

**MALTA TOWN BOARD MEETING**  
**Monday November 16, 2021**  
**6:00 PM**  
**TOWN BOARD MEETING ROOM**

**ELECTED OFFICIALS PRESENT:** Supervisor Darren O'Connor, Deputy Supervisor Mark Hammond, Councilwoman Cynthia Young, Councilman Tim Dunn, Councilman Craig Warner, Councilman John Hartzell, Superintendent of Highways Roger Crandall, Town Justice Ellwood Sloat and Town Clerk Jennifer Holmes

**OTHERS PRESENT:** Town Attorney Steve Gottmann, Comptroller Kevin King, Jaime O'Neill Building & Planning Coordinator, Floria Huzinga Planner/Stormwater Manager, Leah Everhart Planning Attorney and Candace Schmidt Tax Receiver

**PUBLIC PRESENT:** Marion Crandall, Peter Lilholt, Scott Skinner, Al Ricci, Bruce Steves, Dan Russo and Jim Trainor

**PUBLIC HEARING:**

1. Voter Approved Ambulance District Tax Cap- with no comments from the public the public hearing was closed at 6:01 pm

**TOWN BOARD SPECIAL MEETING**

**SALUTE TO THE FLAG AND SILENT PRAYER**

**TOWN BOARD BUSINESS**

**RESOLUTION NO. 170 NOVEMBER 16, 2021**

**ADOPT A LOCAL LAW OVERRIDING THE REAL PROPERTY TAX CAP**

**Motion by:** Councilwoman Young      **Seconded:** Councilman Dunn  
**Vote:** Supervisor O'Connor-Aye      Councilman Dunn-Aye  
         Councilman Hartzell-Nay      Councilman Warner-Aye  
         Councilwoman Young-Aye

**WHEREAS**, on November 2, 2021, a proposition was approved by the electors of the Town of Malta to provide for a town-wide Ambulance District with a tax in the amount of \$43.75 for a home with a value of \$250,000.00;

**WHEREAS**, the Town's Preliminary Budget provides for a tax rate of approximately \$0.1750 per \$1,000.00 of taxable assessed value and a property tax levy of \$470,000;

**WHEREAS**, as of 2012 local governments are subject to a tax levy limitation as a result of the New York Property Tax Cap Legislation of General Municipal Law Article 2, Section 3-c;

**WHEREAS**, Section 3-c requires that a Town to pass a local law that states that Town wishes to override the tax cap limit if the tax limit established by the preliminary budget will exceed the tax cap limit,

**WHEREAS**, the Town Board held a public hearing on the 16<sup>th</sup> day of November, 2021, to adopt a local law overriding the tax cap limit, at which time all persons desiring to be heard were heard;

**WHEREAS**, greater than 60% of the total voting power of the Town Board has approved adoption of a budget that requires a tax levy that is greater than the tax levy limit for 2022; now, therefore be it:

**RESOLVED** that the Town Board of the Town of Malta hereby adopts Local Law No. 7 of 2021 pursuant to subdivision 5 of the General Municipal Law Section 3-c;

**RESOLVED** that the Town Clerk of the Town of Malta shall publish in the official newspaper of the Town of Malta a notice of the adoption containing a synopsis of the local law and shall within 20 days file one certified copy in the Office of the County Clerk and one copy with the Secretary of State.

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being, eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of

Village Malta

Local Law No. 7 of the year 2021:

A local law To Override the Tax Levy Limit Established by General Municipal Law Section 3-c

Be it enacted by the Town Board of the

County

City

Town of

Village Malta as follows:

ARTICLE XI  
Tax Levy Limit Override

**Section 148-41** Intent.

The Town Board of the Town of Malta has determined that it is important to maintain flexibility in the process of finalizing the fiscal year 2022 budget, and it may be necessary to override the limit on the amount of real property taxes that may be levied by the Town of Malta for the coming fiscal year 2022.

**Section 148-42** Override of Tax Levy Limit.

Upon the adoption of this local law, the Town Board of the Town of Malta is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

**Section 148-43** Legal Authority.

The authority to override the tax levy limit is authorized by General Municipal Law §3-c (5), which expressly authorizes a local government to override the tax levy limit for the coming fiscal year 2022 by the adoption of a local law approved by a vote of sixty percent (60%) of the total voting power of its governing body, the Town Board of Malta.

**Section 148-44.** Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 148-45** Effective Date.

This Local Law shall take effect immediately, in accordance with the provision of the Municipal Home Rule Law of the State of New York.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2021 of the (County)(City)(Village)(Town) of Malta was duly passed by the Town Board on November 16, 2021 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_ and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_. (Elective Chief Executive Officer\*) In accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local No. \_\_\_\_\_ of 20 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20\_\_\_\_ and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was submitted (Elective Chief Executive Officer\*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to (Elective Chief Executive Officer\*) permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county, elected on a county-wide basis or, if there be

none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirm majority of the qualified electors of such city voting thereon at the (special)(general) election held \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law, designated as local law No \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivision 5 an section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_1.\_\_\_\_ above.

**Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body**

(Seal)

Jennifer Holmes, Malta Town Clerk

Date: November 16, 2021

**(Certification to be executed by, ~~County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney, of locality.~~)**

STATE OF NEW YORK  
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Steven H. Gottmann, Malta Town Attorney

County  
City  
Village  
Town of Malta

Date: November 16, 2021

**RESOLUTION NO. 171 November 16, 2021**

**RESOLUTION AND FINAL ORDER ESTABLISHING THE TOWN OF MALTA  
AMBULANCE DISTRICT**

**Motion by:** Councilwoman Young

**Vote:** Supervisor O'Connor-Aye

Councilman Hartzell-Aye

Councilwoman Young-Aye

**Seconded:** Councilman Dunn

Councilman Dunn-Aye

Councilman Warner-Aye

**WHEREAS**, the Malta Town Board (the "Board") has studied the establishment of the Malta Ambulance Special Improvement District (the "Ambulance District") in accordance with Article 12-A of New York Town Law for the purpose of providing ambulance service to the entire Town including the Village of Round Lake;

**WHEREAS**, the Board by resolution dated May 3, 2021 adopted the Map, Plan and Report, including an estimate of cost of the Ambulance District to the typical property owner, filed in the Town Clerk's office, where it is available for inspection during regular business hours;

**WHEREAS**, pursuant to Board Resolution 92, dated May 3, 2021, the Board adopted an order reciting (a) a description of the boundaries of the proposed Ambulance District, (b) the proposed services and method of operation of the Ambulance District, (c) the maximum amount to spent for the services, (d) the cost of the Ambulance District to the typical property and the typical one-two family home, (e) that no capital improvements are anticipated in the proposed Ambulance District so no financing will be employed, (f) reciting that the Map, Plan and Report is on file in the Town Clerk's Office; and (g) setting a public hearing on the establishment of the proposed Ambulance District for the 24<sup>th</sup> day of May, 2021, at 6:00 p.m., at the Malta Town Hall;

**WHEREAS**, the Village of Round Lake adopted Resolution No. 71 consenting to the formation of the Ambulance District, subject to referendum;

**WHEREAS**, pursuant to Board Resolution No. 120 dated July 26, 2021, the Town Board approved the Ambulance District subject to referendum of the electors of the Town of Malta;

**WHEREAS**, the electors of the Town of Malta approved the establishment of the Ambulance District by a vote on November 2, 2021;

**NOW, THEREFORE, IT IS RESOLVED**, that the Town Board of the Town of Malta by this Final Order and Resolution, does hereby adopt and establish the Ambulance District, effective January 1, 2022; and it is further

**RESOLUTION NO. 172 NOVEMBER 16, 2021**

**ADOPT 2022 TOWN BUDGET**

**Motion by:** Councilman Dunn

**Seconded:** Councilman Warner

**Vote:** Supervisor O'Connor-Aye

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Councilwoman Young-Aye

**WHEREAS**, the Preliminary Budget for the Year 2022 has been duly prepared by the Town Board and a duly publicized public hearing was held on the 4th day of November, 2020 at 6:00 o'clock P.M.; and

**WHEREAS**, all persons were provided with an opportunity to be heard; now therefore it is

**RESOLVED** that, pursuant to Section 109 of the Town Law of the State of New York, the Town Board of the Town of Malta hereby

**ADOPTS THE PRELIMINARY BUDGET**, as amended, altered, and revised, as the Budget for the Town of Malta for the Year 2021;

**AND BE IT FURTHER RESOLVED** that the Town Board authorizes the Town Comptroller to make budgetary transfers between department line items during the 2022 calendar year.

**RESOLUTION NO. 173 NOVEMBER 16, 2021**

**AUTHORIZING INSERT IN TAX BILLS**

**Motion by:** Councilman Dunn

**Seconded:** Councilwoman Young

**Vote:** Supervisor O'Connor-Aye

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Councilwoman Young-Aye

**WHEREAS**, under section 148-29 of the Town Code, the Town Board of the Town of Malta may authorize and direct the Tax Collector to mail with the tax bills specified notices or documents containing worthwhile items or information; and

**WHEREAS**, the Tax Collector for the Town of Malta proposes to include in the tax bills a notice providing details to Malta residents as to the procedures for paying the tax; now therefore it is

**RESOLVED** that, pursuant to Section 148-29 of the Town Code, the Town Board of the Town of Malta hereby authorizes and directs the Tax Collector to mail with the tax bills the following notification:

# Attention Town of Malta Taxpayers

*From your Receiver of Taxes, Candace Schmidt*

## **PLEASE READ AS NEW PROTOCOLS ARE IN PLACE**

**Pay by mail:** Check payable to: Town of Malta Tax Receiver  
2540 Route 9  
Malta, NY 12020

**Pay online:** Convenience fee of \$3.95 for VISA Debit cards  
\$1.75 for E-check, PayPal, Venmo  
2.45% for credit cards

**To View, Print, or Pay Town & County Tax Bill online:**

- Enter Town website **<https://www.malta-town.org>**  
- Find **Government** just below top banner and click on it  
- Click **Departments**, then find **Receiver of Taxes**, then click **View & Pay Taxes**. Next click on **View and/or pay by credit card or debit card online**. Choose **Collection 2022**. Enter **Last Name** or **Address** (leave off "Rd." or "Pl" or "St"). Then choose from list. And follow on-line instructions.

**Pay in person:** Malta Town Hall, Tax Receiver's Office  
**DROP BOX OR BY APPT** 2540 Route 9  
Malta, NY 12020

**The Tax Receiver's office will not be open to the public.** A drop box will be available to submit payment. The drop box is just inside Town Hall and is available during normal business hours. **Cash is discouraged.** Due to large quantity of mail, processing time for checks to clear taxpayer's bank may be 2-3 weeks.

- Return the whole bill if you want a receipt.
- Make sure check is payable to *Town of Malta Tax Receiver*.
- Checks must have the correct date (post-dated checks will be returned).
- The numerical number and the written amount must match.
- Checks must be signed and for exact amount of tax bill(s).
- Incorrect or unsigned checks will be returned.
- Please provide your contact phone number so we can contact you if there is a problem.

### **January, February, and March**

**Drop Box:** Monday thru Friday 8:00am until 5:00pm. Make sure sealed in an envelope.

**Tax Receiver Office - Available by PRIOR appointment only:** Call (518) 899-5884 to schedule

**January**, Monday-Friday between 9:00am until 4:00pm

*(Closed January 17, 2022 in observance of Martin Luther King Day)*

Thursdays January 13 & 27, 2022 between 5:00 pm – 8:00 pm  
Saturdays January 15 & 29, 2022 between 11:00 am – 1:00 pm  
**February thru March** - Wednesday thru Friday between 12pm - 4:00pm  
*Payment due without penalty 01/02/2022 thru 02/01/2022(Postmarked)*  
*Payment due with 1% penalty 02/02/2022 thru 03/01/2022(Postmarked)*  
*Payment due with 2% + \$1.00 03/02/2022 thru 03/31/2022 (Postmarked)*  
*Those tax bills remaining unpaid after 03/31/2022 are returned to Saratoga County*  
*Treasurer's For payment info after 03/31/2022 you must contact the Saratoga Co. Treasurer*  
*(518)884-4724*

**RESOLUTION NO. 174 NOVEMBER 16, 2021**

**APPOINT ASSESSMENT CLERK**

**Motion by:** Councilman Dunn                      **Seconded:** Councilman Warner  
**Vote:** Supervisor O'Connor-Aye              Councilman Dunn-Aye  
          Councilman Hartzell-Aye                  Councilman Warner-Aye  
          Councilwoman Young-Aye

**WHEREAS**, the Assessor's Office assessment clerk position is currently vacant;

**WHEREAS**, the Assessor has advertised and interviewed for the assessment clerk position due to the Saratoga County Civil Service Department eligibility list for said position has been exhausted; and

**WHEREAS** the Assessor recommends that Krista Smith be provisionally appointed as assessment clerk with a standard work week of 35 hours at an hourly rate of \$18.50, now therefore be it

**RESOLVED** that the Town Board provisionally appoints Krista Smith as assessment clerk in the Assessor's Office with a standard work week of 35 hours at an hourly rate of \$18.50 with said appointment subject to civil service testing, a background check and a probationary period of not less than eight weeks and not more than fifty-two weeks;

**AND BE IT FURTHER RESOLVED** the Town Supervisor and Town Comptroller are authorized and directed to file the necessary paperwork with the County of Saratoga Department of Personnel.

**RESOLUTION NO. 175 NOVEMBER 16, 2021**

**BUDGET TRANSFERS AND COMPTROLLER'S REPORT**

**Motion by:** Councilman Dunn                      **Seconded:** Councilman Warner  
**Vote:** Supervisor O'Connor-Aye              Councilman Dunn-Aye  
          Councilman Hartzell-Aye                  Councilman Warner-Aye  
          Councilwoman Young-Aye

**WHEREAS**, the Town Comptroller has submitted his Comptroller's Report which

identifies the disbursements for the Town;

**WHEREAS**, the Town Board of the Town of Malta has adopted 2021 Town Budget; and

**WHEREAS**, the Town Board of the Town Board of Malta desires to amend the 2021 Town Budget for estimated revenues and appropriations and amend budgetary appropriations between department and intra-department line items; now, therefore, be it

**RESOLVED** that the Town Board of the Town of Malta hereby authorizes the 2021 General Town-wide Fund to be amended as follows:

Increase Buildings (1)	A1620.2	\$ 12,000
Increase Sales Tax Revenues	A1120	\$ 12,000

(1) – Engineering Fees for Building Renovation Project

**RECESS 6:05 pm**

**TOWN BOARD WORKSHOP  
LFTC PDD #46 AMENDMENT  
Monday November 16, 2021  
6:30 PM  
TOWN BOARD MEETING ROOM**

**ATTENDEES:** Supervisor Darren O'Connor, Deputy Supervisor Mark Hammond, Councilwoman Cynthia Young, Councilman Tim Dunn, Councilman Craig Warner, Councilman John Hartzell, Town Clerk Jennifer Holmes, Town Attorney Steve Gottmann, Comptroller Kevin King, Jaime O'Neill Building & Planning Coordinator, Floria Huzinga Planner/Stormwater Manager, Leah Everhart Planning Attorney, Stu Mesinger Chazen engineering, Tom Johnson Chazen Engineering, Steve Boivert McFarland Johnson, Zachary Zweifler Scannell properties, Peter Struzzi Pyramid, Dan Ruzow Whiteman Osterman & Hanna, Marion Crandall, Peter Lilholt, Scott Skinner, Al Ricci, Bruce Steves, Jim Trainor and Woody Sloat

Supervisor O'Connor- Thanks sorry for the wait, everybody, thank you very much for coming, we'll commence the third Town Board workshop concerning the application of Scannell for an amendment to the PDD. Stu, thank you very much for your memo, particularly helpful for distinguishing technical comments from determinations of completeness. Thanks very much to everybody for the information you've given to the to the Board.

Councilwoman Young- I just wanted, first of all, say sorry that I missed the party last week. I know that, you know, everybody has spent a lot of time, energy and money on this project and support and I want very much for you to know that I certainly respect all your time. I also want to

say a special thing I did, fortunately was able to, of course, watch the video. Thanks to Stu and Tom for offering what I found to be a lot of clarity to issues that are very complicated.

Supervisor O'Connor- Thanks, Cynthia. Okay, so why don't we pick up kind of where we left off. Stu, is there anything else that you want to add to the memo from yesterday?

Stu Mesinger, Chazen Engineer-No, I don't think so. I wonder if Leah wants to say anything since she's drafted a resolution that would incorporate what we hope are the Board's completeness comments, pending any questions or comments?

Supervisor O'Connor- So do we have everything that we've discussed? I mean, we've had, you know, comments from Creighton Manning, Chazen, members of the Town Board and Stillwater.

Leah Everhart, Planning Attorney- We've not included each and every comment that's made. What we've included are those comments that we and Chazen believe are appropriate for completeness as opposed to technical. Yes, everything that we've included, comments from Chazen, comments from the Town of Stillwater, comments from GlobalFoundries engineers and comments from Councilman Hartzell.

Supervisor O'Connor- Okay, yes, we have that resolution and the Board has had a chance to look at it. I think the Board will be considering tonight whether to adopt that resolution.

Leah Everhart Planning Attorney- Right and the other thing we just wanted to mention is this is obviously your resolution, it's in draft form, if you want to add to it detract from it, it's entirely up to the Board.

Supervisor O'Connor- Okay, we'll open it up to the Town Board. Are there any questions? Or would you like to go right to the resolution? Do we have discussions beforehand, John?

Councilman Hartzell- I'm referring to primarily Stu's memo and the adopted scope. Some of these are questions and others are points, I guess. As folks know, I raised this issue about the need to evaluate the impact of traffic of simultaneous construction of 8.2 and that scale proposal. I guess when Chazen went back and looked at this a little more in detail, you determined that construction impact 8.2 hadn't been evaluated and it was kicked down the road until site plan approval. Is that what I understand? Okay. So that we can understand how that would be addressed at that point, would the Planning Board have to undertake some further supplemental SEQRA evaluation at that time? Or do they have the power as part of their site plan Town Law 274, or whatever is site plan approval authority to require that further analysis?

Stu Mesinger, Chazen Engineer- the ladder, the SEQRA finding for 8.2 defer to the site plan. As a practical matter here, remember, this is an application for a zoning change. We don't know what might ultimately be built if you were to approve it. So necessarily, I think the same would apply to any future project that came about as a result of this zoning change, should you approve it? I think to your point, if they both happen at approximately the same time, then the Planning Board is going to have to look at it that way.

Councilman Hartzell- My understanding of a GEIS and I have to preface everything I say almost with which may or may not be true, or accurate. As long as a project comes along that fits within the parameters, that SEQRA record, no further SEQRA analysis is required for the action to be taken by that body in the future. That's always been my understanding of a GEIS. With that kind of general understanding, hopefully being accurate, that if all of a sudden there's a new impact identified that's beyond what is established as an assumed impact in GEIS.

Stu Mesinger, Chazen Engineer- Correct, that's correct. and that could apply to almost anything.

Councilman Hartzell- Right. So, it could apply here they could be required to do traffic impact analysis.

Stu Mesinger, Chazen Engineer- There are certain thresholds for requiring a supplemental EIS. Essentially, you're quite right if there are things that weren't studied that appeared to rise to the level have a significant impact and they could require supplemental EIS.

Councilman Hartzell- otherwise they would nonetheless have power to require information be provided as part of the site plan review process is that legally they had that power?

Stu Mesinger, Chazen Engineer- Yes

Councilman Hartzell- The other thing that I kind of, again, this effort has been one where you think you understand something and then you realize that you don't and then maybe you do. So, I've gone back and forth a number of times on this issue. The applicant seems to be wanting to have authority to build to a certain level. But it's only providing impact analysis to fit within the existing SEQRA record. That's what I keep seeing. I'm struggling because I'm looking at our scope document that says, they have to analyze impacts the extent of their amendment, not the extent of the existing SEQRA record. Am I crazy in terms of seeing that presented in the material we have?

Stu Mesinger, Chazen Engineer- I wouldn't characterize it the way that you have, but remember, remember, when Tom gave the discussion of what they're working against, right now, you have a Generic Environmental Impact Statement that limits the number of trips that can come out of the park. We don't, you know, we've asked for quite a bit of additional information to verify all of that,

and we don't have to go into those details now. They've provided a table of potential land uses that can fit within the zoning amendment and tie that to trip generation. So, there is likely three and a half million square feet of something and on the table right in front of me that could fit within those trip thresholds. There are different land uses that might have much higher trip generation characterized with a high cube warehouse, where you wouldn't get the three and a half million, it really is dependent on trips, not to square footage.

Councilman Hartzell- So, you know, what I want them to analyze is if they build the most demanding development in terms of traffic capacity that would be authorized by the PDD language itself. That's what I want to see. I want to see the traffic impact of that. Because that's the action, our action is to rezone to allow them a capacity to develop to the maximum extent within the code. And that's, I'm not sure why we're not insisting that they analyze to that level.

Stu Mesinger, Chazen Engineer- because the SEQRA analysis that they're doing, limits them to a certain number of trips. They're not asking for unlimited trips at three and a half million square feet. They're asking for trips within the thresholds you've previously adopted, and they're limiting themselves in that way.

Councilman Dunn- So to that point, John, if I could, I think that's sort of where my head was going with this. That is the ultimate limiting factor is that there is a trip threshold, regardless of square footage built, regardless of use built, that no matter what this action this Board takes regarding use and the amendments, there's still a hard threshold that a project can't exceed, so that whether they decide to build three and a half million square feet of toy manufacturing or whatever, it's the threshold is the threshold, regardless.

Councilman Hartzell- well, to the point we were just talking about. That would not be true. Were they to come in before our Planning Board with some kind of site plan for a more extensive development with greater traffic demands and they could do supplemental SEQRA review at that point, right.

Stu Mesinger, Chazen Engineer- Sure. Yeah. I mean, that's, that's absolutely, that's how it exactly how it worked. If somebody came in, just as, as we're doing now, in a sense, they want to do something that's not authorized, then guess what, we're going to have to do SEQRA some more.

Councilman Hartzell- would we maintain our status as Lead Agency so that it could not be conducted before the Planning Board?

Stu Mesinger, Chazen Engineer- Yes.

Councilman Hartzell- So we the Town Board would have to approve it not the Planning Board?

Leah Everhart, Planning Attorney- The process this Board went through to already to designate yourselves as Lead Agency for this purpose is exactly what you go through the next time if that situation arose. So yeah, we would recommend to the Planning Board that did not take action on whatever site plan application was then at issue and that it referred to the Town Board to conduct SEQRA review.

Supervisor O'Connor- So they come in with a proposal, let's say, this was approved and they did this zoning change and then a prospective buyer or a tenant at one of the areas that's covered by this PDD application comes in and says, well, we want to do X and X would result in many more trips than we have, they'd have to go through a SEQRA analysis and this Board could say no, or yes, if you put a roundabout at Eastline Road or something like that.

Leah Everhart, Planning Attorney- I don't know if you want this level of detail, but when an applicant comes before the Planning Board, our planners provide a staff review document to the Planning Board members. SEQRA is one of the components of that staff review. In under this situation, that you're mentioning Supervisor, what we'd have is the staff review saying the proposed action exceeds the thresholds of the previous SEQRA review, rather than what it normally says, which is the proposed action falls within the thresholds of the Town-wide GEIS and Statement of Findings that would prompt applicant to come before this Board, it will prompt this Board to re designate yourselves as SEQRA Lead Agency. Then you would go through a process exactly what we're doing here. Because what we're doing here is a supplemental EIS, you would do the exact same process, you consider whether there are any new or different impacts that have not been properly considered during other SEQRA review efforts. If so, you'd identify them, you likely adopt a scope or you go through the scoping process. Then we'd be doing this exact exercise after at that point, fifth Supplemental Draft EIS is submitted. That's exactly the process we're going through right now.

Zachary Zweifler, Scannell Properties- Can I just add one thing really quick? I think the one thing I should remind folks of is as we've applied and proposed the amendment right now, and as it's been drafted, the trip rounds are actually codified in the PDD amendment. So, the additional steps we have to take because we'd have to apply for another PDD or future users wouldn't just be a site plan submittal, it has to be an actual change to the Zoning Bylaw.

Leah Everhart, Planning Attorney- A very good point. So, our planners would likely not only classify this as exceeding the threshold of the GEIS, they'd also identify it as exceeding the allowance under the zoning law, in other words you know, a zoning amendment would be needed. That's a very good point.

Stu Mesinger, Chazen Engineer- If you were to approve this, you would make findings to all this, you know, to all this effect.

Councilman Hartzell- I have other, not too many more but I don't want to cut somebody off. It was a little bit difficult to so I, I we got this resolution this morning with this list of stuff in it. I've got my six pages from a week and a little bit more go. I've got previous list of completeness comments from Chazen I've got Chazen's evaluation of GlobalFoundries and to be honest with you, I'm not sure everything. I couldn't double check all this stuff to make sure what was in what wasn't in. This was one thing that I when I saw the memo, from which I appreciated the effort that went into responding to my points. I had raised some concern about the fact that the scope that we adopted on utilities, it says the scope is to identify the projected demand for electric, water, sanitary sewer and gas service and compare the projected demands with the projection stated in the original LFTC GEIS. I didn't find where the draft Supplemental GEIS had done that I could have missed it because, you know, we're swimming around in paperwork and computer files, but I didn't see it. So, I did see there separately, the scope separately requires discuss any utility expansions or improvement yet it goes on to say scope also including obtaining will serve letters. Then when I looked at Chazen's response to my concern that the projected demands weren't specified. The response was the scope requires inclusion of will serve letters, it said nothing about meeting the requirement in the scope for projected demands in comparison with prior projections. Then I went to Leah's draft resolution. That's just a little bit different on this point. She doesn't address the issue, which I think is pretty clear here in the scope of projected demands starting down at 14, you get into utilities. But again, I don't see anything that speaks to the scope requirement that there be projected demands for utilities and comparison of those demands with prior projected demands. So, again, with so many pieces of paper going around, I'm trying to compare these things and I don't see where my concern about the absence of projected demands is addressed.

Stu Mesinger, Chazen Engineer- It's a good question. In our parlance, the will serve letter addresses that because the idea is to get a little serve letter, you have to ask, you have to present those demands and after, but I take your point that you want it to be explicit. So why don't we add language to number 14, that contains the exact language out of the scope that in like I say, in our view, the will serve letter asks for that. But maybe that's a little you know, inside baseball, so why don't we add that language to 14?

Councilman Hartzell- Okay, fair enough.

Supervisor O'Connor- So you were only talking about gas and electric, right, John? So, 13 and 14 now, so we'd be adding it to both those paradigms, right?

Councilman Hartzell- I'm almost done, if people can believe that?

Supervisor O'Connor- While John's looking at his papers I can just say I think some members of this Board me in particular have a concern with we have two wonderful possibilities for the campus, Global Foundries 8.2, obviously, and the Scannell application here. The problem is, we have this limited number of trips that could be swallowed up by one of them, and then pose a big problem to the other one for in terms of mitigation. So, you know, that that's at least a big concern of mine and I think probably some of the other members of the Board. But that's just a general comment. John, are you ready?

Councilman Hartzell- Yeah, I've just got a few more, and I appreciate everyone's patience, on the archaeological, I'm not clear on what level of study has to be completed at this stage. Because when I look at, I had this straight when I wrote it in the middle of the night, but I've long since forgotten it. The archeological analysis identifies the need for a phase two study of LF 9 and one study of the impact area of pod 5. It identifies that those things need to happen based on the application and assumed development of those areas. I'm not understanding why that analysis is not required now. We seem to be kicking that analysis, those studies down the road. You know, why? Why do we have to do all this analysis of other issues like traffic, like the visual impact analysis, but this archaeological stuff can be kicked down the road.

Stu Mesinger, Chazen Engineer- Well, we're not kicking it very far down the road, it's going to be asked in technical, we can't get to findings without addressing that. I'm simply looking at what the scope said you know, in the scope didn't say to do those particular studies now. But we're going to it's going to be a technical comment because I don't think we can get to the end of this process without having those questions answered. So, it's not a very it's a little tap the pebble John.

Councilman Hartzell- Okay. In terms of that. I'm unfortunately an accountant, being a lawyer, I'm always inclined to find reasons to argue over things but so the one man's technical is another man's complain is, but so I would respectfully disagree on some of your conclusions on it. But that aside, the technical review process, which would start I guess, once we've deemed the DGEIS or SDGIS is complete. Who's paying for some of these studies like that Phase II and Phase I B studies. That's inexpensive money out of pocket, who's, paying for that?

Stu Mesinger, Chazen Engineers- The applicant.

Councilman Hartzell-Yeah. Okay. So, we're going to be waiting for and the ground would be frozen. Of course, by the time we get there and who knows? Yeah. So, we'll be waiting for, for that stuff to conclude before we can do a final supplement.

Stu Mesinger, Chazen Engineer- Yeah and just to be very clear what the scope said, was to confirm that the previous cultural resources studies included the area for the proposed action. They, it's confirmed that they did not. So, when we get to technical review, we're going to say, Okay, now

you got to complete the relevant cultural resource studies. You need to have that in hand before you get to a final EIS and make findings, it can't be deferred until afterwards.

Councilman Hartzell- I think one of these talks about you need to do this many test pits or something right. You know, if they're not able to do that until April, you'll have to we're going to be sitting here till April.

Stu Mesinger, Chazen Engineer- Correct.

Councilman Hartzell- Okay. That's a piece of information I didn't.

Stu Mesinger, Chazen Engineer- Well we do a lot of fieldwork ourselves. Our fieldwork season has gotten longer and longer over the recent years.

Councilman Hartzell- The oceans are rising higher and higher.

Supervisor O'Connor- Since we, since the Board might be voting on this resolution tonight, can we agree on the language that you'd like to add to 13 and 14? Go ahead.

Leah Everhart, Planning Attorney- If we'll just do 13 because it'll be the same for 14. It's a period that is changed to a comma and then identify project demands and compare with projections as stated in original LFTC GEIS. Okay, and the same language in 14.

Councilman Hartzell- I'm almost done Darren. Again, thanks everyone for their patience. I mean, some of these, I would just be an argument about technical versus completeness. But frankly, if the project sponsor is going to have to do the work anyways, at their expense before we get done, I guess that might be an argument not worth having. One thing I just hope is not lost, because they think I have the accumulation of a lot of knowledge, a lot of which is useless, not interesting. I can't make any money with it. So, I want to pass it along. The one thing I'm not sure everybody realizes is that the assessed value that GlobalFoundries has over there does nothing for us on sales tax. It does not count in the county's distribution of sales tax to the Town of Malta. The reason is because the IDA has titled to the property. I would believe based on my you know, decades of being around this sort of thing that any project in fact, we I was a proponent of much the former Supervisors chagrin of have amending the PDD originally had a prohibition in it, of any project obtaining any payment in lieu tax benefit for the development of project and I over great resistance of Paul Sausville got the Town Board to change that. So, what happens is that assessed value, chances are as these things go, the projects would develop, they won't be on the taxable portion of the rolls, we'll get no credit towards sales tax on that value that happens in there. So, the number of these conclusions about, for instance, that we're going to achieve an increase in our amount of percentage of sales tax, because development projects in they're likely just not accurate. There's a number of things like that, but I'll happily revisit them should we be still working on this. In

months, hence, I guess, in the technical review, part of the discussion. So, thank you very much for your patience and your help. That's all I have.

Supervisor O'Connor- Well, that's certainly an interesting issue. In fact, Mark and I were talking about that today. I mean, you know if the Town of Malta is devoting a significant portion of its commercial possibilities to the campus, and none of that is included in the algorithm to determine sales tax allocation, that hurts us because you know, with traffic effects and everything such a large portion of our commercial possibilities is concentrated in the campus, whereas other towns, it's not and their commercial property gets counted in the sales tax formula. So, I mean, that is a problem from where I sit.

Councilwoman Young- I guess I don't really quite understand why that's true. I mean, a GlobalFoundries is a different animal, because of course, they are developed under a PILOT and stuff like that. But so, what you're saying is that, if this Scannell project moves forward, that also does not contribute to our assessed value for sales tax?

Councilman Hartzell- I mean, what would happen, in almost every case where you have a project that's significant like this, you have to look at the IDAs, payment in lieu of tax policy, but many projects of the nature that would go into the Tech Campus would qualify for a property tax abatement. What happens is, the way that is brought into effect is the IDA becomes the owner usually, or has the lease holder or licensed interest in the property. By virtue of that it comes out of the taxable portion of the assessment rolls, it becomes exempt, they make a payment in lieu of taxes. But it's nonetheless in the exempt portion of the tax rolls, and doesn't last only for purposes of sales tax distribution, because by law under the tax law, the allocation of sales tax among the Town's has to be based on taxable assessed value. Right. There's a lot of arguments we make, the excess value of GlobalFoundries was in the range of half a billion dollars at one point, and think how much we would have benefited from that, you know, but everybody gave at the time, right, the County gave the water project, to make it happen. Others gave other things. That was the sacrifice the Town of Malta made to make GlobalFoundries happen. Just in terms of technical issue.

Supervisor O'Connor- Yeah, I mean I think that would have to be addressed at some point. I mean, in terms of the water, but the Water Authority has paid back just about all of its debt to the County and paid its bonds and I mean, they're doing very well, frankly.

Councilman Hartzell- In the County fairness the County took the roads over from us. Yeah, that's true, took that burden off us. So, there's, there's different arguments you can make, but just you know, I pass along for what it's worth.

Supervisor O'Connor we'd have to do a comparison with other towns and make sure multiple was being dealt with fairly.

Councilman Dunn- I think that's obviously something that we're going to want to make sure we remain close with the County on that issue. The one thing that I do want to make sure that we note is if this project doesn't go forward, that land doesn't get developed, and there's still no impact on our taxable value. In fact, my concern is that the remaining property at LFTC has a pretty significant lien against it by the State of New York. If we don't have a project of some magnitude come forward and be brought to fruition. We do at some point run the risk of having the State of New York become the single largest property owner in the Town of Malta. I'm not sure that's a good thing for any resident or taxpayer. So, I think that we got to view all this in really in 180 and make sure that we understand all sides of it, and remain close to the County. But, you know, that's obviously a lot of things we got to take into consideration as we look at the financial impact.

Councilman Hartzell- Darren, just one if I could. The point Tim just made is one I have talked about and I think that in theory, the State has a mortgage on the property in the Tech campus other than GlobalFoundries property and the roads and some kind of areas. But my own view is that they've had the Blue Force Tech campus, which is the debtor that owes the \$10 or \$12 million, whatever it is, they haven't paid it as was required. The State has not foreclosed on its mortgage. In my own humble opinion is that the State won't foreclose because they have the best of both worlds now, they have absolute control over what happens with the property because they have a mortgage lien on it, and they don't have to own it. I don't think the state is going to be in a great rush to foreclose on its mortgage because when they did, they would have to assume the obligations of being a property owner when they effectively control the property right now.

Councilman Dunn- My concern is not foreclosure, it's the solvency of LFTC on an ongoing basis. With no revenue coming in for a very long time and a lot of money going out the door for a very long time and no prospect of actually selling their assets. That is a grave concern from where I sit. Not that the State will foreclose, although the State has threatened foreclosure in the past. I'm not concerned immediately that the State will foreclose, but rather, should financial circumstances cause LFTC to go bankrupt and or in some way dissolve. My understanding is that the property would revert to the State of New York. I don't see a lot of great prospects for LFTC. I mean, if there were we some of this property probably would have been developed sometime between the mid-2000s and today. Over these 15 plus years of trying to develop this Tech Park. So, I'm not suggesting the State's going to come in and foreclose tomorrow, although they have threatened to do so. I'm more concerned about the long-term viability of a broke nonprofit that owns an awful lot of property in the Town of Malta.

Councilman Hartzell- Just so that for history not to argue with Tim, but we had many years ago, discussion about that concern brought bankruptcy counsel in at the time. Because Blue Force Tech

campus is not for profit corporation, they can't be forced involuntarily into bankruptcy. Usually with a nonprofit there's very little incentive for them to go into bankruptcy because they can't be forced into it, there's, there's very little you can do to them. So, they would typically have more staying power than your average for profit, illiquid entity. But nonetheless we do need to, as Tim points out, have some concern for the long-term prospects of the Tech Campus and the Tech Campus Corporation, which is the owner and kind of the in charge of the administration of the common area arrangements in there. So, thank you for your patience.

Supervisor O'Connor- Okay. The Board has a motion before it in draft form by Leah. Two changes have been made it made two paragraphs 13 and 14, which Leah recorded, do have a motion to adopt discretion?

Councilman Dunn- I'm sorry, before that. I just have one question. We've had a great feedback from Chazen and from our team here on what's viewed is lacking at this point. Have these been shared with the applicant for their feedback? Or is that part of the formal process when we declared it incomplete?

Stu Mesinger, Chazen Engineer-- I don't believe this resolution has been shared. I think they've picked up things as they've gone along. But if you raise a point I was going to ask the Board about that I'll ask about now. The applicant, after our initial set of comments asked to meet with us to review them and recall I talked about that last time. I said, well, it's not appropriate to do that yet until after you've adopted all the comments and of course, the comments have changed and morphed and so on. If you adopt these tonight, as you appear, that you're about to I assume the applicant would like to meet with us to go over them. I would want your permission to do that.

Councilman Dunn- Okay, I just wanted to clarify from a process standpoint.

Leah Everhart, Planning Council- the last paragraph of the proposed resolution mentions about providing appropriate notice to the applicant under the SEQRA regulations, your findings have to be provided to the project sponsor. So, what we would envision is that the resolutions since it's the easiest thing to share with them would be the vehicle by which you do that.

Councilman Dunn- Thank you for clarifying this has been a complex and clunky process and I think it's important for everybody to have an opportunity to hear and think through these issues. So, thank you for that that clarity.

Steve Gottmann, Town Attorney- Just a technical note. We had a recess at the regular meeting we are now in a workshop if your going to enter your meeting.

Supervisor O'Connor- Alright, got it. the workshop can conclude or at least recess the workshop and maybe there'll be some more discussions on the workshop after this motion is decided. But for the moment the workshop is certainly in recess, and will recommence the special meeting. With that recommencement do we have a motion to adopt this resolution as amended for paragraph 13 and 14?

**RESOLUTION 176 NOVEMBER 16, 2021**

**FINDING THAT THE SUPPLEMENTAL DRAFT GENERIC ENVIRONMENTAL  
IMPACT STATEMENT FOR THE SCANNELL PROPERTIES, LLC PDD #46  
AMENDMENT PROJECT IS INCOMPLETE PURSUANT TO 6 NYCRR 617.9 (a)(2)**

**Motion by:** Councilman Dunn                      **Seconded:** Councilwoman Young

**Vote:** Supervisor O'Connor-Aye      Councilman Dunn-Aye  
         Councilman Hartzell-Aye      Councilman Warner-Aye  
         Councilwoman Young-Aye

**WHEREAS** pursuant to the State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Malta is the Lead Agency for purposes of the environmental review being undertaken in relation to the application of Scannell Properties LLC to amend PDD #46; and

**WHEREAS** in that capacity, the Town Board received a Supplemental Draft Generic Environmental Impact Statement for the Scannell Properties, LLC PDD #46 Amendment Project (SDGEIS) on or about September 17, 2021; and

**WHEREAS** since that time, the Town Board and its Consulting Engineers, the Chazen Companies, have been reviewing and evaluating the information contained therein; and

**WHEREAS** since receiving the SDGEIS, the Town Board has conducted at least two workshop meetings to discuss its contents in an effort to determine whether the SDGEIS is adequate and complete in accordance with the minimum standards set forth at 6 NYCRR 617.9 (a)(2); and

**WHEREAS** by letter dated October 26, 2021, a neighboring property owner submitted comments on the SDGEIS, some of which relate to the issue of completeness established by 6 NYCRR 617.9 (a)(2); and

**WHEREAS** by letter dated November 8, 2021, the Town Board received comments from the Town of Stillwater, an Involved Agency in this SEQRA review process, some of which relate to the issue of completeness established by 6 NYCRR 617.9 (a)(2); and

**WHEREAS** the Town Board wishes to consider the comments received in reviewing the SDGEIS and evaluating its adequacy and completeness.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Malta hereby finds that the subject SDGEIS is inadequate and incomplete pursuant to 6 NYCRR 617.9 (a)(2) for the following reasons:

### **EXECUTIVE SUMMARY**

1. SDGEIS Section 1.4.2 fails to set forth a summary of the potentially significant environmental impacts. Applicant to summarize such impacts in this section, rather than referencing them elsewhere in the SDGEIS.

2. SDGEIS Section 1.5 fails to identify who will be responsible for traffic mitigation under both the maximum build-out scenario with the amendments and the maximum buildout plus Fab 8.2. Applicant to identify such person/entity or classes of persons/entities under these scenarios.

### **ENVIRONMENTAL SETTING, IMPACTS and MITIGATION MEASURES**

3. SDGEIS Section 3.1 fails to identify who will be responsible for traffic mitigation under both the maximum build-out scenario with the amendments and the maximum buildout plus Fab 8.2. Applicant to identify such person/entity or classes of persons/entities under these scenarios.

4. SDGEIS Section 3.2 fails to provide sufficient data to support the information contained therein. The Applicant to provide materials, tables, calculations and/or additional data to support thresholds of 1,900 AM peak hour trips and 2,100 PM peak hour trips for the proposed Action.

5. SDGEIS Section 3.2 fails to provide adequate information concerning the potential impacts resulting from site lighting and visual impacts from building signage when evaluated from the property boundary. Applicant to provide analysis of impacts from site lighting and impacts from building signage when evaluated from property boundaries. This analysis should include, but not be limited to, consideration of Development Areas 2 and 3 and impacts that may occur on lands to their south in the Town of Stillwater where senior housing and apartments are being developed.

6. SDGEIS Section 3.2 fails to provide adequate information concerning the potential visual impacts that result from the increased size of proposed structures coupled with decreased buffer areas, in particular upon properties in the Town of Stillwater to the south of Development Areas 2 and 3. Applicant to provide additional data, analyses and materials to better address such potential visual impacts.

7. SDGEIS Section 3.2 incorrectly identifies the Visual Impact Analysis as Appendix B. Applicant to correct this to reflect that the VIA is Appendix E.

8. SDGEIS Section 3.2.1 does not adequately demonstrate the assertion that light spillover will not occur. Applicant to address this by identifying typical fixtures to support this conclusion.

9. SDGEIS Section 3.2.1 does not provide adequate information concerning the overall project appearance including the height of any structures and location and visibility of such structures from outside the Tech Campus. This section also fails to address the location and visibility of proposed signage. Applicant to provide architectural renderings to, among other things, identify building heights (to confirm that the maximum building height is below the

threshold of 110 feet, and below 125 feet including roof top HVAC units). Such renderings are also to address visibility of the proposed buildings outside of the Tech Campus and to address location and visibility of any proposed signage.

10. SDGEIS Sections 3.4.2 and 3.4.3 fail to adequately evaluate and address impacts upon residences in the Town of Stillwater resulting from development in Development Areas 2 and 3. Applicant to provide details as to projected sound levels and proposed mitigation, if any, for the nearest residences in Stillwater.

11. SDGEIS Section 3.5 does not adequately address availability of emergency services. Applicant to address this by providing “will serve” letters for emergency services.

12. SDGEIS Section 3.6 includes inaccurate or incomplete analysis of impacts. School tax revenue is determined on an annual basis by establishing the funds needed and establishing a corresponding levy upon all taxable real property in the taxing district. The assessed valuation of properties within the School District determines each taxpayer’s proportionate share. If the levy remains the same and the taxable assessed value in the District increases, the School tax rate goes down and existing property owners may pay less. However, an increase in assessed value will not produce increased property tax revenue. Applicant to address this by revising this section to accurately identify the potential economic impacts upon School Districts.

13. SDGEIS Section 3.10 fails to adequately demonstrate availability of water and sewer. Applicant to provide “will serve” letters for water service and sanitary sewer service, identify project demands and compare with projections as stated in the original LFTC GEIS.

14. SDGEIS Section 3.10 fails to adequately demonstrate availability of gas and electric service. Applicant to provide “will serve” letters for gas and electric service, identify project demands and compare with projections as stated in the original LFTC GEIS.

15. SDGEIS Section 3.10 fails to adequately illustrate water and sewer infrastructure improvements and any impacts of related physical disturbance. Applicant to illustrate required water and sewer infrastructure improvements and address the impacts of any physical disturbance required for them (e.g., wetlands crossings, cultural resources, etc.).

16. SDGEIS Section 3.10 fails to provide adequate analysis relating to infrastructure. Applicant to provide current analysis of potential water and sewer system upgrades that may be required with and without Fab 8.2. Applicant may wish to review the prior SEQRA record for information regarding flows projected from Fab 8.2.

#### **FISCAL AND ECONOMIC IMPACT STUDY (APPENDIX C)**

17. SDGEIS Appendix C fails to adequately support the assertion that the project will result in between 2,000 and 3,000 jobs. Applicant to provide additional materials, analyses and/or data to support the job creation estimate contained in Appendix C.

18. SDGEIS Appendix C, Table 1 fails to provide an adequate breakdown of the types of jobs estimated to be created to support the annual earnings estimated at \$327,436,521. Applicant to provide a breakdown of estimated jobs by occupation type, (similar to what was done in Table 7) to illustrate earnings by category.

19. SDGEIS Appendix C includes conclusions about the variable nature of certain Town budget line item expenses without adequate support. Applicant to identify method used to determine which Town of Malta budget line item expenses are variable and supporting materials, analyses and materials to support such conclusions.

#### **TRAFFIC IMPACTS AND ACCESS STUDY (APPENDIX D)**

20. SDGEIS Appendix D Section 1.1 fails to provide sufficient data to support the information contained therein. Applicant to provide materials, tables, calculations and/or additional data to support thresholds of 1,900 AM peak hour trips and 2,100 PM peak hour trips for the proposed Action.

21. SDGEIS Appendix D Section 2.2 fails to provide sufficient data. Applicant to provide supporting materials tables, calculations and/or additional data to support the no-volume adjustments for COVID-19.

22. SDGEIS Appendix D Section 2.2 fails to provide sufficient data. Applicant to provide supporting materials tables, calculations and/or additional data to support background growth rates.

23. SDGEIS Appendix D Section 2.2 fails to indicate whether the traffic counts were seasonally adjusted and, if so, whether they were seasonally adjusted based on peak hour conditions. Alternatively, if they were not adjusted, this section fails to adequately explain why. Applicant to clarify whether and how such adjustment were made or, in the alternative, address why such adjustments were not made or were not made based on peak hour conditions.

24. SDGEIS Appendix D Section 2.5 fails to fully address roadway reconstruction in accordance with DOT Pavement Conditions Assessment guidelines. Applicant to identify which roadways or roadway sections, if any, require repair and/or reconstruction in the immediate and short-term period (through the 2027 build-out period). In addition, Applicant to provide an explanation as to why DOT's Pavement Conditions Assessment guidelines were not used and why/how the Pavement Rehabilitation Manual is consistent with such guidelines.

25. SDGEIS Appendix D Section 2.6 fails to provide sufficient crash information. Applicant to provide crash rates and collision diagrams and to compare such information to Statewide crash rates. The crash summary presents additional through lanes at Route 9/Route 67/Dunning Street roundabout as reducing the potential for crashes. This intersection was originally constructed with through lands on the east/west approaches. Those were removed for operational and safety reasons. Previous crash history of the original intersection layout should be researched and provided to support the expectation of crash reductions.

26. SDGEIS Appendix D Section 3.1 does not include sufficient information to fully describe the no-build condition. Applicant to provide a discussion on the status of Fab 8.1, Technology Development Campus and administrative buildings. It is not clear whether these have been completed.

27. SDGEIS Appendix D Section 3.2.1 does not adequately address site specific trip generation. Applicant to provide the MJ site specific trip generation data for Fulfillment Center and Parcel Hub facility.

28. SDGEIS Appendix D Section 3.2.3 contains erroneous information. Applicant to rename the Fab 8.2 AM Peak Hours as "PM Peak Hours" on figure 13.

29. SDGEIS Appendix D Section 4.1 fails to adequately address roundabout delay analysis as this section employs the “Sidra Delay Standard” while DOT employs the “US HCM 6 Method”. Applicant to revise model based upon the “US HCM 6 Method”.

30. SDGEIS Appendix D Section 4.2 requires clarification. Route 9P/Lake Road (intersection 4) and Lake Road/Cold Springs Road (intersection 5) are presented in text as not needing mitigation. However, the level of service table shows impacts to level of service F conditions and includes analysis of mitigation measures. Applicant to clarify and/or update this section accordingly to address this contradiction.

31. SDGEIS Appendix D Section 4.2 includes information which appears to be erroneous. This section presents mitigation for no-build and build conditions at roundabouts (intersections 8 and 16) that may not be allowed by the New York State DOT and therefore would not be feasible mitigation. The mitigation involves adding through lanes at the roundabouts from a two-lane roadway. However, such configuration was previously considered and rejected by DOT due to operational and safety issues. Applicant to contact DOT to determine if such mitigation is feasible and revise accordingly. In addition, Applicant must provide conceptual sketches of mitigation discussed in this section.

32. SDGEIS Appendix D Section 4.2 contains statements that have not been supported to the effect that conditions at intersection 8 will be improved by the natural distribution of traffic to existing and new routes. Applicant to identify the level of diversion/natural distribution that can be accommodated on local streets, the resulting level of service with diversions and impacts of the diverted traffic along the local streets.

33. SDGEIS Appendix D Section 4.2 concludes that a number of intersections will need mitigation for build conditions with the project and Fab 8.2, but the mitigation measures are not presented. Applicant to identify the mitigation measures that are eluded to in this section.

34. SDGEIS Appendix D Section 4.3 fails to adequately address short-term mitigation that may be needed. Applicant to identify what, if any, short-term or temporary mitigation may be needed.

35. SDGEIS Appendix D, Addendum fails to adequately support the trip thresholds for each alternative (level of service E conditions). Applicant to provide supporting materials, tables, calculations, and/or other data necessary to support the trip thresholds for each such alternative.

#### **STORMWATER MANAGEMENT REPORT (APPENDIX I)**

36. SDGEIS Appendix I includes conflicting information concerning the size and location of the area proposed for development. Appendix I references a project area of 245.28 acres. The Water Quality calculations use a total area of 250.6 acres, while only 243.8 acres are used for the minimum RRv calculations. The existing conditions map depicts an area of 243.8 acres, while the proposed conditions map depicts 251.3 acres. Further, in Section II.B of Appendix I, Analysis Point I, is described as totaling 181.5 acres with the potential for 164 acres to be developed. Analysis Point 2 totals 62.3 acres, with the potential of 65 acres of development (2.7 acres greater than the subcatchment analyzed). Additionally, the area listed for both existing and proposed stormwater models indicate a total site area of 243.8 acres, however, the subcatchment maps show 243.8 acres for the existing and 251.3 acres for the proposed conditions. It appears the increase in the total area is from an increase in area DR-4 (existing DR-2). The preliminary

stormwater model must investigate the maximum potential for stormwater runoff by examining the site in full buildout conditions. Applicant to clarify the total site area, limits of disturbance and maximum buildout. Applicant to clarify impervious/pervious areas on the site plan. The plan must consist of the maximum buildout for the site, accounting for any setbacks and minimum greenspace requirements and any such limitations are to be shown on the plans.

37. SDGEIS Appendix I references a figure that was not provided. Applicant to provide Figure 2.3-1 (LFTC and PDD Amendment Development Plan for areas of potential development) which was referenced in Appendix I, Section I.A.

38. SDGEIS Appendix I contains contradictory information. Values provided for RRV and WQv in Table 3.11-1 of the SDGEIS and reflected in Table IV of the Stormwater Management Report do not match the values for the same as stated in the infiltration basin worksheet. Applicant to revise one or both to address these inconsistencies.

39. SDGEIS Appendix I does not contain sufficient information to adequately demonstrate topography and tributary areas. Applicant to revise to show contour labels on the existing and proposed subcatchment maps.

40. SDGEIS Appendix I, infiltration calculations in proposed conditions model are erroneously based on sedimentation basins being modeled as infiltration devices. For modeling purposes, sedimentation basins should not be modeled to infiltrate. Applicant to revise the model to remove infiltration from all pretreatment basins as their primary purpose is to collect debris and sediment.

41. SDGEIS Appendix I, existing conditions model does not adequately address duration of storm events. Applicant to revise storm duration accordingly to capture the full effects of storm events.

42. SDGEIS Appendix I, for the 10-year or greater storm events under the proposed conditions, sedimentation basin 4 appears to show a peak water elevation greater than the pond elevation. Applicant to revise the model to correct this.

43. SDGEIS Appendix I, infiltration basin worksheets and modeled conditions are inconsistent as infiltration worksheet 1 states that the sedimentation basin for subcatchment 1 provides 175,000 cf of pretreatment. The volume of this sedimentation basin described in the model reflects only 154,034 cf of pretreatment. The infiltration basin worksheet describes the basin as a 46,000 sf basal area with a 7 ft. depth. The same is modeled as a 76,977 sf basal area with a 4 ft. depth. Applicant to revise worksheets, modeled conditions or both to address these inconsistencies.

#### **GENERAL**

44. The SDGEIS does not contain previous Findings Statements. Applicant to include the Findings Statements of all prior GEIS Supplements.

**AND BE IT FURTHER RESOLVED** that the Town Building and Planning Coordinator is hereby authorized and directed to provide the Applicant with notice of the foregoing in accordance with 6 NYCRR 617.9 (a)(2)(i).

**ADJOURN FROM SPECIAL MEETING: 7:08 PM**

**Motioned by:** Councilman Dunn  
Vote: Supervisor O'Connor-Aye  
Councilman Hartzell-Aye  
Councilwoman Young-Aye

**Seconded:** Councilwoman Young  
Councilman Dunn-Aye  
Councilman Warner-Aye

**WORKSHOP DISCUSSION:**

Supervisor O'Connor- Alright. Is there anything else anybody would like to discuss in terms of the workshop?

Councilman Hartzell- Well, I mean, broadly the real issue is the full extent of your project, as envisioned here isn't going to fit. I don't know what you want to do in here. I still don't know what you want to do. You know, it's going to be with that traffic capacity limitation. What are you looking to do? What are you looking to do? Because the idea that you're going to build 10-story buildings in there, you're going to cut into these buffers, you will never get my support for that. Why are you even asking for it? Because as far as I can tell, there are viable projects in this area that necessitate a 10-story building in there, and in the density of development, I mean, you're ruled out of a lot of that with your traffic limitations. Why are you even asking us for it? It's making it more difficult to get to yes, if yes, is possible. That's my own opinion. No disrespect, but that's where I feel we're at.

Supervisor O'Connor- Okay, any other questions, discussions for workshop? Okay, we're adjourned. Thanks, everybody. Appreciate your coming.

**ADJOURN:** 7:10 PM

Respectfully Submitted,

Jennifer Holmes  
Malta Town Clerk