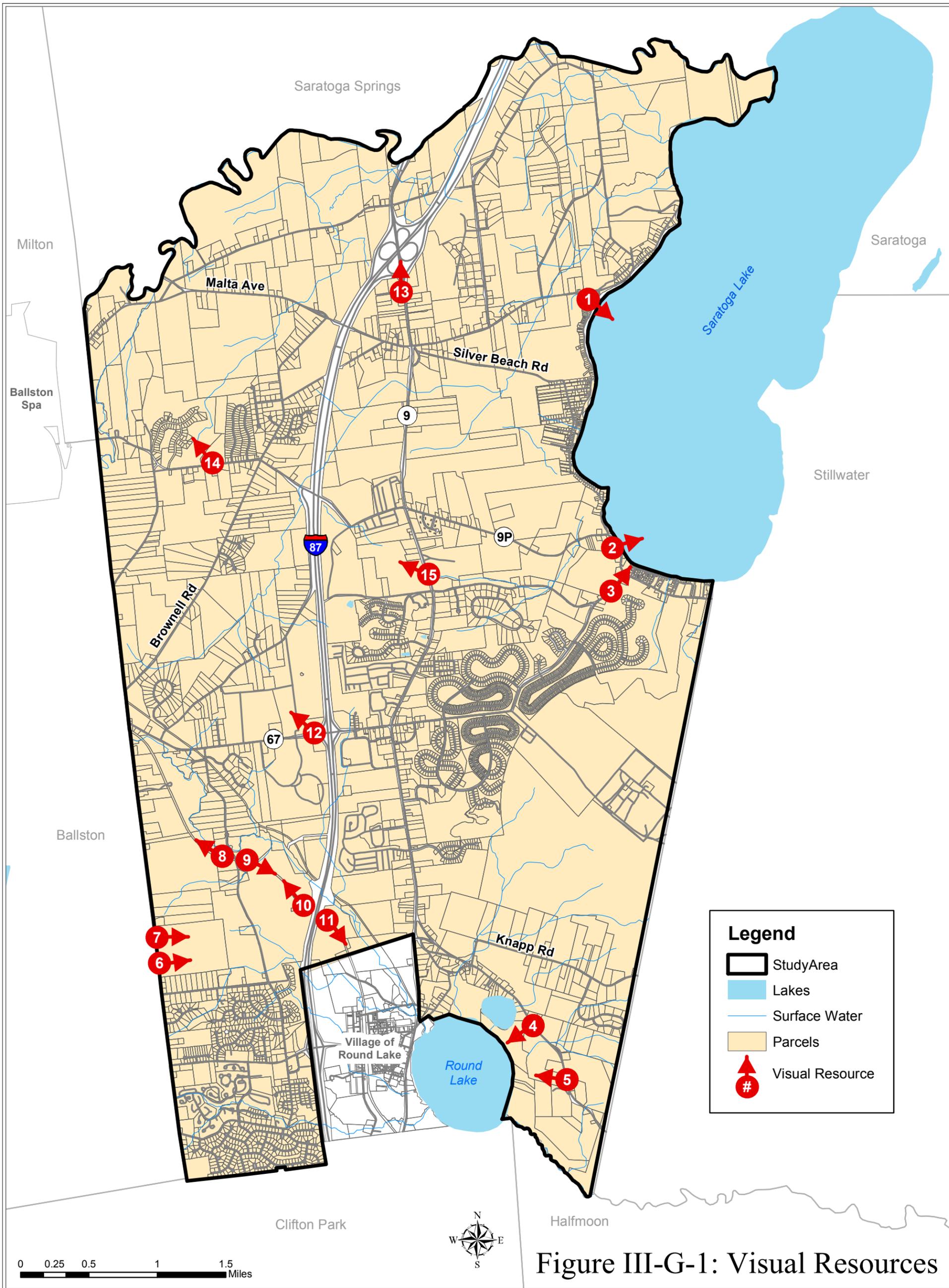
## H. Transportation

**Comment:** *The Town should work regionally to address traffic on the east-west corridor in the Town. Dunning/Plains Road, Malta Avenue, and Round Lake Road have had large increases in traffic volume. These roads are not designed for these volumes and residents along these roads are impacted. In general, mitigation should be addressed at a county and regional level.*



# Town of Malta

## Generic Environmental Impact Statement





**Response:** The analysis contained in the GEIS looked at plans from adjacent communities on these roads. The need for improvements from an engineering perspective has been addressed. Issues with regard to quality of life are planning issues and the problem is something realized by most suburban communities. In short, there are two types of growth patterns that have occurred in towns. One is the traditional rural pattern of growth that involved agricultural uses with residential and commercial uses relegated to hamlets and villages. The second pattern is sprawl development that has resulted from improved access to rural areas. It was the initial stages of the second form of development that resulted in the subdivision of frontage lots along what were once rural roadways. However, as development flourished and traffic increased the same rural roads become the towns' collector roads and highways. Herein lies the conflict.

Mitigation for traffic impacts on residentially developed collectors is mostly limited to efforts to reduce vehicle trips by the incorporation of trail systems and the reduction of conflicts and intersection delay that causes traffic congestion. Where rural roads are not highly developed, the best measures are to preserve the integrity and use of the road corridor as a collector road, thereby limiting frontage development. This can be done through the use of shared driveways and general limitations in the subdivision regulations for major subdivisions to preclude frontage development and to require significant buffers from the road right-of-way.

**Comment:** *The GEIS indicates that Routes 9 and 67 handle most truck traffic but both Malta Avenue and Route 9P are carrying a lot of truck traffic. Malta Avenue receives truck traffic since it is a shortcut from Route 67 to I-87. In addition, there has always been logging and County Highway trucks using this road. Route 9P is a major truck route for logging and construction vehicles. Route 9P is also a major bicycle route and it is becoming dangerous for cyclists.*

**Response:** The 2003 Highway Sufficiency Ratings published by New York State Department of Transportation shows that traffic volumes on Route 9P are much lower than those experienced on Routes 9 and 67, generally ranging from 2,800 vehicles per day (vpd) to 6,200 vpd within the Town of Malta, and that truck traffic on Route 9P accounts for approximately 7% to 8% of the daily traffic. Heavy vehicles (trucks) were accounted for in the intersection capacity analysis.

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**Comment:** *Providing only 0.5% background growth for Town intersections seems unrealistically low given the amount of land available in surrounding communities.*

**Response:** Typically when many specific developments are considered in the background traffic development, the annual background growth rate starts at a relatively low percentage. In the case of the GEIS, the existing traffic volumes were increased by applying an annual background traffic growth rate of 0.5%. In addition, trips associated with proposed and approved projects in Ballston Spa, Milton, Saratoga Springs, and Stillwater were included in the future traffic volume development. This resulted in an average background growth rate of approximately 1.5% per year throughout the study area.

**Comment:** *Does the cost estimate for the roundabout construction on Old Post, Northline, and Malta Avenue include the cost of land acquisition? How can mitigation fees be used for this project if very little development is expected in this area?*

**Response:** The cost estimate for the roundabout construction on Old Post, Northline Road, and Malta Avenue includes an estimate for approximately 4.4 acres of right-of-way acquisition. During the PM peak hour traffic volumes at this intersection are expected to increase by approximately 13% as a result of development within the Town of Malta.

Justification for the use of mitigation fees comes from the fact that this is a Town-wide GEIS and that future development in the Town will have an impact on this intersection. Where development occurs is less of a factor than what roads in Town traffic from the development will impact. In general, the need for improvements to a given intersection in Town is likely to occur when there has been significant development in the vicinity of this intersection.

**Comment:** *The proposed improvements on Round Lake Road do not take pedestrian and bicycle uses into consideration, especially when turn lanes are proposed. The turn lanes will decrease pedestrian and cycling safety.*

**Response:** Amenities for bicycles and pedestrians are included in the conceptual analysis/design of the intersections and the associated cost estimates.

**Comment:** *Alternative modes of transportation should be mentioned in the Executive Summary so that they are not lost during implementation.*

**Response:** Comment noted.

## **I. Air Quality**

**Comment:** *The Town should require developers to provide dust and sediment control plans as part of site plan or subdivision review. This is a SPDES requirement. The Building Department should follow-up to ensure the dust and sediment control measures are being implemented properly. The Town should consider applying these same requirements to smaller projects that might not be covered by SPDES.*

**Response:** The DGEIS (p. II-158) calls for several measures to be implemented during construction that would mitigate erosion, sedimentation, and dust. Since the GEIS applies to all future construction projects in the Town that are subject to SEQOR, it would not matter if SPDES applied or not relative to the implementation of these measures. All projects must comply with the GEIS.

## **J. Noise**

**Comment:** *Any heavily traveled road in the Town will generate excessive noise, not just Routes 9, 67 and I-87. There is little direction provided in the DGEIS on how to mitigate traffic noise.*

**Response:** Traffic noise is not easily mitigated, especially on local roads. The primary mitigation is good land use planning. The Town has prepared a comprehensive plan that addresses land use and intensity of use. As discussed in DGEIS Section III.H, traffic in the Town is primarily generated and will continue to be generated by development

within the Town. Therefore, if the Town develops as envisioned by the comprehensive plan then some areas will be intensely developed (Downtown) and will have higher ambient noise levels than areas designated for low density (rural areas).

It is recognized that some areas of Town will continue to be impacted by pass-thru traffic from outside the Town. It is quite possible that these areas could remain rural yet experience high ambient noise levels during peak traffic hours. Mitigation for this type of impact requires regional discussion with other communities. It also depends on broader efforts to reduce vehicle use through regional trails, ride sharing and related traffic management.

## **K. Community Services**

No comments provided.

## **L. Utilities**

**Comment:** During the public hearing there was discussion about the extent of sewer and the costs. The questions centered around the options of constructing sewer to bring it as far north as Exit 13 or only part way to Steeplechase or High Point. This discussion continued informally after the public hearing. As a result, additional analysis was performed to identify other potential options. The results are presented in the following response.

**Response:** The sewer study referenced in the DGEIS was completed for the Town in September 2004. Since that time the Town has updated their comprehensive plan and zoning ordinance. As such it was decided to revisit the sewer service area identified in the original sewer study and provide an alternative to be consistent with the current land use vision of the Town. Based on this review the proposed sewer service area was modified at the Route 9 / Malta Avenue / Malta Avenue Extension intersection by reducing the service area to the commercially zoned properties. FGEIS Figure III-L-3A shows this alternative sewer service area.

The sewer service alternative would divide the Route 9 corridor into three (3) sub-areas identified as follows:

**North Service Area:** Exit 13 south to and including the Speedway property.

**Central Service Area:** From the Speedway property south to Collamer Heights.

**South Service Area:** From Collamer Heights south to 84 Lumber.

The North service area would be serviced by a collection system from exit 13 southward to the low point pump station (at Steeplechase). The force main discharge from the pump station would discharge to a gravity sewer at Route 9P which would flow eastward down Route 9P to the existing Saratoga County Sewer District #1 pump station at Saratoga Lake. A separate gravity collection system would be constructed from Route 9P southward to the Malta Speedway property. The additional flow will require upgrades to the SCSD#1 pump station at Saratoga Lake

By re-routing the discharge from the low point pump station down Route 9P, capacity is freed up at the Highpoint Pump Station. The central service area can then be serviced by the installation of a sewer collection system on the east side of Route 9 with connection to the Highpoint pump station.

The southern service area would be served by the installation of new collection sewers with connection to the existing infrastructure in Dunning Street, or the extension of the existing sewer infrastructure south of the Route 9/67 intersection. The Kelch Drive area would be serviced by a separate sewer system with connection through Malta Commons to the Park Place pump station (see FGEIS Figure III-L-3A)

The estimated costs associated with each of the service areas are summarized below: (Detailed cost estimates are included in FGEIS Appendix C)

North Service Area	\$ 7,847,345
Central Service Area	\$ 522,720
South Service Area	\$ 865,920

Given the existing infrastructure within the Central and South service areas and the proximity of non-serviced properties to the existing infrastructure, sewer service expansion will occur in these areas as projects develop. Town sponsored infrastructure improvement projects are not recommended for these service areas.

The North service area infrastructure is critical for the Town to realize its vision for both the northern and central Route 9 corridor. (The Central area is dependant on the re-routing of Steeplechase flows down Route 9P to free up capacity in the Highpoint pump station.) As such the Town could explore two (2) options for financing the infrastructure improvements for the North service area, sewer district formation or sewer mitigation fees.

As shown on FGEIS Figure III-L-3A: Alternate Sewer Plan, the infrastructure within the north service area includes:

- A gravity collection sewer from exit 13 to the low point pump station.
- Improvements to the low point pump station.
- A gravity collection sewer from the speedway property to Route 9P.
- A gravity collection sewer along Route 9P to the SCSD #1 pump station at Saratoga Lake.
- Miscellaneous road crossings and appurtenances

This alternative includes improvements to the existing SCSD #1 pump station at Saratoga Lake, which is the subject of an on-going study being completed by the County. CHA has included an allowance of \$500,000 for up-grades to the pumps and station components. It is anticipated that the county study will be available for public review prior to issuing SEQR Findings on this GEIS. Verification of the \$500,000 allowance value will occur at that time.

The sewer district formation option would require the Town to form a sewer district, bond for the infrastructure improvements, oversee the engineering and construction of the improvements, provide operation and maintenance on the system, collect fees and

# Town of Malta

## Generic Environmental Impact Statement

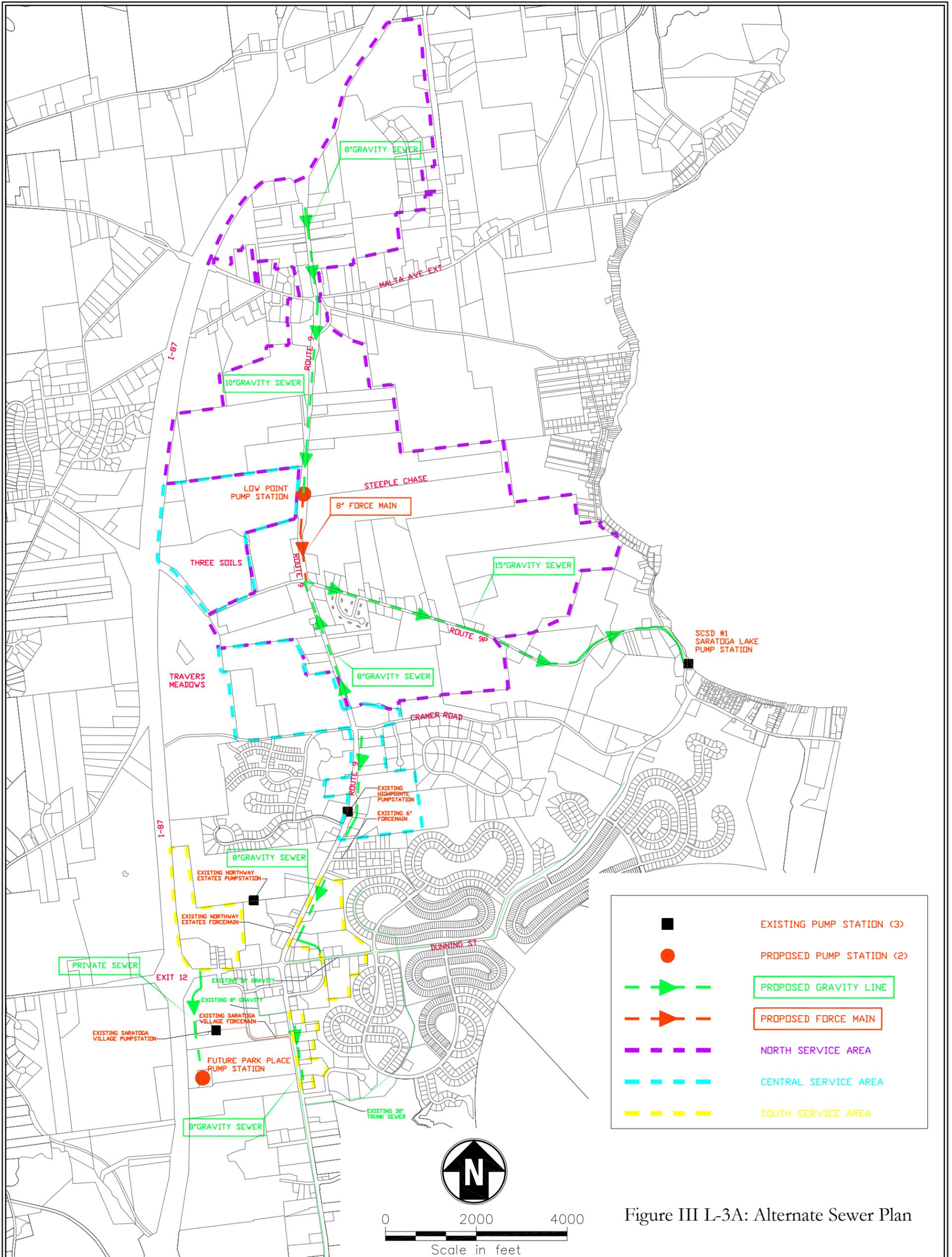


Figure III L-3A: Alternate Sewer Plan



pay for annual debt service for the life of the bond. Based on the estimated costs for the North service area improvements and assuming a 20 year bond at a 5% interest rate, the typical user cost is summarized below.

Estimated Improvement Costs .....	\$7,847,345
20 year bond @ 5%	
Annual Debt Service .....	\$629,357
Estimated EDU .....	953
Annual debt service payment / EDU .....	\$660.40
O&M charges (estimated).....	\$65.00
<u>SCSD #1 Treatment Fee .....</u>	<u>\$214.00</u>
Total Annual Cost / EDU.....	\$ 939.40

The State comptroller’s 2005 guideline for average annual costs per EDU for Town Sewer Districts is currently \$585 per EDU. As such the formation of a sewer district under this scenario is currently not feasible.

The critical infrastructure required for the north and central service areas is the trunk line down Route 9P and the improvements to the SCSD #1 pump station at Saratoga Lake. If the Town formed a sewer district to fund the cost of only the “critical” infrastructure required to provide sewer service to the north and central areas, understanding that additional private investment would be required to actually serve individual properties, the typical user costs is summarized below.

Estimated Improvement Costs .....	\$3,989,595
20 year bond @ 5%	
Annual Debt Service .....	\$319,956
Estimated EDU .....	953
Annual debt service payment / EDU .....	\$335.74
O&M charges (estimated).....	\$65.00
<u>SCSD #1 Treatment Fee .....</u>	<u>\$214.00</u>
Total Annual Cost / EDU.....	\$ 614.74

This district formation option is also above the State comptroller's guideline for average costs per EDU (\$585 per year). In addition this option, while providing for "critical" infrastructure for the north and central service areas, it is a cost that does not in and of it self provide sewer service to all properties within the proposed district.

As discussed in the DGEIS, since a sewer district is not affordable, the capital costs associated with the North Service Area improvements must be borne by private businesses and developers as the infrastructure is extended to serve specific projects. However recognizing that the significant improvements are required initially which benefit both the North and Central service areas, and to provide a means for the equitable distribution of the initial capital costs, the Town could assess a mitigation fee for all projects within the north and central service areas. The mitigation fee is based on the same capital costs for the north service area.

Mitigation Fee Capital costs	\$ 7,847,345
<u>North &amp; Central EDU's</u>	<u>1,235</u>
FEE per EDU	\$ 6,354

A more equitable option would be to break out only the costs associated with the Route 9P sewer and improvements to the SCSD#1 pump station as a mitigation fee for the north & central service area and allow other sewer improvements from the low point pump station northward to be borne by projects within the north service area that are located north of the low point pump station (northern section of the north service area).

Under this scenario mitigation fees would be collected from all development with in the north and central service areas to off set the costs of the gravity sewer down Route 9P and the improvements to the SCSD#1 pump station at Saratoga Lake. Additional mitigation fees would be collected from the northern section of the north service area for sewer improvements from the low point pump station to exit 13. This would distribute the costs of only the most critical infrastructure necessary to serve any project in the north or central service areas. These costs and fees are summarized below:

Route 9P Infrastructure

(Assessed to all north & central service areas)

Mitigation Fee Capital costs	\$ 3,983,595.
<u>North &amp; Central Service Areas EDU's</u>	<u>1,235</u>
FEE per EDU	\$ 3,226.

Low Pt. Pump Station/North End Infrastructure

(Assessed to properties north of the low Pt. Pump Station)

Mitigation Fee Capital costs	\$3,863,750.
<u>Northern Section North Service Area EDU's</u>	<u>612.5</u>
FEE per EDU	\$6,308.

Under this scenario mitigation fees would be assessed as follows:

<u>Location</u>	<u>Mitigation Fee</u>
Central Service Area	\$ 3,226.
North Service Area	
• South of Low Pt. Pump Station	\$ 3,226
• North of Low Pt. Pump Station	\$ 9,534

The mitigation fee scenario would require the Town to act as the “sewer system accountant.” As infrastructure is constructed by various developers, the actual value of the construction would be recorded and the mitigation fee assessed for that project. This would establish the “net sewer balance” for the project. If the “net sewer balance” for a project is negative (more construction value completed than mitigation fee assessed), the Town carries that negative balance until more projects are approved and mitigation fees assessed. If the “net sewer balance” for a project is positive (more mitigation fee than construction value), those funds are used to balance any negative sewer balances. The Town would distribute the funds to those developers that made the initial infrastructure investment that was above and beyond their fair share, based on the mitigation fees established.

Another alternative available to the Town is to adopt the alternative sewer layout as the “plan” for sewers in the Route 9 corridor but not require mitigation fees. Under this alternative, as projects are proposed it would be the responsibility of the developers to privately fund the infrastructure improvements (in accordance with the adopted sewer plan) required to serve their project. This is similar to how Malta has handled sewer expansion in the past, however with an “adopted” sewer plan for the Route 9 corridor, development or expansion of the sewer system must be completed in accordance with the adopted plan and dedicated to the SCSD #1.

A disadvantage to this scenario is that those property owners that sit back and wait for the infrastructure to be constructed by others do not contribute to the construction of infrastructure which is critical for their project as well. In addition to the mitigation fee system described above, other ways for the infrastructure costs to be spread over multiple projects is through private partnerships or the formation of a private transportation company.

**Comment:** *The Town’s existing cell tower legislation should be reviewed and updated. Portions of the Town still have poor coverage. Increase use of cell phones will increase the need for more towers. Should cell towers be subject to environmental impact statements and mitigation fees?*

**Response:** The need for cell towers and the Town’s regulations and policies for reviewing these structures were not part of the scope for the DGEIS. Although cell towers are subject to SEQR, they were not included in the future development estimates and would therefore not be directly subject to the GEIS. The DGEIS can be used as guidance for evaluating the impact of a proposed tower on a viewshed or perhaps the impact to habitat as a result of a new access road to the tower. However, it is anticipated that this would be a separate SEQR process.

**Comment:** *Although the DGEIS states that there should be sufficient water supply in the Town for the projected development, there are currently problems with individual wells as a result of new development projects. Large scale development could also have an adverse impact on the quality of potable water. It will be important to protect recharge areas.*

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**Response:** Impacts to recharge areas could have a significant impact on water supply, as discussed in the DGEIS. It is also important to note that significant changes to a given watershed could also impact the availability of water for individual wells. This is an issue that the Town should continue to monitor. However, areas where more intensive development could occur are also areas where water and sewer service would likely be provided. Large development projects are not anticipated in the designated rural areas where individual wells are critical to providing a potable water supply. The Town's zoning reflects the recommendations of the Comprehensive Plan and provides controls on density. Furthermore, the 10-year distribution of growth as shown on DGEIS Figure II-4 also reflects the Town's zoning and vision for growth and land conservation.

## **M. Cultural Resources**

No comments provided.

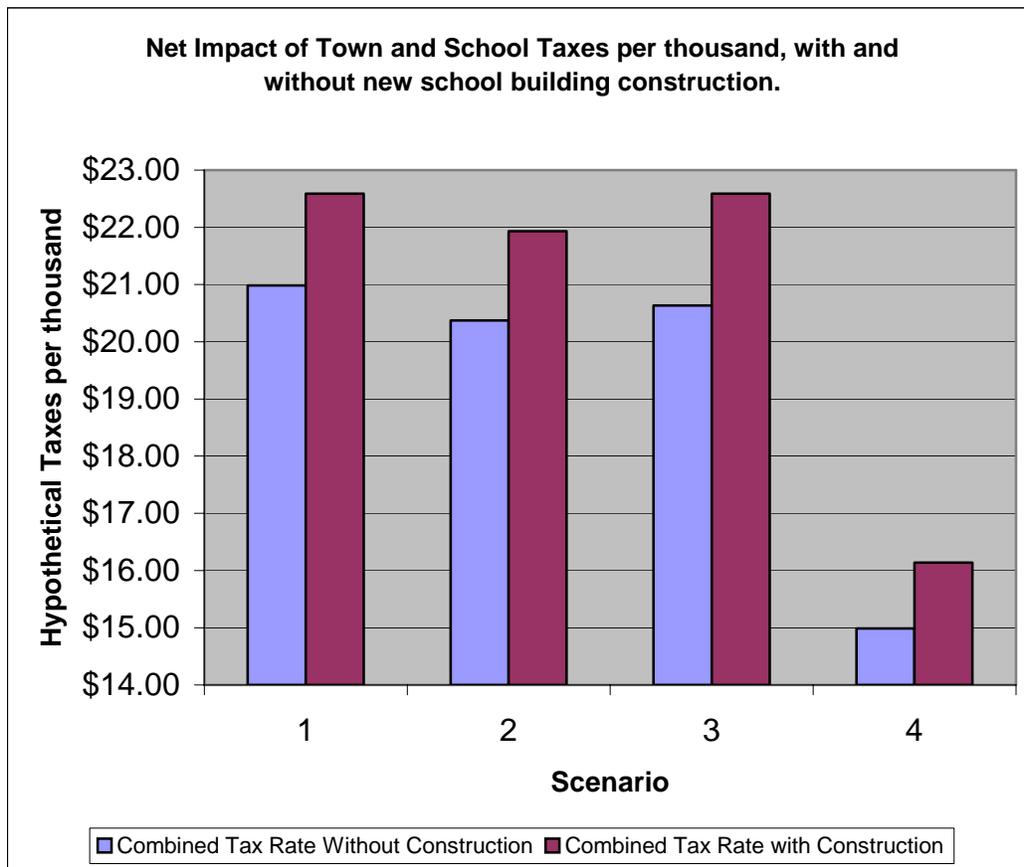
## **N. Fiscal**

**Comment:** *Are the results of the fiscal model different than conventional wisdom with regard to the high residential growth scenario being the better alternative (without LFTC)?*

**Response:** Yes, conventional wisdom suggests that residential development typically does not pay for itself. In other words, community support for new residents costs more than the revenue generated from the residential properties. This is primarily due to the costs for educating children. There are many factors that can tip the scales one way or another such as the amount of State aid and the actual number of school-age children generated.

The recent trend in higher housing values has increased the median value of new homes to a point where they do pay for themselves. However, the fact that the fiscal model shows high residential growth as the better scenario prompted a review of the model input and assumptions. Based on this re-evaluation of the model it was discovered that

an improper cell reference was being made in the model, causing the hypothetical school impacts to be incorrectly calculated. The new results, following adjustment to the model, are illustrated in the Table and Chart below. Scenario 1 represents the growth estimates used throughout the DGEIS. Scenario 2 keeps residential constant and increases the amount of commercial development. Scenario 3 increases residential and maintains commercial at the Scenario 1 level. Finally, Scenario 4 is the base conditions (Scenario 1) with LFTC.



Model Results	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Total New Housing Units	1,600	1,600	2,138	1,600
Total New Residents	4,160	4,160	5,558	4,160
Total New Commercial Square feet	1,880,000	4,500,000	1,880,000	2,316,000
Total New School Aged Children	815	815	1,118	815
New Town Expenses	\$1,102,193	\$1,102,193	\$1,472,461	1,102,193
New Town Revenues (Non-tax)	\$373,520	\$373,520	\$499,000	\$373,520
Additional Town Assessed Value	\$487,630,000	\$525,338,000	\$637,505,000	\$931,678,000
Additional School Assessed Value	\$454,998,500	\$488,215,500	\$594,217,250	\$899,046,500
Combined Rate w/o Building (Hypothetical)	\$20.98	\$20.37	\$20.63	\$14.99
Combined rate w/ Building (Hypothetical)	\$22.59	\$21.93	\$22.59	\$16.14

Based on the correction to the model, the primary conclusion reached in the fiscal impact analysis is that if residential development comes in to the town at or above the values that have been seen recently, and the average number of school aged children per household remains unchanged, the value of the new houses will offset the demand for services. If additional commercial development occurs it should lower the tax burden; however the model predicted an additional \$38 million of commercial development would only lower the tax rate by 3%.

**Comment:** *The conclusion of the fiscal model that the greater the amount of development the less the tax burden does not seem correct. Both the County's costs for federally mandated programs and the school budgets increase at rates greater than the rate of increase in property value.*

**Response:** The revised fiscal model shows that residential breaks even based on the model assumptions. Commercial development could have a beneficial impact. School budgets and property values were all taken into consideration to create the model. The model even looks at scenarios with and without new construction in the Ballston Spa school district. The model does not take inflation into account since the focus is on relative changes between scenarios. All calculations and hypothetical tax rates are in 2005 dollars. The assumption would be that inflation will affect both the expense side and the revenue side of the equation. Home values will also increase in the future. Right now they are outpacing inflation, but normally they would stay pretty close together.

Thus the usual 6-8% gain in school taxes every year should be on par with the rising value of land/homes – thus the conclusion that the new homes will not necessarily have a positive or negative effect on taxes remains valid.

**Comment:** *The values provided in Table III-N-3 are unrealistic. They are not consistent with current tax rates (see table provided in correspondence from Carol Henry in FGEIS Appendix A). Furthermore, County taxes and Medicaid were not included. These factors have an impact on the affordability of homes in the Town.*

**Response:** The model is not forecasting future tax rates, rather the model compares what the hypothetical tax rates could be based on different development scenarios. As such the hypothetical tax rates depicted in the model should only be compared to each other and not to existing or future tax rates for the Town and school district. As for inclusion of the county property taxes, the county tax is not taken into account as it is a variable that works independently from Malta's growth. The county property tax rate will rise (or fall) based on the county's growth, and it is unlikely that Malta's individual influence will be noticeable. As such the amount the county tax changes should be the same across all scenarios.

## **O. Mitigation Fees**

**Comment:** *Will not-for-profit groups be subject to the mitigation fees?*

**Response:** The extent to which the GEIS will apply to not-for-profit groups will depend on the types of developments they propose. The purpose of mitigation fees is to provide an equitable means of distributing the cost of development amongst all future projects (within the 10-year planning period). If, for example, the mitigation costs of developing an office building by a not-for-profit group were not paid by that group, then the burden would fall on other developers or the Town in general. If it is determined that the financial burden should not be borne by anyone then the community must live with the impact.

**Appendix A**  
**Written Comments**



January 8, 2006

**Comments of the Town of Malta Draft Generic Environmental Impact Statement  
Public Hearing on January 9, 2006**

**Section I - Executive Summary**

*Water Resources (page I-4)*

I am pleased to see the recommendation for Critical Aquifer Recharge Area(s) in the report. Wells (individual and private companies) are the primary source of water for many town residents and many of the aquifers are interconnected. Town residents are already experiencing problems with wells along Van Aernem Road, and the problem will only increase in other areas as the development pace increases.

*Recreational Resources and Open Space (page I-7, 8)*

I recommend that the Town add access to the Kayderosseras Creek to its needs list over the next ten years. A trail system and passive launch area would preserve open space and satisfy recreational needs. The town's plan should be coordinated with the efforts currently underway in adjacent towns.

Also, the Town should reconsider long term easements to preserve farmland and open space as previously recommended by Open Space Committee. The Town of Clifton Park has had success with this approach.

*Transportation (page I-8, 9)*

While Routes 9 and 67 carry the bulk of traffic in the town, the Town should work regionally to mitigate traffic on the east-west corridor roads. Roads such as Dunning/Plains Road, Malta Ave and Round Lake Road have seen a large increase in volume as development pace quickens in the town and elsewhere. The roads are not designed for the volumes seen now, and property owners along these roads are adversely impacted.

The executive summary should also mention alternate modes of transportation, such as bicycle commuting, public transportation and car pooling. I am concerned that if they are not in the summary, they will be lost in implementation.

*Utilities (page I-10)*

Is mobile phone service considered a utility? While the Town has "cell tower" legislation, it probably should be reviewed and updated since the town still has spotty service coverage. As more people switch to mobile services as their primary phone service, there will be increased pressure for more towers. Should these companies be subject to impact statements and mitigation fees?

*Fiscal Resources (page I-12)*

The first sentence in the second paragraph states, "The major conclusion reached in the fiscal impact analysis is the greater the amount of development in Malta, the lower the

tax burden.” This statement is contrary to what I have heard during master plan and smart growth meetings that I have attended. While the town has been able to control its costs, the county costs for federally mandated programs and most school budget increase at rate greater than any property value increase and inflation. I don’t see development helping to offset these costs.

### **Section III - Environmental Setting, Impacts and Mitigation**

#### *Contaminated Soils and Hazardous Materials (page III-4)*

Has the Village of Ballston Spa dump along the Kayderosseras Creek been investigated?

#### **B. Water Resources (page III-9)**

The report references Article 15 of NYS Environmental Conservation Law for protection of creeks and lakes for construction activities. However, Article 15 only covers water bodies with a classification of C or higher. Drummond Creek and Ballston Creek are classified as D so it appears that they would only be protected by US Army Corps of Engineers. Smaller streams also are excluded from Article 15. Their guidelines seem to be looser than those stated in Article 15. Can these additional protections be extended to the other water bodies? Are these protections consistent with current zoning law?

The report mentions several recommendations for storm water management that continue after construction activity is completed (page III-18). Can they be incorporated into zoning?

Do SPEDES regulations address open ditch storm drainage that is prevalent throughout the town?

The report recommends 50 or 100 foot buffer zones to protect streams, wetlands and wildlife corridors (page III-46). The Friends of the Kayderosseras recommend 250 foot for major streams. Please see attached report by this group on this topic.

#### **D. Land Use and Community Character**

Table III-D-1 (page III-50); how is vacant land defined?

The zoning map (Figure III-D-3) does not show the land conservation zone within the Steelechase PDD. Was Drummond Creek zoned LC?

#### **F. Recreation Resources and Open Space**

On page III-89, the report mentions the County Bikeway/Greenway Committee. I believe its official name is County Heritage Trail Committee.

The report lists potential town projects over the next ten years. I suggest that the town consider access to the Kayderosseras be included on this list.

Under Pathways on page III-101, item 5 suggests that an equestrian trail be developed along the Kayderosseras Creek. I feel that this is unrealistic. Along much of the creek, there is only room for single track access and not enough room for horse and rider. The

town should investigate other locations for equine uses and solicit advice from horse owners.

On page III-102, the report states that the design of on-road bikeways should be consistent with the rural character of the road. The report further states that a wide, paved shoulder could have significant impacts. On many of the rural roads that cyclists now use for recreational use do not need wider shoulders. Signage that alerts a motorist to pedestrian traffic should be used on these roads. Other traffic calming measures could be used to make the road seem narrower and thus slow down traffic. In addition, enforcement of traffic laws would further reduce accident potential. Wider shoulders should only be used on road with heavy traffic volume. Before attempting any measures, the town should investigate the type of cyclist that would use the roadway.

### **G. Visual Resources**

Visual Resource No. 10 and 11 (pages III-116, 117)

I believe that Northway view 10 is looking west and Northway view 11 is looking east.

On page III-125 and 126, the report discusses the mitigation measures for the Ballston Creek area. The eastern view will be severely impacted by the Round Lake Bypass. The Town should take an active role during design development so that view impact is lessened.

The report states under View No. 14 (East High Street) that “additional development in this area is not anticipated ...”; however, there is still active farmland along East High Street that could be developed in the future. The view shed would be altered if this land is developed.

View 15 is not shown on Map III-G-1.

### **H. Transportation**

On page III-128 under Existing Conditions, the report discusses routes 9 and 67 in detail, but it does not discuss the other major east-west links to and over the Northway. These roads are rural in nature and not able to handle current traffic volume. The report states that routes 9 and 67 handle most of the through truck traffic; the remaining roads see local deliveries. As a resident of Malta Avenue, I can state that this road is becoming a major through truck traffic route. Semi trucks regularly use this road as a shortcut from Route 67 to I-87. This truck traffic is addition to the logging and county highway trucks that have always used the road. In addition, route 9P is also a major truck route, particularly for logging and construction trucks. Route 9P is a major cycling route, and it is increasing becoming dangerous to ride a bicycle on this road.

*Growth Outside the Town* (page III-138)

I surprised by the low annual growth rate of 0.5% for traffic growth from surrounding communities. This number is based on approved projects at the time of this report. Given the amount of land that is available is the surrounding towns, moratoriums that will be lifted and town access to the Northway, this rate seems unrealistically low.

On page III-150, the report recommends building a roundabout and road realignment on Old Post, Northline and Malta Avenue. Projected cost is \$2.1 million dollars. Does it include purchase of private land needed? Could transportation mitigation fees be used for the improvement even though little development is expected to take place in this area (reference page III-154)?

On page III-152 and 153, the report discusses improvements along Round Lake Road from Round Lake Village to East Line Road. It suggests adding turn lanes at most of the intersections. Round Lake Road is used by pedestrians and cyclists, particularly from the Village to Stewarts and Chango School. The improvements suggested do not take non-motorized traffic into account. If turn lanes are added, there will be little room for walking or cycling safely.

While this report is for Town use only, it is apparent that any traffic mitigation must be addressed at a county and regional level, particularly with the limited demand reduction measures suggested.

### **I. Air Quality**

*Future Construction Projects (page III-160)*

Most large construction projects must now follow SPEDES regulations for dust and sediment control. The Town should include submission of sediment and dust control plans as part of the permit process and that adequate follow up is done by Town building officials. The Town may also want to include requirements on smaller projects that may not be covered by State regulations.

### **J. Noise**

*Malta's Noise Sources & Regulations (page 164)*

Although Routes 9, 67 and I-87 generate noise throughout the town, any heavily traveled road will have excessive noise levels. Residents along Old Post and Dunning/Plains Roads complain that they do not use their yards during peak periods. Also, Malta Avenue and Route 9P experience high traffic noise because of trucks.

*Mobil Sources (page III-167)*

The report provides little direction on how to mitigate traffic noise.

### **L. Utilities**

As mentioned earlier, while the Town has a cell tower law, but should mobile phone service be included as a utility?

*Potential Impacts and Mitigation Water (page III-178)*

The report states that the town should have sufficient groundwater sources to service existing and future developments. As stated earlier, there are already problem areas within the town where existing wells have been adversely impacted because of new developments. In addition, while the quantity of water may be there, the quality could be negatively impacted by large scale development. As the report suggests in previous

sections, recharge areas must be considered when looking at water needs for future developments.

**N. Fiscal Resources**

Table III-N-3 (page III-198)

I find the values forecast in this table to be unrealistic. I assume that the tax rates are based on unit cost per one thousand. Below is the average tax rate for the three scenarios and current tax rates. The table does not include county taxes, but this has an impact on affordability of homes in the town.

	Current Tax Rate (2005)	Table III-N-3 Average
Town	0.86	1.07
School (Ballston Spa)	22.2	9.64
County	0.52	Not Included
Medicaid	2.08	Not Included

I wish to thank the Town for its continued look at the future of Malta and for taking advantage of the many tools available to control growth in the town. One cannot stop growth and development, but as this report demonstrates, the town can use the forecast growth to keep Malta an affordable, safe and desirable place to live.

Sincerely,

Carol P. Henry  
 510 Malta Ave.  
 Malta, NY 12020



## **Friends of the Kayaderosseras Conservation Committee Recommendations for Municipalities – Draft August 2005**

The Kayaderosseras Creek is a wonderful natural resource that flows through much of Saratoga County, from its headwaters in Corinth, through Greenfield, Milton, Malta, Ballston Spa, and Saratoga Springs, to its outlet in Saratoga Lake. The Kayaderosseras is also a recreational and scenic resource for the people living in our region. The Kayaderosseras provides excellent habitat in and around its banks. The Kayaderosseras has the potential to serve as a regional riparian and greenway corridor for people and animals. It is in all our best interests to take care of the Kayaderosseras, keeping its water clean and our communities healthy.

The largest threat to developing watersheds, like the Kayaderosseras Creek system, is improper land use and development: development too close to the stream corridor and wetlands, erosion from poorly managed construction sites, turf grass and other semi-pervious and impervious surfaces adjacent to the stream, unmanaged stormwater runoff from urbanized areas. These are becoming major sources of pollution in the Kayaderosseras Creek watershed and many other similar stream systems around the country. The best way to counteract the effects of development and increased runoff is using vegetative buffer zones, including trees, shrubs, and ground covers, adjacent to the water on both sides. Such vegetative buffers:

- have healthy roots that provide structure to the stream channel and prevent bank erosion, wash-outs and changes in the shape of the channel
- provide shade to keep water cool for trout and other cold-water species
- add food and shelter for aquatic life when leaves and branches fall into the water
- slow storm-water runoff to prevent erosion of the land and siltation in the stream
- absorb nutrients and pollutants from storm-water to keep the stream clean
- include low places and wetlands that hold water to reduce downstream flooding and increase groundwater (aquifer) recharge
- provide habitat for wildlife
- provide scenic beauty and recreational opportunities for people

Friends of the Kayaderosseras suggest that to maintain a healthy Creek, establishing vegetative buffers along both sides of the Kayaderosseras from beginning to end should be a goal of all communities that share the Creek. We urge the policy makers of these communities to consider planning and zoning tools that will encourage the creation and maintenance of such buffers.

An open space network should be viewed as a key component of a community's infrastructure, just like the transportation network or the sewer and water systems. We believe that open spaces are planned, functional networks which enhance a community's long-term health and beauty. To create such networks, municipalities must bring land conservation to a priority level similar to other, more traditional, infrastructures. The most effective and cost-efficient time to implement such policies is now, when the Kayaderosseras Creek system remains largely intact.

### **How big should the buffer be?**

There is no easy answer to this question. It depends on the slope of the ground, the soil type, the function the buffer is intended to fulfill, and a variety of other variables. Studies have shown that even very narrow buffers, such as 25', can help to reduce pollution and improve water quality. On the other hand, increasing the width to 250' accomplishes a drastic reduction in pollutants and sediments. In order to accommodate the nesting sites of some species of turtles that live in the water but lay eggs on land, one recent study concluded that almost 1000' of buffer is required. It seems that the best rule for buffer width is the wider the better.

New York State conservation law generally requires wetland buffers of 100' but does not require buffers on all streams. We recommend this as a minimum figure for the Kayaderosseras, and we suggest that a width of 250' be used whenever possible, and a width of 1000' in environmentally sensitive areas, floodplains, and those areas where conservation easements or purchases can be obtained. The 100' minimum is wide enough to provide good shade, plant cover, partial pollution / erosion control, and a basic visual screen for people and wildlife. The larger buffers would accomplish more complete pollution control and better habitat value and recreational opportunities.

Buffer width and appearance do not have to be uniform along the entire Creek. We recognize that some property-owners have already removed vegetation and converted Creek banks to other purposes. In areas with intense prior disturbance of the riparian zone, we suggest a gradual system of buffering: native vegetation with no cutting allowed in the first 50', no disturbance of the soil in the first 100', and no use of chemicals such as fertilizers and pesticides within 250' of the Creek, for example. In areas of less development, where riparian vegetation is still intact, pre-emptive regulations can be used to maintain a greater buffer area.

A common complaint property owners have about vegetative buffers is that they block the view of the Creek. It is possible for buffer guidelines to accommodate viewsheds by allowing the trimming of tree branches up to a certain height above the ground along a narrow (say 25' wide) corridor from the house to the stream. Discrete, narrow, winding paths for access are also acceptable.

## **Mechanisms that can be used to encourage the creation of a vegetative buffer.**

Friends of the Kayaderosseras is a citizen conservation group, not a legal firm. Municipalities should always consult their own legal counsel to be sure that their actions are consistent with local and state regulations. However, we offer the following as examples of policies that have been successfully used for conservation purposes in at least some locations. We note that many are not restricted to stream buffers but can be used for a variety of open space goals. Some may require county or state-level cooperation.

Some of these mechanisms may be more or less acceptable to property-owners, but all can be legitimate methods under appropriate conditions. To quote Daniels (1999, p266): “Land is not only an asset in a portfolio; it is a piece of a community. While landowners have the right to develop their land, the density and type of development may legally be limited by community land-use policies. Communities and regions should recognize they are under no obligation to allow excessive development or development in the wrong place just to fill the bank accounts of a few landowners.”

Friends of the Kayaderosseras does not suggest that any of these tools is appropriate for any particular municipality, much less all municipalities. Instead, we offer the following list as a menu of possible options available for consideration. It is always a challenge to find the perfect set of measures to fit the needs of any given location. We appreciate your willingness to consider our suggestions, and we thank you for the important efforts that are already underway in our communities to conserve our Creek.

**A. Guidelines to limit impacts to the Creek.** Conservation zoning can be used to ensure the public health and safety. Most of the following are likely to satisfy that definition. These can be voluntary or required, and they can be incorporated into subdivision regulations.

- 1) In agricultural zones, restrict tilling and chemical use adjacent to the Creek.
- 2) For individual homeowners, restrict soil disturbance, construction, and chemical application close to the Creek.

3) Restrict impervious surfaces within 1000 feet of the Creek and require a combination of constructed wetlands and filter strips in locations where this buffer is infringed upon.

4) Establish local regulations that restrict clearing and building in and around wetlands adjacent to the Kayaderosseras Creek and in the 100-year floodplains shown on FEMA maps.

5) Exercise diligent regulation of on-site septic systems in areas around the Kayaderosseras. Consider prohibiting on-site systems within 1000 feet of the Creek. Require regular maintenance of all septic systems.

6) Include tributaries of the Kayaderosseras Creek in protective measures.

**B. Methods to ensure new developments do not infringe on Creek buffers.** The goal is to ensure that open space is conserved in new developments in ways that contribute to the buffering of the Kayaderosseras.

1) For developments adjacent to the Creek, require clustering of houses outside the Creek's established buffer zone.

2) Provide density bonuses (more development rights than the zoning allows) in return for permanent preservation of the Creek buffer, through donation to the municipality, a land trust, or a homeowner association. In the case of land donation, also consider density bonuses for endowment gifts that would cover the costs of trail construction or other long-term management.

3) Require mandatory dedication of open space for all new developments. For new developments adjacent to the Creek, the preserved open space should be the creek buffer. For developments in other locations, allow the developer to substitute open spaces in identified priority areas like the Kayaderosseras.

4) Create a riparian zoning overlay around the Kayaderosseras Creek and its tributaries. This allows the implementation of streamside zoning requirements and construction restrictions without changing underlying municipal zoning. Create minimum frontage requirements for the Creek, similar to minimum road frontages. This can reduce streamside clearing.

**C. Methods to preserve land adjacent to the Creek by managing growth and development.**

1) Investigate use-value taxation for property that is designated as Creek buffer for some period of time. For example, if a property owner agreed to leave 1000' along the creek in natural vegetation for 10 years, he would be eligible for a reduced tax rate on that acreage

for that period of time. One option is to offer a 100% abatement of local property taxes for that portion of a property that is in perennial conservation easement for Creek buffer.

2) Establish a program allowing the transfer of development rights (TDR) from parcels adjacent to the Creek to parcels not associated with the municipality's open space goals. This requires establishment of sending areas (where open space is desired) and receiving areas (where higher densities are allowable). In many such programs, developers pay landowners directly for the development rights so that public funds are not involved. In others, the municipality establishes a public bank that can buy development rights from those wishing to sell them and re-sell to developers. In mandatory TDR programs, the sending area is zoned very low density and the landowner can then sell development rights as a way of avoiding economic loss because of the re-zoning. Some localities also have voluntary TDR programs. It is possible to require clustering in the sending areas of voluntary programs.

3) Many state and local governments operate programs for the purchase of development rights (PDR). Local programs are typically financed through property taxes, sales taxes, or bonds. Although taxpayers' immediate reactions may be negative, such programs are not fiscally unsound, given the difference in the cost of public services that must be provided to developments compared to those required by parklands and open space. The public chooses to either subsidize development or to preserve open space.

4) Accept the donation of conservation easements from landowners. This can have tax advantages to the donor if the restriction serves a public purpose and reduces the economic value of the land. (Note that clustering and density bonuses as discussed above are intended to eliminate any reduction in the economic value of the land, so they would replace any tax advantage.) Also the American Farm and Ranch Protection Act of 1997 provides for estate tax reduction on farms with donated permanent conservation easements.

5) Work with land trusts (like the local group, Saratoga PLAN) to encourage their pursuit of properties and conservation easements in the Kayaderosseras corridor. Such donations can result in the tax deductions to property owners noted above, and land trusts have the advantage of not involving government or public funds. Municipalities can leverage scarce open space funds by providing endowments for donated development rights. This makes possible donations by land-rich but cash-poor donors.

#### **D. Funding sources for community land conservation efforts.**

1) Limited state and federal programs provide funding for the purchase of property or development rights for outdoor recreation and open space. Federal programs that assist with land conservation are the Land and Water Conservation Fund, the Wetlands Reserve Program, and the Conservation Reserve Program.

2) Impact fees on new developments can be dedicated to help pay for conservation of open spaces such as the Kayaderosseras.

3) Land-conversion taxes, collected when open space (farms and forests) are developed, can be dedicated to conservation of open spaces.

4) NYS Agriculture and Markets PDR program and Saratoga County Open Space and Farmland protection grant program.

5) Municipalities should be prepared to implement a real estate transfer tax when and if the NYS legislature approves this funding source.

6) Annual budget appropriations.

7) Wetlands banking and wetlands mitigation funding from the Army Corps of Engineers.

**Sources consulted in the preparation of this summary:**

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*Conserving the Creek***Using Buffer Strips to Protect the Kayaderosseras*****What's the Problem?***

Polluted runoff—which occurs when rainfall, snowmelt, or irrigation washes pollutants such as sediment, nutrients, and pesticides into lakes, streams, and ground water—is the number one source of pollution to the waters of New York State. Eroded sediment is the primary pollutant in the Kayaderosseras Creek. Silt and sediments smother aquatic insects, fish and fish eggs and can interfere with trout spawning. In some places, built-up sediment makes the stream too shallow for canoeing or kayaking. Eroded and slumping stream banks can lead to wider, shallower and warmer channels and even result in flooding.

One of the reasons streams are receiving more runoff is because there is more impervious area and less woodland in their watersheds. Roofs, roads, driveways, parking areas and lawns prevent rain from soaking in and instead allow it to run off and into the nearest body of water. As rain passes over these impervious areas, it picks up pollutants such as grease, oil, fertilizers, pesticides, detergents, soil, nutrients and organic debris.

***What's the solution?***

One of the best ways to prevent erosion and keep polluted runoff from reaching the creek is with a **vegetative buffer strip** or zone. Buffers are zones of variable width which are located along both sides of a stream; they are called *riparian*, meaning riverside. Riparian buffers are designed to provide a protective natural area along a stream corridor. In developing the land, we have removed many of the natural buffers and our job now is to replace them wherever we can to protect our waterways and prevent further degradation.

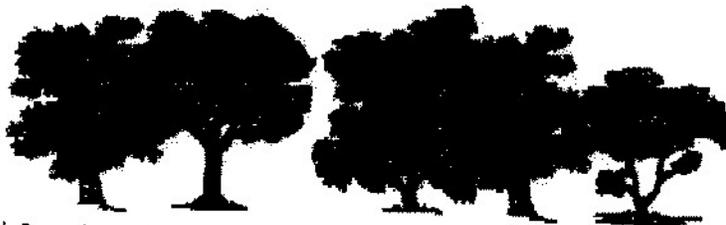


While grassy strips may slow the flow of runoff and absorb some pollutants, they are ineffective against bank erosion. Only forested buffers - green corridors planted with native trees and shrubs - protect streambanks and provide a full range of buffer benefits.

*What can you do?*

Buffers on both sides of the Kayaderosseras will protect the creek and its tributaries more than any one thing landowners, municipalities or agencies can do in the watershed.

- ★ Lay out an adequate buffer (ideally, 250 feet) along your Kayaderosseras Creek property. Don't include paved roads or driveways in calculating buffer width.
- ★ If the area is open, plant native trees and shrubs (see list) in open areas of the buffer zone, at a density of one plant every ten feet, or 60 plants per 500 square feet.
- ★ Where manures are used in the floodplain, supplement the planting with an additional strip of perennial grasses outside the landward edge of the buffer zone. Cut and remove this grass crop once every one to three years, after spring floods. Do not mow within the buffer zone!
- ★ Keep contaminants out of the buffer zone. Avoid activities that could threaten the creek - no livestock, septic system leach fields, construction, or soil disturbance.
- ★ Any break in the buffer is a potential entry point for sediments and contaminants. Make sure that drainage ditches, roadway runoff and culverts discharge to a settling area outside the buffer, not directly to the creek. Grade paths into the slope and surface them with permeable gravel or wood chips.
- ★ Control runoff from impervious surfaces such as rooftops and driveways on your property; reduce non-porous surfaces.



For more information on buffers, contact:  
 Saratoga County Soil and Water Conservation District  
 50 West High St.  
 Ballston Spa NY 12020  
 (518) 885 - 6900

Friends of the Kayaderosseras  
 PO Box 223, Ballston Spa NY 12020

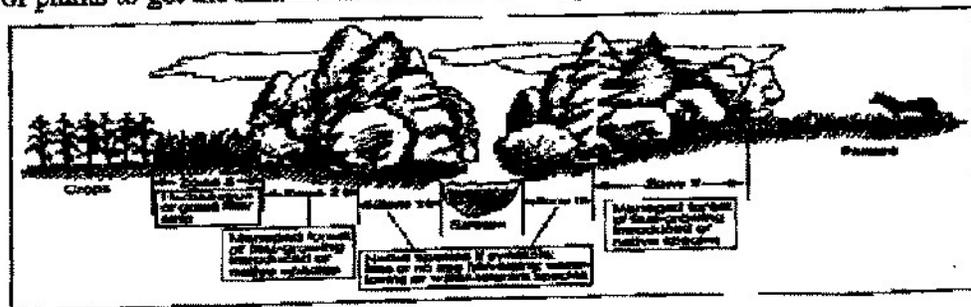


### Buffer Benefits

- ★ **Buffers trap sediments before they enter a stream.** Sedimentation occurs when excess soil particles accumulate in water bodies, which can suffocate organisms and reduce sunlight needed by aquatic life. Plants in the buffer zone trap sediments in runoff and prevent them from entering the stream.
- ★ **Buffers reduce pollutants** Pollutants that are attached to soil particles are transported by sediment to the water. Two common pollutants, phosphorus and nitrogen, cause excessive algae growth, deteriorate water quality, and can kill fish. Phosphorus and nitrogen are the basic nutrient elements of manures or fertilizer applied to farm fields or suburban lawns. By trapping sediments, buffers trap pollutants as well.
- ★ **Buffers reduce erosion by keeping banks stable.** The roots of trees and shrubs bind together soil particles, helping to hold the banks in place. Eroding and slumping stream banks are a source of sediment contamination in themselves. They also lead to wider, shallower and warmer channels.
- ★ **Buffers improve habitat.** On land, buffers can serve as corridors for wildlife and homes for migratory songbirds, mink, otter, reptiles and amphibians. Trees and shrubs also help shade the creek's waters, keeping them cool enough for trout. Buffers add natural beauty to the stream setting, a benefit for all who visit or pass by.

### How do Buffers work?

Tree and shrub canopy intercepts raindrops and reduces impact on soil below. Leaf surfaces collect rain and allow evaporation. Root systems hold soil in place and absorb water and nutrients, slowing downhill water flow. Duff layer and low herbaceous plants filter sediment and other pollutants from runoff. Uneven soil surfaces (hummocks) allow rain to puddle and infiltrate. To be effective, buffers need to be downslope of any activity or development and upslope of the water you want to protect. Buffers should have several vegetation layers and a variety of plants to get the maximum benefit of each type.





**Appendix B**  
**Public Hearing Transcript**

2 TOWN OF MALTA

STATE OF NEW YORK

3 IN THE MATTER OF THE

4 MALTA TOWN-WIDE DGEIS MEETING

5  
6 The following Public Hearing in the above-entitled  
7 matter was held pursuant to Notice  
8 at the Malta Community Center  
9 One Bayberry Drive, Malta, New York 12020  
10 on Monday, January 9, 2006 commencing at  
approximately 7:00 p.m.

11 B-E-F-O-R-E:

12 PAUL SAUSVILLE  
13 Supervisor

14 GERALD E. WINTERS  
15 Deputy Supervisor/Councilperson

16 SUZANNE P. DALEY-NOLEN  
Town Councilperson

17 DONNA GIZZI  
18 Town Councilperson

19 CLIFFORD J. LANGE  
Town Councilperson

20 FLO E. SICKELS  
Town Clerk

21 P-R-E-S-E-N-T:

22 CHRISTOPHER R. EINSTEIN, AICP  
23 Clough Harbour & Associates

24 MICHAEL E. HOLLOWOOD, P.E.  
25 Clough Harbour & Associates

2 V-O-C-A-L P-A-R-T-I-C-I-P-A-N-T-S:

3 Deputy Supervisor Glenn Rockwood

4 Thomas W. Peterson  
Town Attorney

5 Carol Henry

6 Bill Hoblock  
7 Capital District Properties

8 Bob Miller  
Windsor Development

9

10

\* \* \*

11

P-R-O-C-E-E-D-I-N-G-S:

12

(Court Reporter Donna L. Martin commenced reporting  
13 the proceedings.)

14

15

**SUPERVISOR SAUSVILLE:** I want to  
welcome you all to this hearing tonight.

16

17

Obviously, there's more people here from the  
Town family and our consulting group than there  
18 is from the general public. But as we get into  
19 this, if you want to make a statement for the  
20 record, we please ask that you sign in at the  
21 table over here. There's a sign-in sheet. We  
22 ask that you stand and give your name and who  
23 you represent and --

24

Do you need anything more?

25

**THE COURT REPORTER:** That will be

Malta Town-Wide DGEIS Meeting

1  
2 fine.

3 **SUPERVISOR SAUSVILLE:** And that will  
4 be fine. Speak clearly so the information that  
5 you present to us will be in the record.

6 Just for formality, the Town board  
7 members are off to my right: Councilman Lange,  
8 Councilwoman Donna Gizzi, Councilwoman Sue  
9 Nolen and Councilman Gerry Winters, off to my  
10 far right.

11 This is -- a public hearing notice  
12 was placed in the Town newspapers on December 5  
13 and it deals with Generic Environmental Impact  
14 Statement regarding growth in the Town. The  
15 Town's expected to grow substantially over the  
16 next ten years. I think the numbers are about  
17 1,600 residential units, 1.5 million square  
18 feet of office commercial, another 380,000  
19 square feet of retail commercial.

20 Given the fact that we're going to  
21 grow to that extent over the next ten years,  
22 the Town Board thought it would be wise if we  
23 did a little extra planning in that regard, and  
24 looked at what the cumulative impact would be  
25 from all of this development.

Malta Town-Wide DGEIS Meeting

1  
2 We hired Clough Harbour Associates to  
3 do this study, and for the last year, Clough  
4 Harbour, Creighton Manning and Behan and  
5 Associates have been working to evaluate these  
6 impacts and make some recommendations with  
7 regard to how we can finance the improvements  
8 that we're going to need to maintain our  
9 quality of life.

10 So the way we're going to do it  
11 tonight, we're going to begin with a  
12 presentation that should be rather lengthy,  
13 maybe a half hour or so. With us from Clough  
14 Harbour is Mike Hollowood. Off to my right,  
15 Nick Schwartz. Raise your hand, Nick. Chris  
16 Einstein. Chris is over there to the right,  
17 and will be taking the lead on this. Chuck  
18 Moore, who's also with Clough Harbour.

19 From Creighton Manning, the folks  
20 that do the transportation work, we have Tom  
21 Johnson off to my right, and Alana Moran to his  
22 right. And then last but not least, our land  
23 use expert is John Behan from Behan and  
24 Associates right here. Our court stenographers  
25 are Donna Martin and Ann Marie Lamb.

Malta Town-Wide DGEIS Meeting

1  
2 And again, we're going to be giving  
3 the presentation. We're going to open it up  
4 for questions and answers. Feel free to ask  
5 any question that you want. And then we will  
6 be taking formal statements.

7 So at that time, again, we ask that  
8 you give your names, stand up, speak clearly so  
9 that your statements can be put into the  
10 record. We also will take written statements  
11 for the record up until the 16th of January.

12 So with that, I'm going to turn this  
13 over to Chris Einstein, who will begin the  
14 presentation.

15 **MR. EINSTEIN:** Thank you very much.  
16 It's very much my pleasure to be here with you  
17 tonight. It's going to take a little bit of  
18 time to go through some of the elements, the  
19 highlights, I guess, of the Generic EIS. We  
20 certainly won't do this document any kind of  
21 justice tonight, but I do encourage you to take  
22 the time to go through it. There is a lot of  
23 great information in here. There are a lot of  
24 good studies that were done that's part of this  
25 document. And I think there's a lot of

Malta Town-Wide DGEIS Meeting

1  
2 information that will be very helpful for the  
3 Town in the future.

4 First of all, what is a Generic  
5 Environmental Impact Statement? It is a tool  
6 that is provided by the State Environmental  
7 Quality Review Act to take a look at the broad  
8 implications of large projects, of programs,  
9 things which cannot be looked at thoroughly  
10 through site-specific environmental impact  
11 statements. So it gives us the big picture.  
12 It's not a specific EIS, site-specific EIS that  
13 you might be used to if an individual or  
14 developer would come in with a specific  
15 project.

16 It also gives us an opportunity to  
17 evaluate the cumulative impacts of growth,  
18 which is something that could not be done from  
19 site-specific EIS's. If you can identify the  
20 cumulative impacts of growth, you can identify  
21 the mitigation strategy to deal with those  
22 impacts. And that is proactive planning. In  
23 the end, this project will have a finding  
24 statement. A finding statement combined with  
25 the Generic EIS will become the Town's

**DONNA L. MARTIN, CSR**  
**Martin Deposition Services, Inc.**  
**(518) 587 - 6832**

Malta Town-Wide DGEIS Meeting

1  
2 development guidelines for future projects over  
3 the next ten years.

4 One of the other nice things about a  
5 GEIS is that the SEQR process gives you the  
6 opportunity to charge back the cost of  
7 preparing the EIS as projects come forward. So  
8 over time, this project will pay for itself.

9 One other thing that I should  
10 mention, a benefit for the development  
11 community is that if a project comes in and  
12 meets the thresholds and the processes that are  
13 identified in the GEIS, they do not have to go  
14 through an individual site-specific EIS. So  
15 that, particularly for larger projects, is  
16 going to save quite a bit of time and money.

17 We've got to talk about where we are  
18 in the SEQR process itself. The process was  
19 initiated about a year or so ago, and during  
20 that, we prepared a draft scope of issues to be  
21 looked at through the GEIS. Scoping session  
22 was held back in March. And then a final scope  
23 was prepared, which becomes the template for  
24 preparing the GEIS -- or the draft GEIS.

25 We went through the process of

**DONNA L. MARTIN, CSR**  
**Martin Deposition Services, Inc.**  
**(518) 587 - 6832**

Malta Town-Wide DGEIS Meeting

1  
2 evaluating impacts and doing some studies, and  
3 we've completed that process. And the Town has  
4 had it, and the Town Board and Town staff have  
5 had an opportunity to take a look at the  
6 document and determine it complete, ready for  
7 public review.

8 It doesn't mean the document is  
9 perfect. The Town Board may indeed have many  
10 more questions on the document, and we're  
11 hoping we get a lot of comments from you folks  
12 tonight to help us make the document better.  
13 So that's where we are. We're in the public  
14 comment period. After that's completed, we  
15 will then take your comments, and we will  
16 address them as part of a final Generic  
17 Environmental Impact Statement. And  
18 eventually, we will get to the finals.

19 The whole process starts off by  
20 identifying growth projections. It really  
21 becomes a basis of our impact assessment. We  
22 identified these growth projections based on a  
23 ten-year period because it coincides with the  
24 first phase of the Luther Forest Technology  
25 Campus.





Malta Town-Wide DGEIS Meeting

1  
2 increased runoff and poor water quality as a  
3 result of the increased development. So to  
4 deal with these impacts, we will rely on the  
5 State pollutant discharge elimination system,  
6 storm water pollution and prevention plans that  
7 are typically prepared for these projects.

8 We also might want to consider -- the  
9 Town might also want to consider low-impact  
10 development measures which get away from using  
11 the detention basins, and starting to  
12 incorporate storage and water quality measures  
13 within the landscape surrounding the various  
14 structures that you have in the development.  
15 It's a new way of looking at controlling storm  
16 water.

17 We also want to protect the 100-year  
18 floodplain and flood way, and since the  
19 majority of the Town's -- or all of the Town's  
20 water supply comes from groundwater sources, we  
21 certainly want to consider protection of the  
22 aquifers, perhaps through some new zoning.

23 Oh, yes, I forgot to mention that if  
24 we don't do these things, that fellow down in  
25 the corner might be swimming around in Saratoga

1 Malta Town-Wide DGEIS Meeting

2 Lake.

3 Under ecology, what we did here was  
4 took a look at the major ecological communities  
5 in the Town. This map shows just very broad  
6 coverage of what we call "natural areas," areas  
7 that are mostly developed. That doesn't mean  
8 there aren't natural areas within there, but  
9 for the most part, we're talking about houses,  
10 impervious areas, buildings and landscaped  
11 areas, maintained areas, that type of thing.  
12 And then, of course, agricultural lands. And  
13 within each of these, we identified more  
14 specific ecological communities that we will  
15 talk about in a minute here.

16 The direct impacts of development  
17 over the next ten years could result in a loss  
18 of 3,000 acres of land, of natural land. The  
19 indirect impacts of this also include impacts  
20 to buffers on wetlands and streams, the  
21 potential to break these ecological communities  
22 up into pieces that are no longer connected,  
23 which is not very healthy. Typically referred  
24 to as "fragmentation." And of course, you have  
25 issues of pollution just from everyday, normal



Malta Town-Wide DGEIS Meeting

1 That's important to understand. We're not  
2 projecting based on Luther Forest not coming  
3 into Town. We are assuming that it's going to  
4 be here and that it's going to have an induced  
5 growth effect on the Town.  
6

7 The land use that we evaluated as  
8 part of this was dictated by the Town's  
9 recently adopted comprehensive plan. And the  
10 one thing I would like to get across here is  
11 the fact that with this strong development  
12 potential that we're assuming through Luther  
13 Forest, there's a potential for a very  
14 significant impact to both Town character and  
15 visions.

16 So it's very important that a lot of  
17 the things that were identified in the  
18 comprehensive plan become implemented to help  
19 deal with it, as well as the items that are  
20 identified in the GEIS, combined, are  
21 implemented to help protect the Town from  
22 losing the very character that's important.

23 We also, with the help of Behan  
24 Planning, did a study of housing affordability  
25 in the Town, and the primary conclusion of that









Malta Town-Wide DGEIS Meeting

1  
2 growth.

3 Now, here's the thing that often  
4 surprises communities, and that's the fact that  
5 70 percent of the projected growth is  
6 attributed to the Town itself, whereas  
7 30 percent of the growth is attributed to  
8 outside the Town, so the traffic coming in from  
9 outside of the Town.

10 This is pretty much true -- now, the  
11 percentages aren't the same, obviously, but  
12 it's been my experience it's pretty much true  
13 in most of the communities. And sometimes it's  
14 an eye-opener because we have a tendency to  
15 believe that a lot of that traffic is being  
16 caused by outside development from other  
17 communities, especially when we have major  
18 roads coming through, coming through our  
19 communities.

20 And then just to give you a little  
21 more information, Routes 9 and 67, those  
22 volumes are likely to double by 2015, over a  
23 ten-year period. I thought that was kind of  
24 interesting.

25 All right. This gives you a little

Malta Town-Wide DGEIS Meeting

1  
2 blowup of the -- I want to call it the before  
3 and after conditions, the future build  
4 conditions without mitigation, and then the  
5 build conditions with mitigation. And I just  
6 wanted to show you here that a large majority  
7 of the intersections do get improved as a  
8 result of the various mitigation measures that  
9 are proposed in the GEIS.

10           There are some intersections which  
11 will not be fully mitigated. They cannot be  
12 fully mitigated. And this is -- this is  
13 probably something that will take some getting  
14 used to. But it's the idea that if you're  
15 going to have a downtown, if you're going to  
16 have a developed Route 9 corridor, there are  
17 going to be intersections which are not going  
18 to function as well as they do now. And so  
19 it's just a function of future -- future  
20 development and what's being proposed in the  
21 comprehensive plan.

22           Air quality: Two sources of that,  
23 one being Luther Forest, the Luther Forest  
24 project, which was identified in their  
25 environmental impact statement and the





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Malta Town-Wide DGEIS Meeting

is -- the Town does not supply any water to the community. It's supplied by private water companies; so therefore, we did not look at developing a mitigation-fee program for that, and it would be the developer's responsibility to make those improvements necessary to get water to their developer.

(Court Reporter Ann Marie Lambe continued the proceedings.)

1                                    Malta Town-Wide DGEIS Meeting

2                                    **MR. EINSTEIN:** Sewer, on the other  
3 hand, there's been a fair amount of study on  
4 this.

5                                    In 2004 the town did the Route 9  
6 sewer feasibility study. This graphic shows  
7 the study boundary and the improvements that  
8 are proposed as part of that study and some  
9 refinements that were made through the GEIS.

10                                   Two basic options for providing  
11 sewer and paying for sewer were to form a  
12 sewer district and bond the cost. And a  
13 subset of that would be to take a look at  
14 perhaps doing only the main trunk system and  
15 to see what the charges were for that, which  
16 we will look at in a minute.

17                                   The other option is for the  
18 developers to make those improvements through  
19 the mitigation fee.

20                                   Let's take a look at these options  
21 in a little more detail.

22                                   The first forming the district would  
23 cost almost \$2,000 per EDU, that also refers  
24 to equivalent dwelling unit; that cost would  
25 be on a yearly basis. To charge only for the

Malta Town-Wide DGEIS Meeting

1  
2 main trunk system it is a little over a  
3 thousand dollars per EDU per year. The  
4 problem with forming the district is the fact  
5 that the costs have to be determined based on  
6 existing conditions. You cannot have future  
7 conditions considered in those overall costs  
8 so those costs are pretty high and they will  
9 exceed the New York State Comptroller's  
10 Guidelines so it would more than likely not be  
11 approved.

12 So that leaves the second option,  
13 which is for the developers to pay for these  
14 improvements through the mitigation -- through  
15 a mitigation fee. What we looked at was  
16 instead of the full development scenario we  
17 looked at just building the main trunk, which  
18 is at a cost of almost 6.8 million and the  
19 mitigation fee would then be approximately  
20 three point -- or 3,600 per EDU and that is a  
21 one time fee. That is not a yearly fee.

22 We did cultural resources. Hartgen  
23 Archeological did a modified phase 1a cultural  
24 resources survey for us which is basically a  
25 literature review and some fieldwork. The

1                                    Malta Town-Wide DGEIS Meeting

2            results of their study suggested that the  
3            majority of the town is sensitive for cultural  
4            resources and so that as site specific  
5            projects come forward they should undergo site  
6            specific study so that would be a site  
7            specific phase 1a, and probably some fieldwork  
8            which is called a phase 1b study.

9                                    A fiscal model was prepared by Behan  
10            Planning. Again, this is something we could  
11            spend quite a bit of time on and we could have  
12            John come up and talk about it, but in the  
13            interest of time we are just going to talk  
14            about the highlights here of this and that is  
15            really -- it is just kind of an interesting  
16            outcome, not something that we would normally  
17            expect.

18                                    The fiscal impact study looks at the  
19            differences or compares land uses and provides  
20            a theoretical tax rate. It is not a -- or  
21            hypothetical tax rate, I should say. It is  
22            not the actual tax rate. So the numbers you  
23            see here are not projections of future taxes,  
24            but it does give you an opportunity to compare  
25            between these land uses. The interesting



1                                    Malta Town-Wide DGEIS Meeting

2                                    **SUPERVISOR SAUSVILLE:** Thanks,  
3 Chris.

4                                    Just by way of background, there are  
5 two handouts - the slides that you just saw,  
6 there is a copy of those, if somebody would  
7 care to get a copy we have some extras up  
8 here. There is also a copy of the executive  
9 summary.

10                                   Before we go too much further I want  
11 to make sure we introduce our town clerk, Flo  
12 Sickels, on my far left. A little faux pas on  
13 my part for not doing that.

14                                   The next phase is kind of a Q and A,  
15 rather informal. So Cliff Harbour is here  
16 along with a whole host of other experts if  
17 you have a question that you would like to ask  
18 based on what you have heard today or what you  
19 have read in the generic environmental impact  
20 statement.

21                                   I will spend a few minutes going  
22 through those questions and then we will go  
23 into a more formal part of the hearing where  
24 we will take your statements and names.

25                                   So if you have some questions, now

Malta Town-Wide DGEIS Meeting

1 would be a good time to ask them.

2 No questions?

3 **MR. LARSON:** Fred Larson. This  
4 slide here -- this particular slide I wondered  
5 if you could go into a little bit more detail  
6 for me.

7 **MR. EINSTEIN:** I would be happy to  
8 have John go into a little more detail.

9 John, would you mind?

10 **MR. BEHAN:** Sure.

11 Will you put that slide up, Chris?

12 Do you have a specific question on  
13 this slide in terms of --

14 **MR. LARSON:** How one relates to the  
15 other.

16 **MR. BEHAN:** Let me start by going  
17 across the top -- let me look at my copy as  
18 well.

19 See, there's some -- four different  
20 scenarios. There is the base low scenario and  
21 there's three others - the high commercial --  
22 that scenario has more commercial development  
23 than we would expect to see in the town, okay,  
24 in proportion of commercial to residential.  
25

1                                    Malta Town-Wide DGEIS Meeting

2                                    The second one has a -- the third  
3 one over has a high residential element and it  
4 has a higher rate of residential growth than  
5 we would expect.

6                                    The third one includes Luther Forest  
7 Technology Campus and the tax revenues that  
8 would be generated by that project.

9                                    The colors there -- the blue color  
10 and the red color represent the two -- with  
11 and without respectively the construction  
12 costs for expanding the school facilities.  
13 The blue being without -- that's just the  
14 operating costs for the town and the school  
15 districts and then the higher bar, the red  
16 bar, includes the costs for capital expansion  
17 of the school to accommodate growth.

18                                   **MR. LARSON:** Now, is that basically  
19 showing something different than conventional  
20 wisdom or residential? Would --

21                                   **MR. BEHAN:** Right. It is showing --  
22 well, conventional wisdom is based on the  
23 average, you know, an average home and average  
24 school age generation and so what we are  
25 seeing in town is the new constitution is a



Malta Town-Wide DGEIS Meeting

1 of the model.

2 MR. LARSON: Thank you.

3 MR. BEHAN: You're welcome.

4 SUPERVISOR SAUSVILLE: Thank you,  
5 John.

6 Any more questions?

7 If there are no more questions, we  
8 can get right into the formal part of our  
9 hearing and that is taking your statements.

10 If you would stand, give your name,  
11 spell your name, and explain who you  
12 represent, now would be a good time for you to  
13 make that statement.

14 COUNCILPERSON NOLEN: Sue Nolen. I  
15 have a question.

16 The mitigation fee for open space  
17 for new development, it says about \$577 per  
18 ache of disturbance.

19 How are you figuring that? Is that  
20 what they are going to use or what is left?

21 MR. EINSTEIN: Yes, that was -- the  
22 difference was based on existing development  
23 versus projected development so when you  
24 develop the mitigation fees you typically have  
25



Malta Town-Wide DGEIS Meeting

1  
2 talking about would go from 67 and 9 all the  
3 way to where for six point some odd million  
4 dollars?

5 **SUPERVISOR SAUSVILLE:** Steeplechase.

6 **COUNCILPERSON LANGE:** Steeplechase.

7 If you were going to go to high point, what  
8 would it cost?

9 **MR. HOLLOWOOD:** Less.

10 **COUNCILPERSON LANGE:** I was looking  
11 for that answer. You have no idea how much  
12 less - half of it, third of it?

13 **MR. HOLLOWOOD:** Well, it is about --  
14 it's a little more than halfway.

15 **COUNCILPERSON LANGE:** I was with the  
16 understanding that it was \$6 million to bring  
17 it to High Point; \$11 million to bring it all  
18 the way up to Steeplechase.

19 **MR. HOLLOWOOD:** No, no, it's -- the  
20 6.7 gets you from 84 Lumber to Steeplechase;  
21 11 million included all the development up to  
22 Exit 13 as well as the spurs off of the trunk  
23 line.

24 **COUNCILPERSON LANGE:** So if we just  
25 put a trunk line in from 67 and 9 to High



Malta Town-Wide DGEIS Meeting

1  
2           **COUNCILPERSON LANGE:** Per unit?

3           **MR. EINSTEIN:** Yes.

4           **COUNCILPERSON LANGE:** How do we get  
5 affordable housing in that or what we call  
6 workforce housing?

7           **MR. EINSTEIN:** That is a good  
8 question.

9           John, do you have that?

10          **COUNCILPERSON LANGE:** We have  
11 written that into our master plan and I don't  
12 see where we're going with that.

13          **MR. BEHAN:** The affordable housing  
14 issue is not in the design and the solution --  
15 one of the things that -- to be looked at in  
16 terms of looking -- one of the things is  
17 recommended in the GEIS is to look at ways to  
18 reduce the overall cost of delivering housing  
19 to the public, right, so for example to reduce  
20 that per unit cost one of the recommendations  
21 was to reduce the overall cost of doing a  
22 development project.

23                 So, for example, if there is a part  
24 of town maybe along the town -- you know, the  
25 downtown area of the town, the higher density



1                    Malta Town-Wide DGEIS Meeting

2                    **COUNCILPERSON LANGE:** If you pass a  
3 law.

4                    **MR. BEHAN:** Right, if you pass a  
5 law.

6                    It doesn't mean the cost disappears  
7 to accommodate that growth, for example. So  
8 that would be something that would have to be  
9 accounted somewheres. So, in other words, the  
10 traffic mitigation would have to come from  
11 some place else and that could be worked out  
12 in how you address that.

13                    So I guess the big picture way is  
14 these costs while they are large in the scheme  
15 of a housing project, for example, over a  
16 mortgage, you know, a \$6,000 capital cost  
17 amortized over 30 years would be, of course, a  
18 small fraction of that.

19                    If could you reduce some fees and  
20 increase the efficiency, the net cost to  
21 affordable housing would be, say, it is not as  
22 significant as the face value of that, you  
23 know, saying in terms of that \$6,000.

24                    **COUNCILPERSON LANGE:** I am a common  
25 guy. All I see is the dollar sign I see at

Malta Town-Wide DGEIS Meeting

1  
2 the end when I sign the papers.

3 So if they are building houses that  
4 are 2,400 square feet, they drop that down to  
5 half I assume that goes down to half on less  
6 density we can get our workforce housing.

7 **MR. BEHAN:** Right, absolutely.  
8 Really the best way to do it is to create a  
9 design incentives for the private sector to  
10 provide housing at an affordable level. There  
11 is a lot that can be done toward that end.

12 Particularly where the building  
13 structure exists and places the traffic can  
14 accommodate that so you will put those -- for  
15 example, putting a project where both  
16 scenarios where the traffic can accommodate  
17 the growth is a good idea, a place where water  
18 and sewer is available, those kinds of thing,  
19 and creating some incentives for increase  
20 density are also important.

21 **COUNCILPERSON LANGE:** Thank you.

22 (Court Reporter Donna L. Martin  
23 continues the proceedings.)  
24  
25

1                                    Malta Town-Wide DGEIS Meeting

2                                    **DEPUTY SUPERVISOR ROCKWOOD:** Can you  
3 explain what happens from here in this  
4 procedure in terms of adopting this and then  
5 implementing it, and what the time frame would  
6 be?

7                                    **SUPERVISOR SAUSVILLE:** Well, in  
8 general, the hearing will be open until the  
9 16th. The Town Board will then decide at that  
10 point whether there's a need for workshops to  
11 learn more about the issues and to digest the  
12 comments that we've heard tonight.

13                                    And from there, it would be a  
14 question -- I'll turn this over to my  
15 attorney -- as to how we would proceed to -- if  
16 we decided to go with impact fees, they would  
17 have to be put into some kind of local law, I  
18 presume.

19                                    Maybe, Tom, you could pick up on that  
20 a little bit.

21                                    **MR. PETERSON:** I'm sorry, Paul.

22                                    **SUPERVISOR SAUSVILLE:** The question  
23 is: Where do we go procedurally from here  
24 after the Town holds workshops; and should they  
25 decide to go forward with the impact fees, what

Malta Town-Wide DGEIS Meeting

1  
2 would be the procedure for enacting that into  
3 some kind of local law?

4 **MR. PETERSON:** We would have to draft  
5 legislation. We would have to draft  
6 legislation, and we would treat that as we  
7 would the enactment of any other legislation.  
8 Except, of course, that the SEQOR process is  
9 what we're doing now with respect to that  
10 legislation. We want to put neighboring  
11 municipalities on notice, as well as all other  
12 persons who would be interested. Anyone who's  
13 been on notice in this whole process would get  
14 copies of that draft legislation and have the  
15 opportunity to come in and comment on that.

16 **SUPERVISOR SAUSVILLE:** So there would  
17 be another hearing on the specific legislation  
18 that we would draft?

19 **MR. PETERSON:** Yes.

20 **SUPERVISOR SAUSVILLE:** Another  
21 opportunity for the purpose of comment, and  
22 then that would become law, and it would be  
23 enforced.

24 **MR. PETERSON:** Yes.

25 **SUPERVISOR SAUSVILLE:** Yes, Carol?

Malta Town-Wide DGEIS Meeting

1                   **MS. HENRY:** Carol Henry.

2                   **MR. EINSTEIN:** Can I make a quick  
3 note? I just wanted to correct something so  
4 that everybody understands. The comment period  
5 we've identified in the GEIS is to the 20th.  
6

7                   **SUPERVISOR SAUSVILLE:** Oh, to the  
8 20th.

9                   **MR. EINSTEIN:** To the 20th, yes.

10                  **MS. HENRY:** Carol Henry. Does this  
11 GEIS -- will that -- if we adopt it townwide,  
12 does that only apply to certain size projects,  
13 or would it apply to, like, someone who wants  
14 to come in and build -- like, a person who  
15 does, like, single home, two homes a year, five  
16 homes a year? Or is there an acreage/house  
17 level or dollar level that this applies.

18                  **MR. EINSTEIN:** Right now, it would  
19 apply to -- if it was adopted as is, it would  
20 apply to every project that requires SEQR  
21 review. So any project that would come before  
22 the Town, say it needs a site-plan review, they  
23 would be required to go -- meet the standards  
24 of GEIS and to pay the mitigation fees.

25                  **MS. HENRY:** Now, the way that it's

1                    Malta Town-Wide DGEIS Meeting

2                    currently written, you would not have an  
3                    opportunity to opt out and say "I would prefer  
4                    to do my own SEQR."

5                    **MR. EINSTEIN:** You could opt out and  
6                    do your own SEQR, but the Town would still have  
7                    the option of reviewing it in light of the  
8                    GEIS, and could determine whether it's  
9                    sufficient or insufficient based on that. So  
10                   yes, there is -- there is that option.  
11                   Somebody could back off and say, "I want to do  
12                   my own process." Your own process could  
13                   involve doing an EIS anyway. It's probably  
14                   more affordable to just deal with the GEIS and  
15                   mitigation fees.

16                   **SUPERVISOR SAUSVILLE:** I know, Carol,  
17                   you did submit a number of comments, and I  
18                   don't know whether you want them entered into  
19                   the record, or simply want to convey them over  
20                   to Clough Harbour, what you're --

21                   **MS. HENRY:** Oh, no. I want them into  
22                   the record. I didn't know whether or not I was  
23                   going to be here for it.

24                   **SUPERVISOR SAUSVILLE:** You'd like to  
25                   have them entered into the record?



Malta Town-Wide DGEIS Meeting

1  
2 satisfy recreational needs. The town's plan  
3 should be coordinated with the efforts  
4 currently underway in adjacent towns.  
5

6 Also, the Town should reconsider long term  
7 easements to preserve farmland and open space  
8 as previously recommended by Open Space  
9 Committee. The Town of Clifton Park has had  
10 success with this approach.  
11

12 *Transportation (page I-8, 9)*

13 While Routes 9 and 67 carry the bulk of traffic  
14 in the town, the Town should work regionally to  
15 mitigate traffic on the east-west corridor  
16 roads. Roads such as Dunning/Plains Road,  
17 Malta Ave. and Round Lake Road have seen a  
18 large increase in volume as development pace  
19 quickens in the town and elsewhere. The roads  
20 are not designed for the volumes seen now, and  
21 property owners along these roads are adversely  
22 impacted.  
23

24 The executive summary should also mention  
25 alternate modes of transportation, such as









Malta Town-Wide DGEIS Meeting

1  
2  
3 On page III-102, the report states that the  
4 design of on-road bikeways should be consistent  
5 with the rural character of the road. The  
6 report further states that a wide paved  
7 shoulder could have significant impacts. On  
8 many of the rural roads that cyclists now use  
9 for recreational use do not need wider  
10 shoulders. Signage that alerts a motorist to  
11 pedestrian traffic should be used on these  
12 roads. Other traffic calming measures could be  
13 used to make the road seem narrower and thus  
14 slow down traffic. In addition, enforcement of  
15 traffic laws would further reduce accident  
16 potential. Wider shoulders should only be used  
17 on road with heavy traffic volume. Before  
18 attempting any measures, the town should  
19 investigate the type of cyclist that would use  
20 the roadway.

21  
22 **G. Visual Resources**

23 Visual Resource No. 10 and 11 (pages III-116,  
24 117)

25 I believe that Northway view 10 is looking west



Malta Town-Wide DGEIS Meeting

1  
2 are rural in nature and not able to handle  
3 current traffic volume. The report states that  
4 Routes 9 and 67 handle most of the through  
5 truck traffic; the remaining roads see local  
6 deliveries. As a resident of Malta Avenue, I  
7 can state that this road is becoming a major  
8 through truck traffic route. Semi trucks  
9 regularly use this road as a shortcut from  
10 Route 67 to I-87. This truck traffic is [sic]  
11 addition to the logging and county highway  
12 trucks that have always used the road. In  
13 addition, Route 9P is also a major truck route,  
14 particularly for logging and construction  
15 trucks. Route 9P is a major cycling route, and  
16 it is increasing [sic] becoming dangerous to  
17 ride a bicycle on this road.

18  
19 *Growth Outside the Town* (page III-138)

20 I [sic] surprised by the low annual growth rate  
21 of 0.5% for traffic growth from surrounding  
22 communities. This number is based on approved  
23 projects at the time of this report. Given the  
24 amount of land that is available is [sic] the  
25 surrounding towns, moratoriums that will be

Malta Town-Wide DGEIS Meeting

1  
2 lifted and town access to the Northway, this  
3 rate seems unrealistically low.  
4

5 On page III-150, the report recommends building  
6 a roundabout and road realignment on Old Post,  
7 Northline and Malta Avenue. Projected cost is  
8 \$2.1 million dollars. Does it include purchase  
9 of private land needed? Could transportation  
10 mitigation fees be used for the improvement  
11 even though little development is expected to  
12 take place in this area (reference page  
13 III-154)?  
14

15 On page III-152 and 153, the report discusses  
16 improvements along Round Lake Road from Round  
17 Lake Village to East Line Road. It suggests  
18 adding turn lanes at most of the intersections.  
19 Round Lake Road is used by pedestrians and  
20 cyclists, particularly from the Village to  
21 Stewart's and Chango School. The improvements  
22 suggested do not take nonmotorized traffic into  
23 account. If turn lanes are added, there will  
24 be little room for walking or cycling safely.  
25

Malta Town-Wide DGEIS Meeting

1  
2 While this report is for Town use only, it is  
3 apparent that any traffic mitigation must be  
4 addressed at a county and regional level,  
5 particularly with the limited demand reduction  
6 measures suggested.

7  
8 **1. Air Quality**

9 Future Construction Projects (page III-160)  
10 Most large construction projects must now  
11 follow SPEDES regulations for dust and sediment  
12 control. The Town should include submission of  
13 sediment and dust control plans as part of the  
14 permit process and that adequate follow-up is  
15 done by Town building officials. The Town may  
16 also want to include requirements on smaller  
17 projects that may not be covered by State  
18 regulations.

19  
20 **J. Noise**

21 Malta's Noise Sources & Regulations (page 164)  
22 Although Routes 9, 67 and I-87 generate noise  
23 throughout the town, any heavily traveled road  
24 will have excessive noise levels. Residents  
25 along Old Post and Dunning/Plains Roads

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Malta Town-Wide DGEIS Meeting

complain that they do not use their yards during peak periods. Also, Malta Avenue and Route 9P experience high traffic noise because of trucks.

*Mobil Sources* (page III-167)

The report provides little direction on how to mitigate traffic noise.

**L. Utilities**

As mentioned earlier, while the Town has a cell tower law, but should mobile phone service be included as a utility?

*Potential Impacts and Mitigation Water* (page III-178)

The report states that the town should have sufficient groundwater sources to service existing and future developments. As stated earlier, there are already problem areas within the town where existing wells have been adversely impacted because of new developments. In addition, while the quantity of water may be there, the quality could be negatively impacted

Malta Town-Wide DGEIS Meeting

by large scale development. As the report suggests in previous sections, recharge areas must be considered when looking at water needs for future developments.

**N. Fiscal Resources**

Table III-N-3 (page III-198)

I find the values forecast in this table to be unrealistic. I assume that the tax rates are based on unit cost per one thousand. Below is the average tax rate for the three scenarios and current tax rates. The table does not include county taxes, but this has an impact on affordability of homes in the town.

	Current Tax Rate (2005)	Table III-N-3 Average
Town	0.86	1.07
School (Ballston Spa)	22.2	9.64
County	0.52	Not included
Medicaid	2.08	Not included

Malta Town-Wide DGEIS Meeting

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2  
3 I wish to thank the Town for its continued look  
4 at the future of Malta and for taking advantage  
5 of the many tools available to control growth  
6 in the town. One cannot stop growth and  
7 development, but as this report demonstrates,  
8 the town can use the forecast growth to keep  
9 Malta an affordable, safe and desirable place  
10 to live.

11  
12 Sincerely,

13  
14 Carol P. Henry  
15 510 Malta Ave.  
16 Malta NY 12020)

17 \* \* \*

18 **SUPERVISOR SAUSVILLE:** Yes, sir.

19 **MR. HOBLOCK:** I'm Bill Hoblock,  
20 H-O-B-L-O-C-K. I'm with Capital District  
21 Properties. We're a developing company. My  
22 statement dovetails off of Councilman Lange's  
23 question, which is: We followed very closely  
24 the moratorium, the code and the comprehensive  
25 plan that came out of it, and it's very clear

Malta Town-Wide DGEIS Meeting

1  
2 that one of the main goals and objectives of  
3 those documents and the process was to be able  
4 to provide affordable housing.

5 And I think it would be very  
6 difficult, if not impossible, to be able to  
7 provide affordable housing, given the proposed  
8 impact fees. I think, also, not just  
9 affordable housing, but good affordable  
10 housing, quality affordable housing that people  
11 want to live in and that the people of Malta  
12 would be proud to have in their town.

13 Thank you.

14 **SUPERVISOR SAUSVILLE:** Thank you.

15 Yes, sir.

16 **MR. MILLER:** Bob Miller with Windsor  
17 Development. I would just like to say that I  
18 agree with Mr. Hoblock, what he's saying about  
19 the level of the impact fees and the  
20 difficulties that these levels create on the  
21 developer in trying to bring a project to  
22 fruition.

23 And I also agree with Councilman  
24 Lange in what he was saying that there are some  
25 items that are in the comprehensive master plan



Malta Town-Wide DGEIS Meeting

1  
2 tonight. Some of those things can be worked  
3 out, I'm sure, and it will work for all parties  
4 involved in the Town of Malta.

5 And I think what Clough Harbour has  
6 done is put the GEIS together like we suggested  
7 we wanted. Now we have to sit down and study  
8 it, and make some changes possibly, and go with  
9 some of their other ideas. And I think that's  
10 what we have to do here.

11 **SUPERVISOR SAUSVILLE:** Any more  
12 statements?

13 If not, the record will be open until  
14 the 20th of January, so if you want to submit  
15 some written comments, statements, please do  
16 so. Just submit them to Town Hall, and we'll  
17 be glad to enter them into the record.

18 Anything more that you wanted to add,  
19 Chris, tonight?

20 **SUPERVISOR SAUSVILLE:** Yes, I'm  
21 sorry, Sue.

22 **COUNCILPERSON NOLEN:** Sue Nolen.  
23 Nonprofits, do they -- are they involved with  
24 mitigation fees, or is that something that can  
25 be looked at?

Malta Town-Wide DGEIS Meeting

1  
2           **COUNCILPERSON LANGE:** I see some  
3 head-shaking.

4           **MR. HOLLOWOOD:** Yes, to both counts.

5           **COUNCILPERSON LANGE:** They're going  
6 to be bringing traffic in. We have to mitigate  
7 that. And that comes under the master plan.  
8 It comes under GEIS.

9           **SUPERVISOR SAUSVILLE:** Thank you all  
10 for coming this evening. Please stay tuned.  
11 The copy of our townwide Generic Environmental  
12 Impact Statement is on the web site with copies  
13 available at Town Hall through our Town clerk,  
14 and a summary's available here tonight.

15           **MR. EINSTEIN:** I think --  
16 Mr. Supervisor, I think it would be a good idea  
17 if you would close the hearing.

18           **SUPERVISOR SAUSVILLE:** Close the  
19 hearing and keep the record open to the 20th?

20           The advice from counsel is that we  
21 close the hearing tonight. The record will be  
22 kept open until the 20th of January. Motion to  
23 close the hearing?

24           **COUNCILPERSON LANGE:** So moved.

25           **COUNCILPERSON GIZZI:** So moved.

Malta Town-Wide DGEIS Meeting

1  
2           **SUPERVISOR SAUSVILLE:** Moved by  
3 Mr. Lange, Councilman Lange, and seconded by  
4 Councilwoman Gizzi. All in favor say aye.

5           **FROM THE BOARD:** Aye.

6           **SUPERVISOR SAUSVILLE:** Opposed?

7                           (None opposed.)

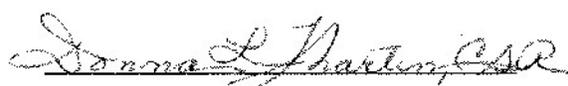
8           **SUPERVISOR SAUSVILLE:** Motion  
9 carried. And the time is 8:05.

10                           Thank you all.

11                           (The proceedings concluded.)  
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C-E-R-T-I-F-I-C-A-T-I-O-N

I, **DONNA L. MARTIN**, Certified Shorthand Reporter and Notary Public in and for the State of New York, do hereby **CERTIFY** that I recorded stenographically the foregoing testimony taken at the time and place herein stated and the preceding testimony is a true and accurate transcript hereof to the best of my knowledge and belief.



**DONNA L. MARTIN, CSR**

Dated: 1/18/06 .

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2  
3  
4 C-E-R-T-I-F-I-C-A-T-I-O-N  
5  
6

7 I, **ANN MARIE LAMBE**, Shorthand Reporter  
8 and Notary Public in and for the State of New York,  
9 do hereby **CERTIFY** that I recorded stenographically  
10 the foregoing testimony taken at the time and place  
11 herein stated and the preceding testimony is a true  
12 and accurate transcript hereof to the best of my  
13 knowledge and belief.

14 

15 **ANN MARIE LAMBE**  
16  
17  
18  
19

20 Dated: 1/18/06  
21  
22  
23  
24  
25



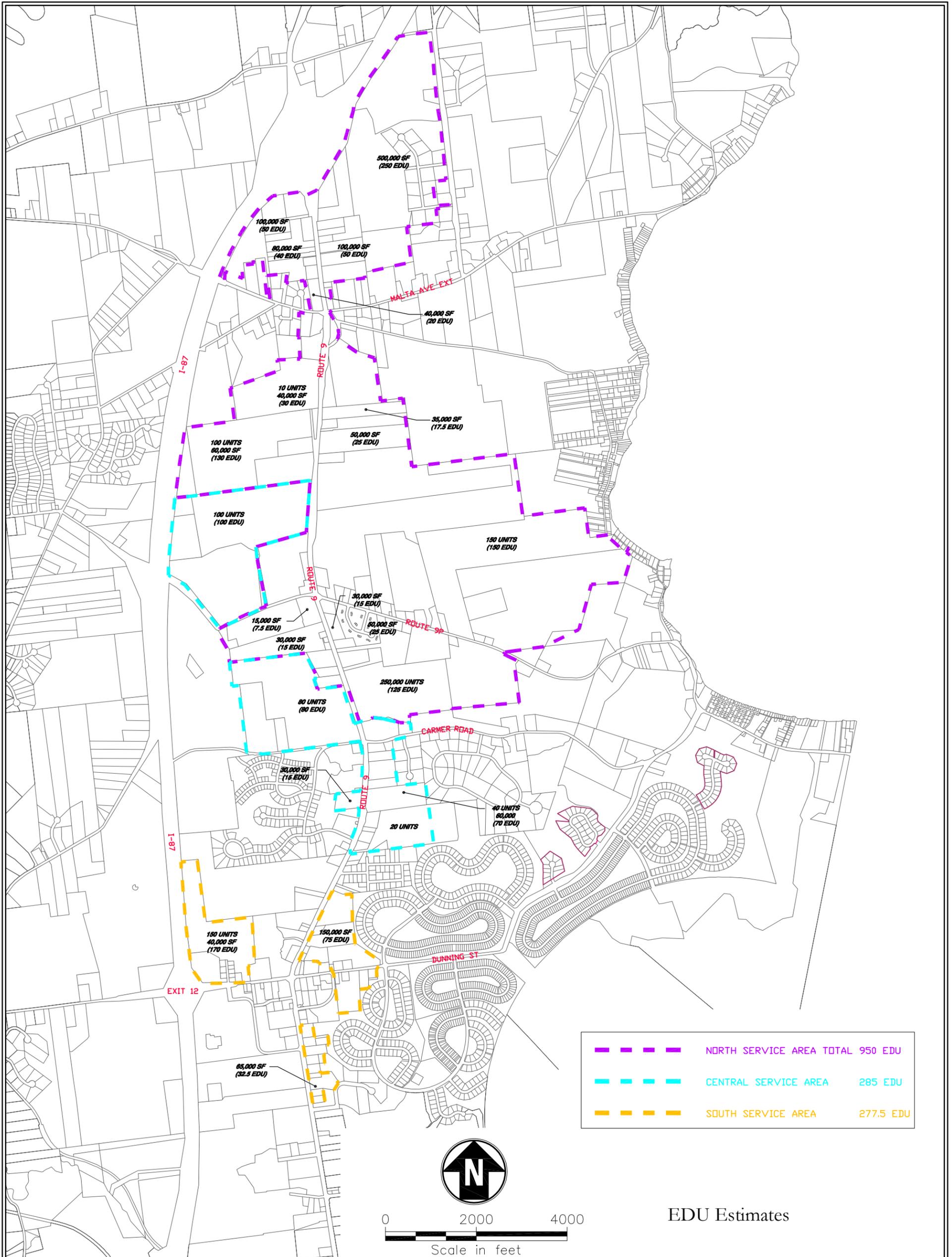
## **Appendix C**

### **Sewer Data**



# Town of Malta

## Generic Environmental Impact Statement





**Town of Malta GEIS  
Sewer Analysis  
Summary of Estimated Construction Costs  
3/13/2006**

ID	Section	Total Estimated Costs
SA - N	RT 9: Exit 13 to Malta Ave	\$702,240
SA - N	RT 9 - Malta Ave to Low PT Pump Station	\$1,932,260
SA - N	RT 9P to Saratoga Lake P.S.	\$3,983,595
SA - N	RT 9 South to Speedway	\$1,229,250
<b>Sewer Area North Total</b>		<b>\$7,847,345</b>
SA - HP	RT 9 East of High Point	\$522,720
SA - DT	RT 9 /RT 67 NE Quad	\$343,200
SA - S	RT 9 East side south of Hemphill	\$522,720
<b>TOTAL COST</b>		<b>\$9,235,985</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9: Exit 13 to Malta Ave**

**9-Mar-06**

Note: Costs in 2006 dollars

Section #	Quantity (feet)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
Stewarts on site	3800	8	8	\$51.00	\$193,800.00
Stewarts force main	4000	6	6	\$40.00	\$160,000.00
Rowley RD P.S.	1				\$125,000.00
RT 9 east side	2000	8	8	\$51.00	\$102,000.00
MH's Stewarts	26	8		\$4,400	\$114,400.00
MH's RT #9	9	8		\$4,400	\$39,600.00
Restoration (RT 9)	2000			\$42.00	\$84,000.00
Road Crossings	2			100,000	\$200,000

SUB TOTAL                      \$1,018,800

without Stewarts infrastructure                      **Town Project                      \$425,600**

General Conditions (10%)	\$101,880.00	\$42,560.00
Sub Total	\$1,120,680.00	\$468,160.00
Contingencies(25%)	\$280,170	\$117,040
Legal, Engineering & Administrative (25%)	\$280,170	\$117,040
<b>TOTAL</b>	<b>\$1,681,020</b>	<b>\$702,240</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9 - Malta Ave to Low PT Pump Station**

**2/16/2006**

Note: Costs in 2006 dollars

Section #	Quantity (feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9 south	2000	6	10	\$47.00	\$94,000.00
RT 9 south to P.S.	2000	12	10	\$87.00	\$174,000.00
Stream Xing	800			\$300.00	\$240,000.00
Manholes (1/300 ft)	8	6		\$4,300	\$57,333.33
Manholes (1/300 ft)	8	12		\$5,800	\$54,133.33
Restoration	4800			\$42.00	\$201,600.00
Road Crossings	1				\$100,000
P.S. Upgrade					\$250,000
<b>SUB TOTAL</b>					<b>\$1,171,067</b>
General Conditions (10%)					\$117,106.67
Sub Total					\$1,288,173.33
Contingencies(25%)					\$322,043
Legal, Engineering & Administrative (25%)					\$322,043
<b>TOTAL</b>					<b>\$1,932,260</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9P to Saratoga Lake P.S.**

**3/9/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9P to Lake P.S.	4500	8	15	\$95.00	\$427,500.00
RT 9P to Lake P.S.	5000	12	15	\$105.00	\$525,000.00
F.M. Connection				\$10,000.00	\$10,000.00
Manholes (1/250 ft)	18	8		\$4,400	\$79,200.00
Manholes (1/300 ft)	17	12		\$5,800	\$98,600.00
Restoration	9500			\$42.00	\$399,000.00
Road Crossings	5			\$75,000	\$375,000
Lake P.S. Up grade					\$500,000
				<b>SUB TOTAL</b>	<b>\$2,414,300</b>
				General Conditions (10%)	\$241,430.00
				Sub Total	\$2,655,730.00
				Contingencies(25%)	\$663,933
				Legal, Engineering & Administrative (25%)	\$663,933
				<b>TOTAL</b>	<b>\$3,983,595</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9 South to Speedway**

**2/16/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9P to Speedway	3000	12	8	\$87.00	\$261,000.00
Manholes (1/300 ft)	10	12		\$5,800	\$58,000.00
Restoration	3000			\$42.00	\$126,000.00
Road Crossings	3			\$100,000	\$300,000
				<b>SUB TOTAL</b>	<b>\$745,000</b>
				General Conditions (10%)	\$74,500.00
				Sub Total	\$819,500.00
				Contingencies(25%)	\$204,875
				Legal, Engineering & Administrative (25%)	\$204,875
				<b>TOTAL</b>	<b>\$1,229,250</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9 East of High Point**

**2/16/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9 (east side)	2000	8	8	\$51.00	\$102,000.00
Manholes (1/300 ft)	7	8		\$4,400	\$30,800.00
Restoration	2000			\$42.00	\$84,000.00
Road Crossings	1				\$100,000
				<b>SUB TOTAL</b>	<b>\$316,800</b>
				General Conditions (10%)	\$31,680.00
				Sub Total	\$348,480.00
				Contingencies(25%)	\$87,120
				Legal, Engineering & Administrative (25%)	\$87,120
				<b>TOTAL</b>	<b>\$522,720</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9 /RT 67 NE Quad**

**3/13/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
Hemphill to Kendel	1200	8	8	\$51.00	\$61,200.00
RT 9 east side north	1200	8	8	\$51.00	\$61,200.00
Manholes (1/300 ft)	8	8		\$4,400	\$35,200.00
Restoration	1200			\$42.00	\$50,400.00
			SUB TOTAL		\$208,000
			General Conditions (10%)		\$20,800.00
			Sub Total		\$228,800.00
			Contingencies(25%)		\$57,200
			Legal, Engineering & Administrative (25%)		\$57,200
			<b>TOTAL</b>		<b>\$343,200</b>

**Town of Malta FGEIS  
Sewer Cost Estimates**

**RT 9 East side south of Hemphill**

**2/10/2006**

Note: Costs in 2006 dollars

Section #	Length (feet)	Depth (feet)	Diameter (inches)	Estimated LF Cost \$	Estimated Cost \$
RT 9 east side	2000	8	8	\$51.00	\$102,000.00
Road Crossings(x1)					\$100,000.00
Manholes (1/300 ft)	7			\$4,400	\$30,800.00
Restoration	2000			\$42.00	\$84,000.00
				SUB TOTAL	\$316,800
				General Conditions (10%)	\$31,680.00
				Sub Total	\$348,480.00
				Contingencies(25%)	\$87,120
				Legal, Engineering & Administrative (25%)	\$87,120
				<b>TOTAL</b>	<b>\$522,720</b>

**Town of Malta GEIS**  
**Sewer Analysis**  
**Summary of Estimated Construction Costs**  
 3/6/2006  
**FORCE MAIN OPTION**

ID	Section	Total Estimated Costs
SA - N	RT 9: Exit 13 to Malta Ave	\$702,240
SA - N	RT 9 - Malta Ave to Low PT Pump Station	\$1,925,660
SA - N	RT 9P to Saratoga Lake P.S.(Force Main)	\$2,981,880
SA - N	RT 9 South to Speedway	\$1,463,550
<b>Sewer Area North Total</b>		<b>\$7,073,330</b>
SA - HP	RT 9 East of High Point	\$522,720
SA - DT	RT 9 /RT 67 NE Quad	\$343,200
SA - S	RT 9 East side south of Hemphill	\$522,720
<b>TOTAL COST</b>		<b>\$8,461,970</b>

**RT 9P to Saratoga Lake P.S.(Force Main)**

**3/6/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9P to Lake P.S.	9500	6	10	\$47.00	\$446,500.00
F.M. Connection				\$5,000.00	\$5,000.00
Manholes (1/500 ft)	19	8		\$4,300	\$81,700.00
Restoration	9500			\$42.00	\$399,000.00
Road Crossings	5			\$75,000	\$375,000
Lake P.S. Up grade					\$500,000
				<b>SUB TOTAL</b>	<b>\$1,807,200</b>
				General Conditions (10%)	\$180,720.00
				Sub Total	\$1,987,920.00
				Contingencies(25%)	\$496,980
				Legal, Engineering & Administrative (25%)	\$496,980
				<b>TOTAL</b>	<b>\$2,981,880</b>

**RT 9 South to Speedway (Force Main)**

**3/6/2006**

Note: Costs in 2006 dollars

Section #	Quantity (Feet, EA)	Depth (feet)	Diameter (inches)	Estimated Unit Cost \$	Estimated Cost \$
RT 9P to Speedway	3000	12	8	\$87.00	\$261,000.00
Manholes (1/300 ft)	10	12		\$5,800	\$58,000.00
Restoration	3000			\$42.00	\$126,000.00
Road Crossings	3			\$100,000	\$300,000
Rt 9P to LP P.S.	1500	6	8	\$38.00	\$57,000.00
Manholes (1/300 ft)	5	8		\$4,400	\$22,000.00
Restoration	1500			\$42.00	\$63,000.00
				<b>SUB TOTAL</b>	<b>\$887,000</b>
				General Conditions (10%)	\$88,700.00
				Sub Total	\$975,700.00
				Contingencies(25%)	\$243,925
				Legal, Engineering & Administrative (25%)	\$243,925
				<b>TOTAL</b>	<b>\$1,463,550</b>

