

Statement of Findings

Supplemental Environmental Impact Statement

Malta Townwide Generic Environmental Impact

Statement

Adopted – January 9, 2017

Lead Agency:

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1.0 INTRODUCTION

This Findings Statement has been prepared in compliance with the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and its implementing regulations at 6 NYCRR Part 617 (collectively, “SEQRA”). It has been prepared by the Town of Malta Town Board, the SEQRA Lead Agency, based on the Supplemental Environmental Impact Statement for the Townwide Generic Environmental Impact Statement.

The Town of Malta has been proactive in planning for and addressing the impacts of growth. The Town initially prepared a Townwide Generic Environmental Impact Statement (TWGEIS) in 2005/6 for the purpose of evaluating the cumulative impacts of future development on community resources including land, infrastructure and the environment and to identify appropriate mitigation to ensure orderly and equitable growth.

The Town recognizes that sources of funding for capital improvements necessary to support development may include a variety of funding sources including developer contributions, fees in lieu of mitigation as well as federal, state and local funding sources. The preparation of a TWGEIS and the implementation of mitigation fees is seen as an equitable means of paying for capital improvements required by development and as a means of mitigating loss of resources attributable to cumulative impacts of development.

This Findings Statement shall be effective January 9, 2017 and any/all projects not yet having received a final SEQR determination as of this effective date shall be subject to the findings, facts and conclusions stated herein. Additionally, projects located in the Town’s Form Based Code Districts not yet having received administrative approval shall also be subject to the findings, facts and conclusions stated herein.

2.0 DESCRIPTION AND PROCEDURAL HISTORY OF ACTION

In 2005, the Town of Malta initiated preparation of a TWGEIS evaluating the cumulative impacts of potential future development on community resources including land, infrastructure and the environment, and to identify appropriate mitigation to ensure orderly and equitable growth. The TWGEIS process was completed 2006.

In 2014, the Town initiated an update to the 2006 TWGEIS. The Action contemplated in the Draft Supplemental Environmental Impact Statement (DSEIS) is the evaluation of cumulative impacts of potential growth on the Town’s transportation system, agricultural and open space resources, recreation facilities, and utilities and is the subject of this Findings Statement. As a Supplemental EIS, that document focuses on just these resources and changes that have occurred since the issuance of the 2006 TWGEIS.

The Town Board accepted the DSEIS as complete for the purpose of receiving public comment on June 15, 2015. A public hearing was conducted on July 6, 2015 and the comment period closed on July 29, 2015. A final SEIS (FSEIS) was accepted on June 20, 2016.

As noted, the Supplemental EIS provides an update to the 2006 TWGEIS. For ease of reference, the D/FSEIS sections and the corresponding 2006 TWGEIS are summarized below

2006 vs. 2015 Section Reference	
2006 Draft TWGEIS	2015 DSEIS
I – Executive Summary	Executive Summary
II – Project Description	1.0 - Project Description
II-A – Introduction	1.1 - Introduction
II-B – Project Purpose and Need	1.1.1 – Purpose and Scope of Document
II-G – SEQR Process and Scope	1.1.2 – SEQRA Process
	1.2 – The Proposed Action
	1.2.1 – Description of Proposed Action
II-D – Study Area Build Out	1.2.2 – Study Area Build Out
II-E – Growth Projections	1.2.3 – Growth Projections
II-F – Distributing Growth	1.2.4 – Distributing Growth
III – Environmental Setting, Impacts, & Mitigation	2.0 – Environmental Setting, Impacts, and Mitigation
III-F – Recreational Resources & Open Space	2.1 – Recreational Resources
III-E – Rural Character & Agriculture; III-F – Recreational Resources & Open Space	2.2 Open Space and Agricultural Lands
III-H – Transportation	2.3 – Transportation
III-L – Utilities	2.4 – Utilities
III-O – Summary of Mitigation Fees	2.5 – Summary of Mitigation Fees
IV – Unavoidable Adverse Impacts	3.0 – Unavoidable Adverse Impacts
V - Alternatives	4.0 – Alternatives
V-C – No Action Alternative	4.1 – No-Action Alternative
V-A – Alternative Growth Scenarios	4.2 – Alternative Growth Scenario
VII – Irreversible and Irrecoverable Commitment of Resources	5.0 – Irreversible and Irrecoverable Resource Commitments

3.0 FACTS AND CONCLUSIONS

3.1 Growth

- A. The DSEIS evaluated two growth scenarios (Low Growth & High Growth). The low and high growth scenarios represent two potential growth alternatives. Both scenarios were developed with the input of Town Staff, reviewed with the Town Board/Lead Agency and shared with the development community for feedback. The low growth scenario was selected for further consideration as this alternative has a greater likelihood of occurring. For the purpose of preparing the environmental impact analyses, the low growth scenario is utilized as the preferred alternative.
- B. Under the Low Growth alternative, the Town is anticipated to grow as follows: up to 1,500 dwelling units are projected to be developed in the Downtown Form Based Code (FBC) District, and an additional 600 units developed outside of the downtown bringing the total number of additional residential units to 2,100 dwelling units. When fully occupied, it is anticipated that between 4526 and 5601 new residents would reside in the Town.
- C. New non-residential development is anticipated to total approximately 1,600,000 SF in the next 10 years. This projection includes development on the STEP Campus which is controlled and owned by New York State (NYSERDA). As indicated in the DSEIS, up to 400,000 SF of non-residential development was projected to occur at the STEP campus (as identified in the GlobalFoundries Fab 8.2 EIS) and therefore not subject to additional mitigation requirements under the TWGEIS, and the estimated new non-residential building area is therefore reduced from 1,600,000 SF to 1,200,000 SF (or 1.2 MSF) for purposes of evaluation of impacts
- D. These figures are based on projections of approved or proposed non-residential development within the Town's downtown and conventional zoning districts as well as within the Town's existing Planned Development Districts (PDDs). Currently, the Town has more than 3,100,000 SF of approved or proposed non-residential development. This growth does not include GlobalFoundries Fab 8.2. as it was subject to a previous evaluation under SEQRA.

3.2 Recreational Resources

- A. The 2006 TWGEIS found that existing recreational facilities were highly utilized and reaching maximum uses levels. Recreation needs will continue to grow with the influx of new residents. The new growth will increase demands for passive and active recreation

needs as well as the quality and diversity of recreation experiences. The Town has worked to meet the growing recreation needs of the community and continues to seek cost effective solutions and public private partnerships to do so.

- B. The Town has undertaken a series of recreational planning initiatives which identify the demand for new facilities or expansion of existing facilities to accommodate growing needs of the Town. These efforts include:
- Town of Malta Ecological Park – Site Master Plan, October 28, 2005;
 - Aquatic Feasibility Study for the Schenectady - Saratoga Swim Club, October 2013 (TSE Consulting);
 - Round Lake Preserve Master Plan Report Town of Malta/Saratoga Plan, April 2013;
 - Town of Malta Recreational Field Planning Luther Forest Technology Campus POD 18 Dominick Pasquarell Recreational Fields, January 2011; and
 - Eastline Romp and Play Dog Park, July 25, 2013.
- C. The Town, through planning and public outreach, identified a series of recreation needs to address the influx of residents and employees. These include but are not limited to
- Luther Forest Athletic Fields Phase II;
 - Chango/Raylinski Road Pedestrian Improvements;
 - Shenantaha Creek Park Infrastructure Improvements;
 - East High Street Pedestrian Path;
 - Eastline Romp and Play Park Improvements;
 - Kayderosseras Access;
 - Malta Community Parks and Trails;
 - Round Lake Preserve Phase II;
 - Malta Ecological Park Phase II; and
 - Miscellaneous bicycle/pedestrian enhancements.

It is important to note that recreational needs change and the priorities of the Town change accordingly. The listing of a project here is not a commitment by the Town to construct a specific project. It is however, a demonstration of the order of magnitude of the need to address current and future recreational needs.

- D. The Town's Recreation and Open Space Needs Assessment, included in the 2006 TWGEIS, established that future non-residential development should support a 15 percent allocation of the total estimated future costs of recreation and open space needs. The Draft/Final SEIS further substantiates the nexus between non-residential growth and demand for recreational facilities. Approximately 39% of the program registrants/users of the Town's Community Center are non-residents. The DSEIS projects 1,200,000 SF of non-residential development. This growth has the potential to generate approximately 1960 additional employees within the Town. Non-resident employees who use town facilities for just one-hour per week would account for 15% of the usage/demand on recreational facilities.
- E. The Town Board has carefully considered the impacts that non-residential development has on the Town's recreation system. When considering these impacts, the Town also has considered positive impacts that non-residential growth has on the Town. These include direct and indirect benefits such as employment, salary/wages, increased economic activity, higher property assessments, and sales tax revenue, and the synergistic benefits of making Malta a more attractive location for other businesses seeking to re-locate or establish themselves in Malta. The Town finds that the benefits associated with growth of non-residential development outweigh any adverse impacts on the Town's recreation system and therefore mitigation is not necessary.
- F. The Town has historically has collected a Residential Recreation fee at the time of building permit for a proposed single family subdivision at \$1,330 dwelling unit. Multi-family housing creates a similar demand for recreational facilities and is assessed this fee as well. Both of these housing types demand recreational amenities and generate similar levels of new residents within the Town.
- G. NYS Town Law authorizes the application of recreation fees at the time of subdivision approval (NYS TL Section 227) as well as at the time of site plan approval (NTYS TL Section 274a). The Town's Code has contained provisions and fee schedules to implement collection of such fees. In light of the review of fees undertaken in conjunction with the update of the 2006 TWGEIS, the Town Board will be reviewing Town Code provisions relating to fees and the Town's fee schedule and will amend them accordingly to be consistent with the updated TWGEIS.
- H. The Low Growth Scenario projects a total of 2100 new dwelling units. Based on this projection it is anticipated that between 4526-5601 new residents may result during the SEIS planning timeframe (2015-2025). Based on a current Town population of 14,925 residents, 5601 new residents would constitute 27% of the build year population

(5601/20,526). The Town Board finds that it is reasonable to conclude that this development creates 27% of the demand for new facilities and should pay for 27% of future recreation facility needs or \$2,041,200 (0.27 x \$7,560,000). All new residential development (including single family, multi/family, duplex, apartments) shall pay \$972 (\$2,041,200/2100 units) per dwelling unit to mitigate this impact on the Town's recreation infrastructure.

- I. Monies collected as recreation mitigation fees shall be used for park (and trail) facilities that will reasonably benefit residents from growth and development that may occur in the Town. The use of fees collected in lieu of mitigation may be used for but not limited to land acquisition, site improvements, equipment, professional services (i.e., planning, engineering, architecture, legal), permitting, financing, debt service and administrative expenses related to capital projects.

3.3 Open Space and Agricultural Lands

- A. The 2001 Agriculture and Open Space Preservation Study identified 5,605 acres for preservation. Since that time, 2,672 acres (or 47.3% percent of targeted lands) have been subject to development. The 2001 Study categorized certain lands as high priority for protection as Category 1 and 2, approximately 773 acres of these lands remain undeveloped.
- B. The Town's 2005 GEIS and the 2006 TWGEIS articulated the importance of open space and agriculture as key factors contributing to community character and quality of life; the 2015 SDEIS reaffirmed this community value. The 2006 TWGEIS provided a framework for protecting these resources; establishing a community goal of protecting 2,400 acres of open space (including agricultural lands).
- C. The 2006 TWGEIS established the use of Purchase of Development Rights (PDR) as a direct means for preserving open space/agricultural lands and determined that future development and its impacts on consumption/disturbance of lands should be mitigated through a fee to contribute to the PDR program. The Town desires to utilize a variety of tools (land use controls, acquisition and PDR) to preserve the certain portions of the landscape from the impacts of development.
- D. The 2015 build-out analysis included in the SEIS identified approximately 4,792 developable acres available within the Town. Approximately 1,500 acres are anticipated to be developed or impacted over a 10-year period. When considered with existing development (approximately 6,328 acres); future development represents 19% of lands

(1,500/7,828) impacted during the planning horizon. Using the average cost of \$11,550 per acre of land; the cost of protecting 773 acres is \$8,928,150. New development's share of 19% is equal to \$1,696,348. Expressed as cost per acre of impact, the developer's share was \$1,131 per acre of disturbed land (\$1,696,348/1,500 acres). Disturbed land will be defined as a project's clearing and grading limits, which must be clearly shown on grading plans for all projects.

- E. The existing development (or 81 percent) was identified as the public share of conserving land through the PDR program and other tools. These funds will be raised by the Town through other means (i.e., grants, sales tax) as determined by the Town Board.
- F. Monies collected as open space/agriculture mitigation fees shall be used for activities that will reasonably benefit residents from growth and development that may occur in the Town. The use of fees collected in lieu of mitigation may be used for but not limited to land acquisition, professional services (i.e., planning, engineering, architecture, legal), permitting, financing, debt service and administrative expenses related to protection of this resource.

3.4 Transportation

- A. Growth of Global Foundries at the Luther Forest Technology Campus has induced growth throughout the Town. Accordingly, the Town of Malta has invested significantly in transportation infrastructure.
- B. The Town's traffic impact analysis accounts for land development projects in the pipeline as well as FAB 8.2 will be constructed. The analysis assumes that mitigation measures as stipulated in the August 19, 2013 Statement of Findings for Global Foundries Development at Luther Forest Technology Campus will be constructed and in place for the targeted build year of the analysis.
- C. Based on growth projections, a series of intersections will continue to experience poor levels of service requiring mitigation. These intersections will require mitigation and the type and estimated cost to implement are included in the table below.

D.

Summary of Traffic Mitigation			
Intersection		Mitigation	Estimated Cost
1	Route 9/Malta Ave	A southbound right-turn lane and installation of left-turn arrows for protected left-turns eastbound and westbound are the recommended improvements	\$850,000
6	Routes 9&67/Hemphill Place	Restrict left turns.	\$73,000
7	Routes 9&67/Saratoga Village Blvd.	Restrict left turns.	\$36,000
11	Route 67/Eastline Rd.	Roundabout.	\$3,300,000 ¹
12	Route 67/Raymond Rd.	Raymond Road - left-turns would be restricted.	\$35,000
13	Route 67/State Farm Place/Saratoga Medical	Site-specific traffic impact study and any improvements that may be needed. ²	N/A
17	Dunning St./Hemphill Place	Restrict left turns.	\$35,000
19	Dunning St./Fox Wander East	Restrict left turn.	\$35,000
25	Route 9P/Plains Rd.	Establish separate right turn lane.	\$390,000
28	Round Lake Rd./Raylinski Rd/Ruhle Rd.	Construction of second approach lane on Ruhle Road.	\$130,000
	Route 9/Old Post Rd. Cherry Choke Rd.	Construct eastbound turn lane on Old Post Rd.	\$400,000
	Northline Rd./Old Post Rd.	Realignment of intersections into a single intersection, namely a roundabout.	\$3,900,000
		Total	\$9,184,000

¹ A portion of this cost is identified as mitigation in LFTC Findings Statement.

E. The Town recognizes that these improvements cannot be funded solely through the implementation of fees on new development. The Town also recognizes that state and federal funding sources have been reduced in recent years. Therefore, it is necessary that

the Town be proactive, work with the NYSDOT, CDTC, County of Saratoga and neighboring municipalities and seek a variety of funding mechanisms to address the impacts of growth and to maintain adequate systems for residents and development.

- F. The Town has explored a traffic assessment model developed by the Capital District Transportation Commission (CDTC) based on the Systematic Traffic and Evaluation and Planning (STEP) Model. The STEP model is a travel demand model maintained for the CDTC's entire service area which has a long history of use in the region. Based on the CDTC assessment methodology, traffic mitigation costs are based on the share of the mitigation measure that is consumed by an individual project. First, the design capacity (and cost) of the improvement (mitigation measure) needed is calculated, the available capacity of the mitigation measure is then calculated (accounting for existing traffic), the fractional share of available capacity consumed by a project is assessed its proportional cost of the improvement consumed, as set forth in detail in the FSEIS. The Town finds this to be a fair assessment method.
- G. The Town will engage the assistance of the CDTC (or similar agency/entity) in evaluating individual project impacts and calculating the proportional share of mitigation. Any cost associated for these services shall be assessed to the project applicant or sponsor consistent with the requirements of the Town.
- H. Administrative procedures will be established by the Town to outline the review process to prospective applicants.
- I. Monies collected as transportation mitigation fees shall be used for activities related to the projects identified in the SGEIS that will reasonably benefit residents from growth and development that may occur in the Town. The use of fees collected in lieu of mitigation may be used for but not limited to land acquisition, professional services (i.e., planning, engineering, architecture, legal), permitting, construction, financing, debt service, and administrative expenses related to this effort.
- J. The Town may develop methods/procedures to track the collection and use of mitigation fees. Mitigation fees may be tracked by source and location of impacted intersection. These monies may be co-mingled and programmed for use for any transportation mitigation activity as such activity is programmed or comes to fruition. Collection of fees does not obligate the Town to construct any proposed mitigation measure as other funding sources, approvals, and project sponsors may be required to implement any mitigation activity.

3.5 Utilities

- A. The Town of Malta does not currently operate a municipal water supply or distribution system. Municipal water service is available from adjoining communities in isolated areas, and private water service providers serve the more densely developed areas of the Town.
- B. The Town of Malta does not operate a municipal wastewater collection or treatment system. Several areas of the Town are served by municipal sewer collection facilities. Saratoga County Sewer District #1, the largest of the service districts, receives wastewater flows from all of the community systems; however, several systems are maintained by others.
- C. The Town has no plans for expansion of water or wastewater system infrastructure at this time. The Town does not operate any water or wastewater facilities and generally defers planning and construction of new facilities to the development community. No potential adverse environmental impacts to utilities are anticipated. Therefore, no mitigation measures are required or proposed.

3.6 Rationale

- A. Growth and development are likely to continue. In fact, based on the Town's recent experience, they seem inevitable. As a practical matter, the question is how to best manage them and prevent or reduce the potentially detrimental effects that can accompany them, so the Town and its quality of life are not overwhelmed by growth.
- B. Growth brings many positive benefits, including: employment, economic activity, a larger and more varied housing stock, a more vibrant and diverse community, a wider choice of goods, services, activities, entertainment and educational opportunities, and a rising standard of living for Town residents. However, left unmanaged, growth would almost certainly result in roads snarled with traffic congestion, development without regard to open space, and over-crowded recreational facilities unable to accommodate the needs of the public, all of which would be detrimental to the quality of life in Malta.
- C. To avoid negative effects from growth and development, the Town has taken, and continues to take, a careful, pro-active and well-planned approach to anticipating growth and development, as evidenced by the TWGEIS and the Town's efforts in updating it. The Town has implemented mitigation measures, including mitigation fees, identified in the 2006 TWGEIS. The mitigation fees have enabled the

construction of road and intersection improvements as well as recreational facilities, together with the acquisition of lands for open space preservation, all of which help to avoid or minimize adverse impacts from growth. This update to the TWGEIS now provides the Town with the basis on which to revise mitigation measures, including mitigation fees, which the Town can continue to use in order to avoid or minimize negative effects from growth and development while still allowing Town residents to enjoy the positive aspects and benefits of growth and development. On balance, the Town Board believes that this careful approach using appropriate mitigation measures to avoid or offset the negative effects of growth is the most prudent and sensible way to manage growth and deal with the potentially negative effects of growth, and at the same time realize the benefits that come with growth and development.

3.7 Capital Improvement Plan

The Town will develop a long-term Capital Improvement Plan identifying needed transportation and recreation improvements to deal successfully with anticipated growth. Estimated costs of such improvements will also be identified for budgeting purposes. The projects identified in the DSEIS and FSEIS will provide the basis for this plan. The town may amend this plan as time goes on, identifying new/alternate projects and adjusting priorities based on then-current conditions and other considerations. Anticipated costs of identified improvements will be included in Town budgets for long-term financial planning.

3.8 Summary of Mitigation Measures

Mitigation Fee Summary	
Resource	Mitigation Fee
Recreation- Residential Development	\$972/dwelling unit
Open Space	\$1,131/acre
Traffic	As determined for each development project in consultation with CDTC (or designated entity).
GEIS	\$152/trip

- A. The mitigation fees derived from this GEIS will be collected as follows: one-half at the time of issuance of each building permit and one-half prior to the issuance of certificate occupancy -OR- as determined by administrative procedures established by the Town Board.
- B. Mitigation fees presented in the table above are in 2017 dollars. The Town may adjust these figures periodically to account for inflation utilizing the Consumer Price Index (CPI) or similar index as may be determined by the Town. The Town may also periodically revisit the assumptions or other basis for establishing the cost of the noted mitigation measures and further adjust cost as necessary to account for said changes and ensure that sufficient funds are available to pay for the improvements.

4.0 FUTURE SEQR ACTIONS

This Statement of Findings, together with the TWGEIS, as amended by the DSEIS and FSEIS, 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 the TWGEIS, as amended by the DSEIS and FSEIS and this Findings Statement (collectively, the “Amended TWGEIS”).

In instances where a proposed future action associated with development in the Town does not appear to be in conformance with the conditions and thresholds established in the Amended TWGEIS, an environmental assessment form (EAF) will be completed to assist the Lead Agency in the evaluation of conformance with the Amended TWGEIS, 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 is found to be adequately addressed in the Amended TWGEIS except that it was not specifically addressed or was 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 Amended TWGEIS 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 Amended TWGEIS, and such action may have one or more significant adverse environmental impacts, a Supplemental EIS will be prepared and reviewed and an amended Findings Statement will be prepared.

The above process provides flexibility that allows the Town to consider site-specific environmental protection issues and to modify requirements based on the results of the supplemental SEQR analysis as necessary.

5.0 ALTERNATIVES

The Town contemplated two growth scenarios: the Low Growth and High Growth alternatives. After thoughtful consideration, the Town selected the Low Growth Alternative as having a greater likelihood of occurring and therefore selected this alternative for detailed evaluation.

The No-Action alternative under which the updating of the growth projections and associated studies are not completed would likely result in a misbalancing of impacts and mitigation measures. The Town Board has therefore worked diligently to craft this update to the 2006 TWGEIS, which is responsive to the changing conditions in the community while being equally protective of health, welfare and safety.

6.0 UNAVOIDABLE ADVERSE IMPACTS

No new adverse environmental impacts were identified in the SEIS that were not originally identified in the prior SEQRA Record. The scale and magnitude of some impacts, such as traffic, has changed. However, in each case where the scale or magnitude of an impact has changed, appropriate mitigation measures have been developed and will be implemented in order to avoid or minimize adverse impacts to the greatest extent practicable.

7.0 CUMULATIVE IMPACTS

The cumulative and growth inducing impacts of anticipated development were comprehensively summarized in the prior SEQRA Record and updated as a result of preparing the Supplemental EIS.

8.0 CERTIFICATION

Upon consideration of the foregoing and the Draft and Final Supplemental Environmental Impact Statements, the Town of Malta Town Board hereby certifies that:

- A. The 2006 TWGEIS is hereby reaffirmed to the extent that it is not superseded by the Draft and Final Supplemental Environmental Impact Statements and/or this Statement of Findings.
- B. The Town Board has considered the relevant environmental impacts, facts and conclusions set forth in the Draft and Final Supplemental Environmental Impact Statements prepared in connection with the anticipated future development within the Town.
- C. The Town Board has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the anticipated development.
- D. The requirements of 6 NYCRR Part 617 have been met.
- E. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, anticipated development consistent with the Amended TWGEIS will avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative conditions that were identified as practicable in the documents comprising the Amended TWGEIS, including the 2006 TWGEIS, the Draft and Final Supplemental Environmental Impact Statements and this Statement of Findings .