

**Statement of Findings
Malta Town-Wide GEIS
Town of Malta, Saratoga County, New York
Adopted June 5, 2006**

GENERAL

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, Milton, and Saratoga. Contained within the Town is the Village of Round Lake, but is not included in this study. The study area boundaries are illustrated on Figure II-1, Regional Location in Appendix A of these Findings.

Pursuant to the State Environmental Quality Review Act (SEQR), the Town of Malta Town Board prepared a Generic Environmental Impact Statement (GEIS) for the purpose of evaluating the cumulative impacts of future development on community resources including land use, infrastructure and the environment and to identify appropriate mitigation to ensure orderly and equitable growth. The need for this study is justified by the current level of growth in the community related to easy access to the Adirondack Northway (I-87) and other important transportation corridors including Route 9 and Route 67, as well as the potential for the development of the Luther Forest Technology Campus (LFTC - Planned Development District # 46). Should LFTC occur as planned, the induced growth implications could be significant and, if not properly planned, could result in significant impacts to community character, quality of life, infrastructure, and other resources. The GEIS provides the best opportunity to evaluate and mitigate cumulative impacts.

A GEIS is an environmental assessment/planning tool provided through SEQR to address broad land areas or programs that impact land use and the environment. The level of detail for a GEIS is usually at a planning or concept level, meaning that site details are not necessary. This allows the preparer of the GEIS to focus on broader issues and cumulative impacts while establishing thresholds and procedures for future growth.

Mitigation measures prescribed as part of this GEIS have become a form of development guidelines designed to assist both the developer and the Town during the project review process. Some of the mitigation measures will require improvements to the Town's infrastructure. Typically, such improvements can be costly and through the GEIS, there is an opportunity to spread the costs over projected development such that no one project will bear the full cost of the improvement. These are referred to as mitigation fees and will apply to the critical elements of traffic, sewer, recreation and open space (green infrastructure).

Pursuant to the requirements of SEQRA, the Draft Generic Environmental Impact Statement (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). A public hearing was held on January 9, 2006. The comment period for the DGEIS closed on January 20, 2006. A Final Generic Environmental Impact Statement (FGEIS) was prepared and deemed complete on April 3, 2006.

CERTIFICATION

The Town of Malta Town Board, as Lead Agency, is issuing this Statement of Findings pursuant to 6NYCRR Part 617.11 of SEQR. Specifically, the Town Board hereby finds:

- a. The requirements of 6 NYCRR 617 have been met.
- b. Consistent with 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,
- c. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.
- d. The GEIS is comprehensive and contains the facts and conclusions relied upon to support the Town Board's Statement of Findings and indicates the social, economic and other factors, which formed the basis of its findings.

Pursuant to 6NYCRR Part 617.10, the Malta Town-Wide GEIS assessed the environmental impacts that may occur as a result of future development in the Town. This Statement of Findings lists the specific conditions or criteria under which future projects may be undertaken or approved, including requirements for any subsequent SEQR compliance. To the extent that certain impacts may require further analysis, it is recognized that the Final GEIS may be supplemented pursuant to 6 NYCRR Part 617.10(d). No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and its Findings Statement.

The GEIS and Statement of Findings are applicable to all future development or redevelopment projects that are subject to SEQR review (Type I or Unlisted Actions) and involve land uses identified in the growth estimates (i.e., residential and commercial uses).

FUTURE SEQR ACTIONS

This Statement of Findings, together with the DGEIS and FGEIS, 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.

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.

FACTS & CONCLUSIONS

Growth Estimates

A buildout analysis was conducted during the preparation of the Town’s Comprehensive Plan and Zoning update, which occurred concurrently with the early stages of the DGEIS. The intent of the build-out analysis was to quantify and illustrate the implications of continuing growth under existing conditions. This led to land use and density modifications which became the basis for the geographic distribution of future growth over the 10-year planning period.

Growth estimates are required in order to evaluate the cumulative impacts of development. The two elements that are critical to projecting growth are the rate of growth and the planning period. Reasonable planning periods are typically 10-20 years. A 10-year period was chosen since Phase 1 of LFTC is expected to be completed in 10 years. This provides a good point in time to re-evaluate the assumptions of the GEIS.

The rate of growth was established by first generating a baseline growth rate from past development trends identified through the issuance of building permits over the past 10 years. Next, research was conducted to determine the potential effect of LFTC on growth rates. Presumably, rates will increase as this major regional employer will generate demand for housing and will likely spin off other commercial growth, consistent with what has occurred in others regions of the country where large high tech companies have started up. Lastly, discussions with local developers helped to identify future intentions for some of the large parcels in Town. As a result, the following growth estimates were used as the basis for the analysis contained in the draft and final GEIS.

10-Year Estimated Growth Projection

Land Use	1995-2004 Bldg Permit Summary	Approved Projects (not built) Backlog	Build-Out Potential per Comp. Plan	Estimated Growth for 10-Year Planning Period
Single Family Residential	656 units	431 units <i>50 units - LFTC</i>	1777 units	900 units
Multi-family Residential	44 units	476 units	762 units	700 units
Office	159,513 sf	152,525 sf	10,000,000 sf	1.5 million sf
Retail	277,566 sf	160,990 sf	5,000,000 sf	380,000 sf
Industrial	41,530 sf	<i>1 FAB + 800,000 sf ancillary - LFTC</i> <i>400,000 sf STEP</i>	5,000,000 sf	N/A

The estimated growth was geographically distributed in order to evaluate geographically-sensitive issues such as traffic and sewer service. This is illustrated on DGEIS Figure II-4 provided in Appendix A of the Findings.

A. Topography, Geology & Soils

- A.1 The landscape of the Town is rolling with steep slopes primarily associated with stream corridors and the Saratoga Lake basin. The Town is underlain entire by Canajoharie Shale. Nearly the entire area of the Town east of Route 9 and south of Route 9P consists of sands and silts with few limitations for development. West of Route 9 soils consist of sand and coarse silt with several smaller areas of sand, silt and clay. These soils can present development limitations, particularly for septic systems. Projects involving septic systems should be carefully reviewed to ensure the soils are capable of accommodating these systems.
- A.2 General soil constraints for development include hydric soils, highly erodible soils and agriculturally productive soils. Soil types/characteristics and any constraints need to be identified for each new development project subject to this GEIS. Each of the soil constraints mentioned above relate to other environmental and cultural concerns addressed elsewhere in these findings. Hydric soils are a component of wetlands, highly erodible soils can result in erosion and sedimentation concerns, and agricultural soils are important relative to issues of rural character and the protection of farm operations.
- A.3 Steep slopes are a development constraint due to the potential for erosion, water quality impacts, and general impact to the natural characteristics of the landscape. Steep slopes are defined as any slope of 15 percent or greater.
- A.4 A review of the spill incidents database indicated that there have been 124 spill incidents from January 1, 1978 through June 29, 2005. Seven general areas of potential concern have been identified in the DGEIS. Several areas within the Town may potentially exhibit residual contamination. The Malta Rocket Test Site located on Plains Road is also listed on the Federal National Priorities List (NPL) of hazardous waste sites and efforts are being made to remediate this site. It is also listed as a Class 4 site indicating that the site has been properly closed and that on-going monitoring is required.

B. Water Resources

- B.1 The surface water features in the Town include Saratoga Lake, Round Lake, Kayaderosseras Creek, Ballston Creek, Drummond Creek and numerous tributaries and small ponds. Moderate to steep slopes associated with stream systems keep most of the Town free from flooding problems. Figure III-B-1 (Appendix A) identifies the mapped streams and waterbodies, including associated water quality classifications in the Town. The most extensive areas identified within the 100-yr floodplain are lands adjacent to Saratoga Lake, Round Lake and the Kayaderosseras Creek.
- B.2 Unmanaged stormwater runoff has physical, chemical and biological effects on receiving streams and waterbodies. Soil disturbance increases the potential for erosion and sedimentation. Impervious surfaces accumulate pollutants deposited from the atmosphere, vehicle fluids, roadway de-icing materials and windblown materials.
- B.3 Stormwater discharges from construction activities involving one acre or more of land are regulated under SPDES General Permit GP-02-01. The discharges authorized under this general permit must neither cause nor contribute to a violation of the water quality standards contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Future projects that disturb more than one acre of land must obtain coverage under this general permit by submitting a “Notice of Intent” (NOI) to NYSDEC and preparing a stormwater pollution prevention plan.
- B.4 Erosion control measures for future development within the Study Area shall include the following:
- Construction and maintenance of erosion and siltation control measures in accordance with the New York State Guidelines for Urban Erosion and Sediment Control.
 - Prompt vegetative stabilization of disturbed areas with topsoil, seeding and mulch.
 - Use of stone riprap at culvert inlets and outlets and proposed drainage channels in excess of 5% longitudinal slope.
 - Stabilization of proposed pavement areas by compaction and the application of gravel base as soon as all utilities are installed.

- Excavation work not to be carried out during periods of extreme inclement weather.
- Protection of all areas of the project site disturbed during construction, by sediment basins, providing at a minimum 1,800 cubic feet of storage per acre drained. The use of polymers shall be evaluated to aid in the “settling-out” of smaller-sized sediment particles in proposed sediment basins.
- Use of rock check dams along proposed drainage channels in excess of 5% longitudinal slope.
- Use of sediment filter dams at sediment basin outfalls, as well as other critical locations of concentrated stormwater discharge locations.

B.5 Low Impact Development (LID) for stormwater management should be considered by the Planning Board during subdivision or site plan review. Some management practices that could be incorporated into the final design of new buildings and parking areas could include:

- Dry Wells (also known as infiltration basins) - Consist of a small pit filled with pea-sized gravel or stone. They are used to control runoff from rooftops or pavement.
- Filter/buffer strips and other manufactured landscape areas - Consist of bands of close growing vegetation, usually grasses. They direct water into vegetated detention areas or special sand filters that capture pollutants and gradually discharge water over a period of time.
- Infiltration trenches - Consists of a shallow trench that is backfilled with stone to create an underground reservoir. Stormwater runoff is diverted into the trench and gradually infiltrates into the soil.
- Permeable pavers - Consist of a pavement block containing regularly interspersed void areas, which are filled with pervious materials such as gravel or sod. The gravel or sod acts like a reservoir storing water so that it may be infiltrated.

B.6 Given the importance of floodplains in the process of natural stormwater management, any impact to a floodplain is considered inconsistent with this GEIS. Possible exceptions to this might be a stream crossing necessary to access a parcel or portion thereof, or the installation of outfalls. It is also recognized that considerable development occurs within the floodplain along Saratoga Lake and that future redevelopment may occur here. The Planning Board must be provided with sufficient information on the potential impacts and mitigation for these encroachments to be considered.

- B.7 Groundwater resources in the Town are the Town's only source of potable water, either through individual wells or private water systems. The Town will consider the establishment of a Critical Aquifer Recharge Area ordinance which may include an Aquifer Protection District to protect the Town's recharge areas. Until such legislation is in place, all project proposals for development occurring within or near recharge areas will provide documentation to the Town, which may include an Aquifer Impact Review at the Town's discretion, to ensure the project will not impact groundwater resources. Any adverse impact to aquifer recharge areas is not considered consistent with this GEIS.
- B.8 In 1996, the Capital District Regional Planning Commission (CDRPC) published the Saratoga County Watershed Protection Study. According to this study, the Saratoga Lake and Kayaderosseras watersheds in the Town have been identified as impacted by development and are likely to continue to be impacted. Particular attention should be paid to these watersheds as development occurs there.

C. Ecology

- C.1 The Town consists of a mixture of open field, shrubland and forested terrestrial (upland) and palustrine (wetland) communities as well as developed and agricultural lands. Within these general community types are ecological communities varying from high to low quality habitat. The major stream corridors in the Town contain some of the best, generally undisturbed habitat. Several freshwater wetlands regulated by the NYSDEC occur scattered throughout the Town.
- C.2 Contact with the NYSDEC Natural Heritage Program revealed the potential presence of rare, threatened and endangered species within or within one mile of the Town. Butterfly/skipper species include the (rare) dusted skipper (*Atrytonopsis hianna*), (threatened) frosted elfin (*Callophrys irus*), and the (endangered) Karner blue butterfly (*Lycaeides melissa samuelis*). Vascular plants include the (threatened) Drummond's rock-cress (*Arabis drummondii*), the (threatened) green rock-cress (*Arabis missouriensis*) and the (endangered) swamp smartweed (*Polygonum setaceum var. interjectum*).
- C.3 A response from the U.S. Fish & Wildlife Service (FWS) revealed the potential presence of the (state and federally endangered) Indiana bat (*Myotis sodalis*) in addition to the Karner blue butterfly.

- C.4 Additional research revealed other species of concern that may be present depending on the actual vegetative community types occurring on any given site. Special concern species identified include eastern hognose snake (*Heterodon platirhinos*), eastern box turtle (*Terrapene c. Carolina*) and Jefferson salamander complex (*Ambystoma jeffersonianum x laterale*). Having the potential to occur in the Town include four additional herpetofaunal species of special concern: Jefferson salamander (*Ambystoma jeffersonianum*), blue-spotted salamander (*Ambystoma laterale*), spotted turtle (*Clemmys guttata*) and wood turtle (*Clemmys insulpta*). Two threatened species previously identified within the Town are least bittern (*Ixobrychus exilis*) and northern harrier (*Circus cyaneus*). Species of special concern previously identified within the Town include sharp-shinned hawk (*Accipiter striatus*), red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentiles*) and whip-poor-will (*Caprimulgus vociferous*).
- C.5 Development within the Town based on the 10-year development projections will have a significant impact on the amount and quality of habitat within the Town. This could include loss of wetland, potential impact to the habitat of threatened and endangered species, and the loss of habitat for common wildlife species. Approximately 3,000 acres of land could be affected.
- C.6 Although state and federal regulations exist to protect resources such as wetlands, it is largely up to the local municipality to approve on a case-by-case basis individual development proposals and review any associated impacts on the environment. Site specific mitigation will include the following:
- Preserve stream corridors and associated wetland to maintain and improve water quality and habitat and to preserve natural buffers between incompatible land uses. A minimum setback of 100 feet from the ordinary high water mark on each side of the stream will be required. This will apply to all mapped streams as identified on USGS 7.5 minute quadrangles (quads for the Town include Round Lake, Saratoga Springs, Quaker Springs, and Mechanicville). The buffer will be natural and no clearing or other maintenance will be allowed. Unmapped streams as identified during on-site investigations will have a minimum setback of 50 feet from the ordinary high water mark. This buffer may be extended to 100 feet if the stream exhibits natural characteristics or other high quality attributes that warrant further protection. This should be at the discretion of the Town. The 50 foot buffer should also be natural and protected from development and maintenance.

- At a minimum, all projects are required to contact both the NYSDEC and the USFWS to request information on known locations of rare, threatened and endangered species. Although the DGEIS includes correspondence from these agencies, it must be updated since new information could arise that would change the species list. Should these agencies identify any species of concern it will be the applicant's responsibility to conduct appropriate habitat evaluations, as required by the agencies, and obtain written concurrence from NYSDEC and or USFWS on the results. This documentation must be provided to the Town prior to the Town granting any approvals for the site.
- At the Town's discretion, a project may be required to undergo a habitat resource investigation regardless of whether or not the resource agencies identify any rare, threatened or endangered species. The purpose of this analysis is to serve as one criterion for determining areas suitable for development and those more appropriately designated for open space, as for example in the case of those projects subject to the Town's Open Space Development and Preservation Law (Article XI of the Malta Zoning Code). Habitat resource investigations must be performed by a qualified wildlife biologist. The DGEIS provides much of the background data in order to perform the analysis. The work must include identification of actual vegetative community types on the site, which can then be compared to those listed in the DGEIS. The habitat of any federal or State protected species of plant or animal must be identified.
- Maintain contiguous habitat and open space to prevent habitat fragmentation both internally and between parcels/projects.
- Minimize clearing in forested areas.
- Phase development in order to utilize previously/currently disturbed lands first, leaving natural areas for later phases.
- To the extent practicable, avoid construction in natural areas until denning and nesting are complete and young wildlife are mobile.
- Utilize native vegetation for landscaping and, when possible, specify vegetative species that produce berries, seeds and nuts that have high wildlife value. This is often referred to as conservation planting.

C.7 Impact to federal and State wetlands is contrary to the intent of this GEIS. It is recognized, however, that some impacts may be unavoidable even with the most environmentally sensitive projects due to wetland corridors and other protrusions that constrain access. Therefore, for the purpose of establishing an impact threshold, wetland (federal and State) impacts that will require an individual permit from the U.S. Army Corps of Engineers (USACE) and/or an Article 24 permit from the NYS Department of Environmental Conservation (NYSDEC) are considered potentially significant and will require further SEQR documentation.

This does not suggest that a supplemental EIS will be necessary, since it may be possible for the applicant to appropriately mitigate the impact. Projects that only require Pre-Construction Notification from USACE will result in limited impacts and are generally consistent with the GEIS and these Findings.

- C.8 If wetland and stream impacts are permitted, project sponsors must attempt to limit impacts to less significant portions of the wetland and avoid fragmentation (splitting wetland into parts, isolating the parts through impervious areas and other barriers). This is consistent with the requirements of federal and State regulations to avoid and minimize impacts.
- C.9 Require wetland delineations pursuant to State and federal regulations, as appropriate. The project sponsor will be responsible for confirming the wetland boundaries with USACE and NYSDEC prior to site plan approval.
- C.10 All non-impacted, federally regulated wetlands should be buffered from development. The magnitude of the buffer should be consistent with the type and quality of the wetland to be preserved, however, a minimum buffer of 50 feet from the wetland boundary to any impervious surface, structure, or septic system should be provided. The buffer should be natural and undisturbed. The same criteria apply to State wetlands except that the buffer must be 100 feet. All other NYSDEC criteria and permit requirements also apply.
- C.11 Require compliance with the special and general conditions of permits issued by USACE or NYSDEC, including conditions of Nationwide Permits, as applicable.
- C.12 Any impact to threatened or endangered species is considered inconsistent with this DGEIS. Should the habitat for State or federally protected species be identified, further site-specific and species specific investigations will be required to confirm the presence or absence of such species. The final determination on impact to protected species will be from NYSDEC and/or USFWS.

D. Land Use & Community Character

- D.1 The largest land use category in the Town is residential. The majority of commercial and business uses are located near the intersection of Route 9 and 67.
- D.2 LFTC is expected to have both adverse and beneficial impacts on the community. However, these changes have been anticipated in the Comprehensive Plan and this GEIS process.
- D.3 The development of LFTC will set the stage for future economic growth.
- D.4 Affordability of housing (home ownership and rentals) has become an important issue in the Town. The Town's average housing stock is unaffordable to low-income households and there is a trend of rising housing costs beyond the reach of moderate-income families. The Town recognizes the potential impact that a lack of affordable housing can have on a community and further recognizes that the presence of LFTC could exacerbate the issue through higher demand for housing.
- D.5 To begin to address the issue of affordable housing, the Town will consider preparing a comprehensive housing plan. Further, it will support housing proposals that provide affordable housing and will continue its current zoning efforts to include workforce, starter, and retirement housing in all residential and mixed use planned development projects. This may be extended to any new residential development in the future.
- D.6 The Town's zoning ordinance and map have been updated to accommodate commercial growth in a more organized pattern along the Route 9 corridor. A new R8 zoning district has been included in the zoning ordinance to assist in reducing density and preserve the Town's rural character. The issue of rural character is discussed below under the topic of Rural Character & Agriculture.
- D.7 No significant land use conflicts (present or future based on current zoning and land use plans) were identified along the municipal boundaries between Malta and most of the adjoining communities, with the exception of the Town of Ballston. The conflict occurs along Eastline Road and resides in the higher intensity of use allowed along the Ballston line and the vision for low density/rural character on the Malta side. The Town will continue to monitor development in this area and will offer input to Ballston as appropriate. The Town will also seek planning level dialog on the issue of conflicting uses with Ballston in an attempt to establish appropriate buffers or encourage a change in use that would be mutually beneficial.

E. Rural Character & Agriculture

- E.1 There are approximately 21 farms totaling 1,004 acres of land remaining in agricultural production. The location of active farms and Agricultural District lands is illustrated on Figure III-E-1 in FGEIS Appendix A. Agriculture still has an important role in the community both as an economic resource and as an open space resource. Projected growth over the next ten years will place significant pressure on those areas where rural character is encouraged.
- E.2 Malta's rural character is defined by features such as farmscapes and open lands, undisturbed natural resources, historic hamlets, homes, lakes and lake views. The Town's rural character areas include the Round Lake area, Ruhle/East Line Area, Brownell Road Area, and Saratoga Lake Area.
- E.3 Recommendations provided to preserve rural character include the preparation of a Land Conservation Plan; the designation of rural roadways for preservation of scenic, rural character and incorporate them into the Town's Comprehensive Plan or updated open space plan; and adoption of the *Town of Malta Rural Design Handbook*, provided in DGEIS Appendix F.

F. Recreation Resources & Open Space

Recreation

- F.1 The Town operates two community-wide town parks and a community center totaling 93.1 acres. Recently acquired land on Malta Avenue (187.6 acres) will be developed into an ecological park. In addition, Malta maintains two separate trail systems. Other recreational areas and trails within the Town are owned by homeowner associations and are not available to the Town population as a whole.
- F.2 The Town's Recreation and Open Space Needs Assessment Report prepared in 2004 provided the basis for determining the Town's recreation needs over the next 10 years. Of the numerous projects identified in the Needs Assessment Report, four projects that include expansion of the existing Community Center, purchase of land adjacent to Saratoga Lake for public access, extension of the East High Trail to Route 9, and development of the Malta Avenue Park, at an estimated cost of \$11,095,000 were quantified. Availability of funding, growth rates, and other factors that can shift priorities may dictate reconsideration of the list of improvements in favor of other projects identified in the Needs Assessment Report.

- F.3 Several options for paying for the Town’s recreation capital projects were presented as part of the DGEIS. They include the recreation fee for new residential development (currently in practice), a commercial mitigation fee, real estate transfer tax, parks program (state funding), legislative initiatives, and the federally funded Land and Water Conservation Fund Program and Recreational Trails Program.
- F.4 Specific references providing documentation in support of the funding options identified in F.3 above include the following: The Town of Malta Recreation and Open Space Needs Assessment Report; “Town of Malta Recreation and Open Space Memorandum,” May 2004; “Executive Summary” by New York State Parks, Recreation & Historic Preservation in Final Statewide Comprehensive Outdoor Recreation Plan and FEIS for New York State in 2003, p.3; Slack, Enid. *Municipal Funding for Recreation*, 2003. Laidlaw Foundation; National Park Service, 1995, Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors, A Resource Book, Fourth Edition; Development of Impact Fees: A Primer, Carmen Carrion & Lawrence W. Libby; and the following websites: <http://www.nps.gov/pwro/rtca/econindx.htm>; <http://nysparks.state.ny.us/grants/>.
- F.5 One option the Town will move forward with is the requirement of a mitigation fee for future non-residential development to share in the cost of the recreation projects. This determination was based on the fact that quality of life in a community is a key factor in attracting businesses and employees and that businesses will benefit from a high quality of life.

The distinction of a town’s recreation system is a key factor in defining the quality of life of an area. The Laidlaw Foundation in 2003 stated in its report titled “Municipal Funding for Recreation”, that:

A growing body of Literature in Canada and elsewhere points to the important role played by recreation....to the quality of life of individuals and to the economic prosperity of the country. There are several studies,that show that investment in recreation,...increases self-esteem,improves health, and lowers crime rates. Furthermore, there is evidence that recreation pays for itself by reducing the use of social and health services....

In terms of the economy, studies have shown that [cities] need to attract businesses and...”the knowledge workers” to be...competitive. These studies show that services that enhance the quality of life of individuals...(such as parks, recreation and cultural activities) feature prominently among the characteristics that attract the knowledge workers to particular places.”

The “Town of Malta Recreation and Open Space Memorandum” prepared by Town staff in May 2004 and found in DGEIS Appendix G also pointed out that “Employers, and to a larger degree, technology related jobs across the nation evaluate a community’s quality of life, open space, parks, recreation and cultural programs when selecting a business site.” This report cites information compiled by Ruth Taylor Kilday from the resource book Economic Impacts of Protecting Rivers, Trails and Greenway:

- *The Joint Economic Committee of the U.S. Congress reports that a city’s quality of life is more important than purely business-related factors when it comes to attracting new businesses, particularly in the rapidly growing high tech and service industries. Quality of life aspects include convenient access to natural settings, recreational and cultural opportunities and open space. Companies realize the benefits of healthy employees, both in increased efficiency and decreased health insurance claims. Open space and parks can provide these convenient opportunities.*
- *Open space and parks can provide opportunities for businesses, film locations and other resources for commercial activities.*

In a recent edition of the resource book titled Economic Impacts of Rivers, Trails and Greenways: prepared by the National Park Service in a chapter titled Corporate Relocation and Retention, it was stated that the importance of quality of life for employees was the third most important factor in locating a business. It stated:

One aspect of quality of life is a location with convenient access to natural settings, recreational and cultural opportunities and open space. Businesses are realizing the benefits of healthy employees, both in increased efficiency and decreased health insurance claims.

These concepts are supported in particular by research conducted by the National Recreation and Park Association and the American Journal of Preventive Medicine, as well as others.

- F.6 Based on documentation provided in the DGEIS, the mitigation fee will be \$0.89 per square foot of non-residential development. The Town has determined that it is consistent with the GEIS to use the available funding collected from the mitigation fee and other sources to support the advancement of the Needs Assessment Report, regardless of the projects ultimately selected.

- F.7 The Town will consider entering into an intermunicipal agreement with adjacent towns and the Ballston Spa and Shenendehowa school districts to share the costs of purchasing land for the construction of a recreation center/sports complex.

Open Space

- F.8 The loss of open space in the Town to the extent that rural areas lose their rural character is inconsistent with the Town's Comprehensive Plan and this GEIS.
- F.9 The Town's ongoing efforts to conserve open space include the enforcement of the Open Space Development and Preservation Law that addresses open space within projects and the implementation of the Agricultural and Open Space Preservation Study (Open Space Study). The Town will also consider the preparation of a land conservation plan that will be directed at implementing the Open Space Study with both regulatory and incentive-based tools and will redefine the parcels or areas of the Town where land conservation efforts should be focused since many of the parcels identified in the Open Space Study have been purchased for development or other uses. The Town has also established a Purchase of Development Rights (PDR) program and is further considering the Transfer of Development Rights, amenity zoning, and term easements.
- F.10 Based on the Town's Open Space Study, 997 acres of open space were targeted as a goal for land conservation through PDR. Although some of the parcels originally targeted for conservation have been developed the overall acreage and underlying concept of open space conservation has not changed. Similar to the recreational needs assessment, the need for open space cannot be quantified as a rate per person or household. Rather, it is based on the needs of the community in terms of passive recreation, rural character/farmland preservation, historic preservation, aesthetics, development density, and control of tax base. Through the Town's Comprehensive Plan and Open Space Study, the Town identified its open space needs. Another critical consideration for the establishment of an acreage goal is cost. Through the Open Space Study, careful consideration was given to all the cost factors associated with PDR and a reasonable scenario was identified that balanced both need and cost.

F.11 Implementation of the open space program will require funding. As one source of funding, the Town has determined that a mitigation fee will be implemented for all future development subject to this GEIS. Initially, the DGEIS identified a mitigation fee of \$577 per acre of disturbed developable land based on a total cost of \$4,673,342 to preserve the 997 acres. The total cost is an average of the high and low range estimates of cost presented in the Open Space Study and adjusted for inflation. After further review of current land values, it was determined that the average value will be insufficient to purchase the development rights of the recommended acreage. Therefore the Town has determined to use the high range estimate of \$6,975,610 as the basis to move forward with the PDR program. The developer's share will be 38 percent of this total (see DGEIS Section III.F, p. III-105) or \$2,650,732. Developers will be assessed a mitigation fee of \$861 per acre of disturbed land. The Town Board further determined that the mitigation fee will apply to all land disturbed by the project and not limited to developable land as noted in the DGEIS. Disturbed land will be defined as a project's clearing and grading limits, which must be clearly shown on grading plans for all projects.

G. Visual Resources

G.1 The Town's scenic resources include distant views of the Adirondack foothills in New York, the Green Mountains in Vermont, Saratoga Lake and the surrounding countryside to views of the pastoral landscape along some of the Town's country roads. It is the rural landscape and views of waterbodies that comprise much of the scenic views within the Town.

G.2 Fifteen views in the Town were identified in the DGEIS as important viewsheds that warrant protection. The Town will take full consideration of these views as projects move forward and will implement the recommendations/mitigation of the DGEIS (Section III.G). The locations of important viewsheds are shown on Figure III-G-1 (Appendix A of these Findings).

H. Transportation

H.1 Except for I-87, the majority of vehicular traffic within the Town is located on the principal arterials of Route 9 and Route 67. It is expected that these two routes will continue to be the heaviest traveled roadways in the 2015 build condition. However, it is recognized that some rural roads are carrying traffic volumes that are generally inconsistent with rural character.

- H.2 Approximately 70% of the projected traffic increase on Town roadways is attributable to the projected growth in the Town. The remaining 30% is attributable to developments in adjacent communities as a general increase in background traffic volumes.
- H.3 Recommendations are provided to reduce traffic impacts within the Town. These recommendations include constructing collector and access roads to provide alternative travel routes and therefore reduce traffic on Routes 9 and 67. It is also recommended that shared access driveways for all new development should be promoted.
- H.4 Based on the future estimated growth over the 10-year planning period and accounting for background growth, the operational analysis for the intersections studied in the DGEIS revealed that 17 intersections would result in poor levels of service by the end of the planning period. Mitigation has been proposed where feasible. These intersections include the following and are identified by number on Figure III-H-10 (Appendix A of these Findings):

- Rt 9/Old Post Rd/Cherry Choke Rd (#1)
- Rt 9/Malta Ave (#2)
- Rt 9/Cramer Rd (#4)
- Rt 9/Rt 67/Dunning St (#6)
- Rt 9 & Rt 67/Hemphill Pl (#7)
- Rt 9/Knabner Rd (#8)
- Northline Rd/Old Post Rd (#12)
- Rt 67/Eastline Rd (#17)
- Rt 67/Raymond Rd (#18)
- Dunning St/Fox Wander W/Partridge Drum (#22)
- Dunning St/Fox Wander E (#23)
- Dunning St/Plains Rd/Hermes Rd (#24)
- Round Lake Rd/Eastline Rd (#30)
- Round Lake Rd/Ruhle Rd/Raylinski Rd (#31)
- Round Lake Rd/Exit 11 NB (#32)
- Round Lake Rd/Exit 11 SB (#33)
- Rt 9 & 67/Saratoga Village Blvd (#37)

- H.5 Intersection level of service following mitigation (intersection improvements) is shown on Figure III-H-11. Total construction cost, including design and right-of-way costs, where applicable, for the proposed improvements is \$8,025,000. Of this total, 70% (\$5,617,500) is attributable to future development in the Town over the 10-year planning period. Therefore, the Town will assess a transportation mitigation fee of \$1,025 per PM peak hour vehicular trip generated by new development in the Town that is subject to this GEIS. A peak hour trip is defined as a vehicle trip arriving at or departing from a particular land use during a single highest traffic volume hour of the day. To determine trip generation for a project, the applicant must use the latest edition of the Institute of Transportation Engineers' (ITE) publication "Trip Generation" for the PM peak hour (between 4:00 and 6:00 p.m.) of adjacent street traffic. "Trip Generation" contains trip generation rates for different types of land uses. The trip generation rates are based upon data collected around the USA and in Canada. It is the applicant's responsibility to provide this information to the Town for review.
- H.6 The Town recognizes that for various reasons discussed in DGEIS Section H, some intersections cannot be fully mitigated. The result will be that these intersections will not function at acceptable levels of service and are generally located in what will be the more intensively developed areas of Town. Mitigation fees and public funds are not intended to resolve all traffic related issues. Rather, they are specifically designated to address those intersections identified in the DGEIS where mitigation can offer the greatest benefit.
- H.7 The Town will consider options to reduce vehicular use through the possible use of bus service and continued efforts to provide multi-use trails. The development of Downtown with more intensive uses could offer a good opportunity for bus service. To further this potential, the Town will consider street and site design measures to better accommodate buses and riders. In addition, intersections will incorporate pedestrian and bicycle amenities where applicable so as not to create conflicts but to encourage walking and cycling as viable alternative travel options.

I. Air Quality

- I.1 The two major sources of air pollution associated with the 10-year growth estimates are industrial emissions and automobile exhaust. Industrial emissions are associated with LFTC and are highly regulated by NYSDEC and the USEPA. The SEQR process for LFTC suggests air emissions from this facility will not have a significant impact.

- I.2 Traffic will continue to be the primary source of pollution both locally and regionally. Localized air pollution can occur in congested areas where vehicles are backed up and idling. To mitigate these potential impacts, intersection improvements, such as roundabouts, have been identified to maintain traffic flow and reduce idling time, which should reduce emissions. In general, however, broader measures at State and federal levels that include stricter vehicle emission controls are anticipated and necessary to address the air pollution issue.
- I.3 Future construction projects may impact the air quality of adjacent land uses. Recommendations are provided to minimize this impact by controlling the amount of dust that is generated during construction.

J. Noise

- J.1 The primary source of noise in the Town is traffic along heavily traveled roads that include the Northway (I-87), U.S. Route 9, and NYS Route 67. Congested local collector roads also contribute to the noise impact.
- J.2 Land use plays a major role in the generation of noise. Ambient noise in rural areas is typically lower than in more developed areas. The Town's Comprehensive Plan provides for the preservation of rural character and the accommodation of development. Over the next 10 years development is expected to concentrate in Neighborhoods 3, 6, 9, and 12, primarily along the Route 9 corridor. Some of these areas are currently rural and will therefore experience and increase in ambient noise levels due to an increase in development density.
- J.3 The Town's Comprehensive Plan calls for land conservation measures to help preserve rural character particularly in the northern portion of the Town (neighborhoods 11 and 13). If successful, these measures should reduce overall density of development in these areas and will help to prevent ambient noise levels that are inconsistent with the rural landscape.
- J.4 Noise is regulated in the Town through a noise ordinance (Town Code Chapter 115). The ordinance describes several noise sources and provides regulations relative to hours of operation, sound levels, prohibitions, and waivers. In addition to addressing offensive noises, the Town also established maximum sound levels of 50 decibels during the night and 60 decibels during the day, measured at the property line. The Town will consider a re-evaluation of these maximum sound levels based on land use designation and actual ambient noise level measurements.

J.5 Since there is a potential for considerable construction that would include many phases over a period of several years, construction noise could become a nuisance. The Town should work with developers for each project to establish a noise reduction program. Examples of noise reduction methods are provided in DGEIS Section III.I.

K. Community Services

K.1 The Saratoga County Sherriff and the New York State Police provide police services in the Town. It is expected that as growth occurs within the Town, state and county police services may be required to be expanded as necessary to satisfied increase needs for police protection.

K.2 The Town has one fire protection district served by the Round Lake Hose Company and the Malta Ridge Fire Company. An increase in calls as a result of the 10-year growth estimates is anticipated. This is likely to require an increase in both equipment and personnel. The need for paid staff will continue to be monitored.

K.3 Future growth will impact emergency services by increasing the number of calls. The significance of the impact will depend on land use and demographics.

K.4 Educational services are primarily provided by the Shenendehowa and Ballston Spa school districts. The Saratoga Springs School District includes a small portion of the Town in the north. Contact with these districts revealed that they are generally prepared for the anticipated increase in school age children.

K.5 Solid waste collection is provided by private waste haulers. Malta does not have a landfill and does not plan to construct one. Therefore, the Town will continue to use private haulers.

L. Utilities

L.1 Utilities within the Town are generally limited to private/public water, municipal and private sanitary sewer, gas, electric and cable television. The current extent of water, gas, and cable services are limited to the more developed portions of the Town. Individual properties located elsewhere rely on wells and on-site sanitary disposal systems.

- L.2 The Downtown area and much of the Route 9 corridor is designated in the Town's Comprehensive Plan for future commercial development that will need water and sewer. There appears to be adequate water supply for future development. The existing private water companies will continue to provide this service. Provision of sewer will require some significant improvements in order to properly and efficiently sewer the planned growth areas.
- L.3 Various alternatives to provide sewer service were considered in the DGEIS and FGEIS. The Route 9 Sewer Feasibility Study was the basis for the options presented in the DGEIS. The two options included the formation of a sewer district and private improvements. The first alternative was shown not to be feasible due to the fact that the annual EDU costs would exceed the New York State Comptroller's guidelines. The remaining alternative is to require sewer service to be constructed in accordance with the adopted plan and to assess mitigation fees to equitably distribute the costs of installing the critical elements of the system.
- L.4 During the public comment period, questions were raised regarding other options that would redirect sewer flows to the Saratoga Lake pump station. The Sewer Feasibility Study was re-evaluated to determine the validity of this new alternative. As a result, the sewer study area was redefined into north, central and south service areas. The north service area boundary was reconfigured to match current zoning and land use plans. The analysis revealed that the redirection of flows to the Saratoga Lake pump station is feasible. However, upgrades to the pump station would be required. The Town determined that this would become the preferred alternative for overall service of the Route 9 corridor. Figure III-L-3A illustrates the alternate sewer plan (Appendix A of these Findings).
- L.5 The two primary funding alternatives of district formation and private funding were also re-evaluated. This revealed that the district formation option still exceeds the New York State Comptroller's guidelines and is therefore not feasible. The private alternatives discussed included the use of mitigation fees vs. allowing developers to work out their own financing strategies. Consideration was also given to the "no action" alternative which would allow developers to devise their own plan for providing sewer to their projects. This alternative was rejected based on the haphazard and poorly planned growth that is likely to result.

L.6 Mitigation fees were considered for the sewer study area as defined and discussed in the FGEIS. However, after considerable discussion about the fairness of this approach, especially as it relates to smaller developments that might not receive sewer service for an extended period of time yet still be required to pay a mitigation fee for this service up front, it was determined that the mitigation fee is not appropriate. Nevertheless, the new sewer plan as described in the FGEIS will be adopted by the Town Board and will be the official plan for providing sewer to future developments. This plan will be in effect as a SEQR requirement as of the date of adoption of these SEQR findings, regardless of when it is adopted as the Town's sewer plan. Developers will be responsible for providing sewer to their projects in accordance with the plan, including any increases in capacity beyond that needed for their particular project.

M. Cultural Resources

M.1 A Phase 1A Cultural Resource Survey was conducted to investigate the potential occurrence of historic and prehistoric cultural resources within the Town. Archaeological site files indicate that there are 40 archaeological sites located within the Town of Malta, including 27 precontact sites and 13 historic sites, two of which had precontact artifacts as well. Two of the precontact sites and five of the historic sites have been determined eligible for listing on the State/National Registers.

M.2 According to the files at the NYS Office of Park, Recreation and Historic Preservation (OPRHP), there is only one property located within the Town of Malta that has been listed on the State/National Register of Historic Places (NRHP), a circa 1848 Berlin Lenticular Metal Truss Bridge that was relocated from Washington County. In addition, there are two structures within the Town of Malta determined eligible for listing on the State/National Registers. These include a Greek Revival Church/Schoolhouse located on the north side of NY67 at the intersection with East Line Road and the Starting Gate Cottages located on US 9 north of NY 67.

M.3 Locally significant sites and structures include the Ruhle Road bridges and the NRHP eligible Greek Revival Church/Schoolhouse.

M.4 The Phase IA documentary research indicates that portions of the Town of Malta are highly sensitive for the presence of precontact and historic resources. Based on these results, each future project within the Town will be required to update the base study performed for the DGEIS with site specific information and may require further site-specific field work (Phase 1B) to determine the presence or absence of cultural resources. Impact to cultural resources as defined by a letter of “effect” or “impact” issued by OPRHP is considered inconsistent with this GEIS and findings. Additional documentation will be necessary to determine the significance of the impact.

N. Fiscal Resources

N.1 A fiscal impact model was prepared to predict the relative impact of future alternative land use scenarios on the taxes paid by Malta property owners. The four alternatives considered in this process include: Scenario 1) the baseline growth estimates and mix of uses used as the preferred alternative for the GEIS, Scenario 2) keeping residential constant and increasing the amount of commercial development, Scenario 3) increasing residential and maintaining commercial at the Scenario 1 level, and Scenario 4) the baseline growth estimates (Scenario 1) with LFTC.

N.2 The fiscal impact analysis revealed some important results. First, the median housing values are sufficiently high enough that a high residential growth scenario would result in little or no change to the tax rates as compared to the baseline conditions. In other words, the value of new houses would offset the demand for services providing these values remain high and the average number of school aged children per household remains unchanged. Second, 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%. Lastly, any scenario combined with LFTC would significantly lower the tax burden.

O. Mitigation Costs

O.1 One of the benefits of preparing an area-wide GEIS is the ability to identify capital improvements necessary to serve anticipated future growth and to distribute the cost of those improvements equitably among all future development within the study area. This was accomplished for the key capital improvements and open space/recreation improvements for which the Town would be financially responsible.

O.2 The following table provides a summary of the mitigation fees. This table is a revised version of that presented in the DGEIS. The major changes include the removal of sewer mitigation fees, a change in units for the reimbursement of the cost for preparing the GEIS, and an increase in the mitigation fee for open space. In the DGEIS, the Equivalent Domestic Unit (EDU) was used as the basis for equating commercial to residential and assigning the mitigation fee for the cost of preparing the GEIS. After further consideration, the Town prefers to use vehicle trips as the preferred unit. Therefore, the mitigation fee schedule will be as follows:

Mitigation Fee Summary

	Mitigation fees			
	GEIS Prep.	Traffic	Recreation	Open Space
Total Cost	\$369,649	\$8,025,000	\$11,095,000	\$6,975,610
Private Share	100% \$369,649	70% \$5,617,500	15% \$1,664,250	38% \$2,650,732
Unit of measure	Trip	Trip	Non-Residential square foot	Acre
Cost Per Unit	\$67	\$1,025	\$0.89	\$861

O.3 The mitigation fees derived from this GEIS will be collected at the time of issuance of each building permit.

O.4 Mitigation fees presented in the table above are in 2005 dollars. To account for inflation, the Town may review the mitigation costs every year and adjust them as necessary so that sufficient funds are available to pay for the improvements.