RESOLUTION NO 136 AUGUST 7, 2017

AMEND FINDING STATEMENT LUTHER FOREST TECHNOLOGY CAMPUS VISUAL MITIGATION & RECREATION FEES

Motion by: Councilman Dunn   Seconded: Councilwoman Ruisi
Vote: Ayes-3 Nays-0 Absent-Councilman Hartzell & Councilman Warner

WHEREAS the Town Board of the Town of Malta Town Board, acting as the Lead Agency pursuant to the State Environmental Quality Review Act adopted a Draft Generic Environmental Impact Statement January 16, 2003, a Final Generic Environmental Impact Statement October 16, 2003, a Statement of Findings May 18, 2004 amended January 9, 2017, and Luther Forest Technology Campus Planned Development District legislation May 24, 2004 amended in 2008, 2013 and 2015; all records of which are on file in the Town Clerk’s Office; and

WHEREAS the Town Board of the Town of Malta and serving as Lead Agency desires to amend said Statement of Findings, regarding fees in lieu of mitigation for visual impacts and for non-residential recreation impacts to reflect present conditions which were not foreseeable when the Statement of Findings was adopted; and

RESOLVED that the Town Board of the Town of Malta adopts the Amended Statement of Findings in the form annexed hereto; and it is

RESOLVED that a copy of this resolutions shall be included with the Amended Statement of Findings posted on the official website of Town of Malta, distributed to the Chief Executive Officers of the political subdivisions in which the action will be principally located, the Lead Agency, all Involved Agencies, any person who has requested a copy, and provided to the Environmental Notice Bulletin (625 Broadway, Rm. 538, Albany, NY 12233-1750) for publication therein.

I Certify This To Be a True Copy
Of The Original Filed In The Office Of The Town Clerk

Patricia Ruggles- Malta Town Clerk

www.malta-town.org
LUTHER FOREST TECHNOLOGY CAMPUS
GENERIC ENVIRONMENTAL IMPACT STATEMENT

AMENDED STATEMENT OF FINDINGS

8/7, 2017

This Amended Statement of Findings has been prepared in accordance with Article 8 of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations.

LEAD AGENCY: Malta Town Board
Address: 2540 Route 9
Malta, NY 12020

Contact Person: Vincent DeLucia, Supervisor
Telephone: (518) 899-3434

PROPOSED ACTION: The original Town of Malta Planned Development District legislation which created the Luther Forest Technology Campus (LFTC) was classified as a SEQRA Type I Action and a Generic Environmental Impact Statement (GEIS) was prepared. More specifically, the original legislation was subject to a Draft Generic Environmental Impact Statement (GEIS) adopted on January 16, 2003, a Final Generic Environmental Impact Statement adopted on October 16, 2003 and a Statement of Findings adopted on May 18, 2004 (the “Original Statement of Findings”). Subsequent amendments to the PDD legislation in 2008, 2013 and 2015 were subject to Supplemental Environmental Impact Statements and Statements of Findings. This new Amended Statement of Findings amends portions of the Original Statement of Findings as described below while all other aspects of the Original Statement of Findings and subsequent Findings Statements remain in effect. The Original Statement of Findings, as amended by the subsequent Findings Statements, and all of the findings set forth therein are incorporated into this Amendment by reference except as amended by this Amended Statement of Findings. All capitalized terms used in this Amended Statement of Findings but not defined herein have the meanings given to those terms in the Original Statement of Findings.
As discussed below, this Amended Statement of Findings is made necessary by changes of circumstances related to LFTC which have caused some of the original mitigation measures to become not only impractical, but simply impossible to implement and have resulted in the elimination of certain Town-wide mitigation measures. These revisions will not result in any impacts that were not already fully considered and evaluated in the prior SEQRA process and will further accomplish the goal of mitigating impacts of LFTC to the maximum extent practicable.

SEQRA CLASSIFICATION: Type I

LOCATION: Southeast of the intersection of Dunning Street and Route 9 in the Town of Malta and west of Cold Springs Road in the Town of Stillwater, Saratoga County

DISCUSSION OF CHANGE IN CIRCUMSTANCES:

RECREATION FEES: In seeking to mitigate the potential impacts of LFTC on the open space and recreational facilities of Malta, the Town Board determined in the Original Statement of Findings that LFTC would be subject to the Town’s Recreation and Open Space Fee for non-residential structures. However, in connection with its review of the Town’s recreational resources as documented in the recently adopted Supplemental Townwide Generic Environmental Impact Statement (STWGEIS), the Town Board gave further consideration to the impacts that non-residential development has on the Town’s recreation system. The Town Board considered both the nexus between non-residential growth and demand for recreational facilities, as well as positive impacts that non-residential growth has on the Town. According to the Statement of Findings for the STWGEIS, 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”. Based on its analysis, the Town Board determined that the benefits associated with growth of non-residential development outweigh any potential adverse impacts on the Town’s recreation system and that mitigation is not necessary. The amendments to the Original
Statement of Findings shown below reflect this determination and confirm its application to LFTC.

**VISUAL IMPACTS:** The original LFTC GEIS and Planned Development District legislation required that a fee in lieu of mitigation be paid as a result of overhead transmission lines, in lieu of fully placing such lines below grade. The fee paid in lieu of mitigation was specified to provide funding to relocate other utility lines in visual proximity to the location of overhead transmission lines. This fee was paid to the Town of Malta, but no portion of the fee has been expended to date.

The Town Board, acting as Lead Agency, sought to relocate utility lines from overhead to underground along Route 9 north of the Stonebreak Road/Route 9 roundabout, because it would provide a balance of improved visual aesthetics enjoyed by a higher number of people, at locations in relatively close proximity to the location of overhead transmission lines.

As the Town began planning to relocate overhead utility lines along Route 9 to underground facilities, several meetings were conducted with National Grid. Representatives from National Grid expressed reluctance to relocate utility lines underground, even despite the placement of underground facilities placed in the 1980's for the primary purpose of relocating utility lines underground. National Grid made reference to the relocation of overhead utility lines to underground relocation in the Town of Queensbury and rendered its opinion that the Queensbury relocation did not provide much aesthetic benefit, because the poles and overhead lines and equipment were replaced by numerous transformers and protective barricades, which was stated to be less safe and which was stated to have actually moved electric facilities closer to the viewshed of pedestrians, drivers and others.

The Town Board, acting as Lead Agency, has subsequently determined that the original mitigation measures are both impractical and unable to be implemented. The Town Board agrees that relocating electric utility facilities and the subsequent need for above grade transformers and barricades would result in an ineffective means of visual mitigation to balance the impact of the overhead transmission lines along
Stonebreak Road. The Town Board also has concluded that National Grid's concern regarding safety and subsequent strong reluctance to relocate overhead utility lines to underground and at grade facilities makes implementation of these original mitigation measures highly impractical.

As a result of these determinations, the Town Board acting as Lead Agency has determined that the fees paid in lieu of visual mitigation should be used to pay for other mitigation measures north from the intersection of the Stonebreak Road and Route 9 roundabout by providing other aesthetic improvements such as, but not limited to, landscaping, sidewalks, hardscapes, pedestrian-scale lighting, gateway treatments, signage improvements and/or works of art to balance the adverse visual impacts potentially resulting from the establishment of overhead transmission lines along Stonebreak Road. The amendments to the Original Statement of Findings detailed below are intended to formalize and effectuate this determination.

**AMENDMENTS:**

This language amends the Original Statement of Findings, as previously amended, as follows. Deleted text appears italicized and in brackets and new text is underlined.

**A.** The last paragraph of Section IV[L][6][e] is deleted in its entirety and replaced by the following:

>[It is anticipated that a significant number of non-residents will use the Town’s recreational and open space facilities during or after their workday. Therefore the Luther Forest Technology Campus shall be subject to the Town of Malta’s Recreation and Open Space Fee, as established by the Town of Malta.]

The Town Board has recently considered the impacts that non-residential development has on the Town’s recreational resources in connection with its review of the Supplemental Environmental Impact Statement for the Townwide Generic Environmental Impact Statement (STWGEIS). The Town Board considered both the nexus between non-residential growth and demand for recreational facilities, as well as positive impacts that non-residential growth has on the Town. Based on its analysis, the Town Board determined that the benefits
associated with growth of non-residential development outweigh any adverse impacts on the Town’s recreation system. Therefore, no mitigation of potential impacts of the Luther Forest Technology Campus on the Town’s recreation resources is necessary.

B. The last paragraph of Section IV[L][3][a][3] is deleted in its entirety and replaced by the following:

[To further minimize the impacts of the proposed ETL at the Route 9 crossing, the existing overhead transmission line will be buried underground. Even with the proposed siting criteria and the undergrounding of the existing overhead lines, the impacts of the proposed transmission line will be only partially mitigated and the Lead Agency has determined that an offset fee will be necessary and shall be used within visual proximity to the proposed area of impacts to underground other existing overhead lines]

Even with the proposed siting criteria, the potential impacts of the proposed transmission line would be only partially mitigated. The Town Board has determined that the original mitigation measures involving undergrounding of the existing overhead lines are both impractical and unable to be implemented. The Town Board agrees with National Grid’s conclusion that relocating electric utility facilities and the subsequent need for above grade transformers and barricades would result in an ineffective means of visual mitigation to balance the impact of the overhead transmission lines along Stonebreak Road. The Town Board has also concluded that National Grid’s concern regarding safety and subsequent strong reluctance to relocate overhead utility lines to underground and at grade facilities has caused implementation of these original mitigation measures to be highly impractical. Instead, the Town Board has determined that the offset fee, which was originally required shall be used to pay for other mitigation measures north from the intersection of the Stonebreak Road and Route 9 roundabout by providing other aesthetic improvements such as, but not limited to, landscaping, sidewalks, hardscapes, pedestrian-scale lighting, gateway treatments, signage improvements and/or works of art to balance the adverse visual impacts resulting from the establishment of overhead transmission lines along Stonebreak Road.
CERTIFICATION OF FINDINGS

Having considered the Draft Generic Environmental Impact Statement, Final Generic Environmental Impact Statement, Original Statement of Findings and subsequent environmental review of the PDD legislation in 2008, 2013 and 2015, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Amended Statement of Findings certifies that:

1. The requirements of the SEQRA Regulations set forth at 6 NYCRR Part 617 have been met;

2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable;

3. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by including as conditions to the decision those mitigative measures that were identified as practicable.

MALTA TOWN BOARD
2540 Route 9
Malta, NY 12020

By: ____________________________
Vincent DeLucia, Supervisor

Date: __8/8/2017__

For Type I Actions and Conditioned Negative Declarations, a Copy of this Amended Statement of Findings sent to:

Chief Executive Officers of the political subdivisions in which the action will be principally located
Lead Agency
All Involved Agencies
Any person who has requested a copy
The applicant (if any)

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