

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 Malta

Village _____

Local Law No of the year 2015

A local law amending Planned Development District number 46, Luther Forest Technology Campus.

Be it enacted by the Town Board of the

County _____

City _____

Town of Malta as follows:

Village _____

Section 1. Authority – This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

Section 2. Amendment of Town Code –Chapter 167A-52 of the Town of Malta Town Code is hereby amended as follows:

- A. Section ¶167A-52 A.1. is amended by replacing “2013” with “2015.”
- B. Section ¶167A-52 A.5.(ii) is deleted and replaced with the following “the environmental thresholds and conditions contained in this legislation, the Findings Statement dated May 18, 2004 (GEIS), the Findings Statement dated August 25, 2008 (SEIS), the Findings Statement dated August 19, 2013 (SSEIS) and the Findings Statement dated August __, 2015 (TSEIS)”.
- C. Section ¶167A-52 B.2.a. is amended by inserting the language “technology and light industrial; research and development facilities; campus commercial;” after the words “Nanotechnology manufacturing support businesses;”.
- D. Section ¶167A-52 B.3.a. is amended by inserting the language “technology and light industrial; campus commercial; research and development

facilities” after the words “Nanotechnology manufacturing support businesses”.

- E. Section ¶167A-52 B.4.a. is amended by inserting the language “Technology and light industrial; campus commercial; research and development facilities” after the words “Allowable Uses:”.
- F. Section ¶167A-52 B.4.b. is amended by deleting the words “Campus commercial” and replacing them with the word “None”.
- G. Section ¶167A-52 B.6.a. is deleted and replaced in its entirety by the language “Allowable Uses: Technology and light industrial; office; campus commercial; conference center with a maximum of 120 rooms for overnight accommodations and conference center capacity of 200 people; community uses; public and private utilities.”
- H. Section ¶167A-52 C.2.c. is deleted and replaced in its entirety by the language: “Entities shall not produce air emissions, vibration, excessive traffic, or other adverse impacts which would be incompatible with the thresholds and limitations set forth in the Findings Statement dated May 18, 2004 (GEIS), the Findings Statement dated August 25, 2008 (SEIS), the Findings Statement dated August 19, 2013 (SSEIS), the Findings Statement dated August ____, 2015 (TSEIS) and all requirements of State and Federal law and regulation.
- I. Section ¶167A-52 C.2.p. is deleted in its entirety.
- J. Section ¶167A-52 C.2.q. is amended by deleting the words “Alternate PILOT or” in the first sentence and the words “The other provisions of this local law notwithstanding,” in the second sentence.
- K. Section ¶167A-52 C.3.a Campus Commercial is amended by deleting the language “Commercial uses will not be permitted which will attract customers from outside the Campus who otherwise will have no relationship with the Campus, and which uses will therefore not be compatible with the Campus Commercial use designation.”
- L. Section ¶167A-52 D.5. is amended by inserting the word “building” after the words “erection of signs or” and inserting the following sentences: “Notwithstanding the foregoing, the Luther Forest Technology Campus Economic Development Corporation, and its successors and assigns (“LFTCEDC”) shall be permitted to conduct the alteration of land, movement of soil, site preparation, clearing and grubbing prior to the application for site plan or subdivision approval. LFTCEDC shall comply with the Stormwater Pollution Prevention Plan (“SWPPP”) pursuant to

Article XA of Chapter 167 of the Town Code. Nothing herein is intended to supplement, supercede or alter Chapter 167 of the Town Code.”

- M. Section ¶167A-52 D.7. is amended by inserting the following after the words “adopted simultaneously herewith”: “the Findings Statement dated August 25, 2008 (SEIS), the Findings Statement dated August 19, 2013 (SSEIS) and the Findings Statement dated August ____, 2015 (TSEIS) is amended by inserting the phrase “and the Supplemental Statement of Findings dated _____, 2015.”
- N. Section ¶167A-52 D.8. is amended by inserting after the phrase “(such as impacts from changed or unanticipated circumstances)”, the following: “dated May 18, 2004 (GEIS), the Findings Statement dated August 25, 2008 (SEIS), the Findings Statement dated August 19, 2013 (SSEIS) and the Findings Statement dated August ____, 2015 (TSEIS)”.
- O. Section ¶167A-52 E.1. is deleted and replaced with the language “The owner of the parcel may subdivide same upon subdivision review and approval from the Planning Board in accordance with the Malta Town Code, and the transferee has prepaid any fee and signed any agreements necessary to be a member of the Landowners’ Association as set forth in paragraph “V”. Subdivision within and Development Area will not require owners to comply with setbacks, frontage and greenspace areas.”
- P. Section ¶167A-52 F. is deleted and replaced with the language “Development Fees. All entities owning or operating Nanotechnology Manufacturing Facilities (whether an “anchor” facility in Development Area 1 or smaller facility located in any Development Area), and all businesses leasing, owning or occupying a net leasable area of 100,000 square feet or more, are required to pay a Development Fee with the Town of Malta, which fee shall be in the same manner as Section W.5.b.2 below. Each such Agreement shall provide for a payment of \$0.25 per square foot for the fulfillment of the siting criteria and guiding principles set forth in Paragraph C, above, and which shall identify the tangible benefit to the residents of the Town of Malta. The Town of Malta may direct the payment received from the Owner to any tangible benefit it deems appropriate.
- Q. Section ¶167A-52 W.5.b.(2) is amended by replacing the second sentence with the following: “One-half of the sum shall be due and payable at the time a building permit is issued and the balance of the sum shall be due when a Certificate of Occupancy is obtained”. Furthermore, the third sentence is amended by deleting the number “28” and replacing it with “32” and the words “to be” are deleted and replaced with “that has been”.

- R. Section ¶167A-52 W.6.c. is replaced in its entirety with the following: “Noise - The owner operator of each nanotechnology manufacturing facility shall be required to perform and fund noise monitoring at or within the real property line of any residential property at the following milestones and frequencies:
1. Quarterly for the first year after the commencement of full operation and thereafter as requested by the Town Board;
 2. As set forth in the SFEIS, dated August 4, 2008, and as supplemented and amended by Section 3.11 of the Third Supplemental Statement of Findings dated August ____, 2015 (Appendix J).”
- S. Section ¶167A-52 Appendix B Definitions, “Buffer Zone” is deleted and replaced in its entirety as follows: “Buffer Zone - An area of woods and undisturbed growth at the perimeter of the District as set forth on the Maps (Exhibit A), being at least 400 feet in width adjacent to residential areas (except in Development Areas 4 and 11, which will have a minimum 200 foot buffer) and 100 feet adjacent to roads as measured from pavement. Forest management plans shall provide that mature trees shall be retained to the maximum extent possible within 100 feet of roadways and residential areas.”
- T. Section ¶167A-52 Appendix B Definitions, “Campus Commercial” is deleted and replaced in its entirety with the language “Campus Commercial - businesses intended to serve the needs of the Campus community which are (1) located within buildings; (2) provide goods, services, including but not limited to, restaurant, fast-food restaurant, retail business, and goods and services such as dry-cleaning, banking, convenience stores, day-care center (child), drugstore, fitness center, and personal service shop. Each business space is limited to 5,000 square feet, and the total square footage of all Campus Commercial shall not exceed 50,000 square feet”.
- U. Section ¶167A-52 Appendix B Definitions, Community Uses is amended by adding the words “or private” after the words “entities such as public” and adding the words “nursery school,” after the words “public safety facilities”.
- V. Section ¶167A-52 Appendix B Definitions, Conference Center is amended by adding the words “including support activities such as food preparation” after the words “employees or guests” and the last sentence of the paragraph is deleted.
- W. Section ¶167A-52 Appendix B Definitions, Nanotechnology Manufacturing Support Businesses is deleted in its entirety and replaced with “Those businesses and governmental entities which are related or compatible with

Nanotechnology Manufacturing Facilities, including Research and Development Facilities, as limited by the thresholds and limitation contained with the SEQRA record for this PDD.”

- X. A New Section ¶167A-52 Appendix B Definitions, Research and Development shall be added and read: “A building or structure built, altered or equipped for experimental and scientific study or testing and analysis for experimental research, including laboratories, in the natural, physical, or social sciences or engineering and development as an extension of investigation with the objective of creating end products, including limited construction of pilot or test models and materials and which does not emit or pass of sound, vibration, light, odor, smells, smoke and other noxious or bothersome products beyond the boundaries of the structure, and does not include activities involving living organisms of any kind.”
- Y. A New Section ¶167A-52 Appendix B Definitions, Technology and Light Industrial shall be added and read: “Businesses, including technology/research offices, involved in the production of technologically complex products, new or advanced materials, products with highly sophisticated designs, and other innovative products, including processing, packaging, incidental storage, sales and distribution, and exclusive of uses which emit offensive, noisy or otherwise objectionable disturbances such as vibration, dust or odors.”
- Z. Section ¶167A-52 DD.3. is amended by inserting the following after “Appendix F:” the Second Supplemental Statement of Findings dated August 19, 2013 (Appendix I) and the Third Supplemental Statement of Findings dated August __, 2015 (Appendix J).” Furthermore, the final sentence is deleted and replaced in its entirety with the following: “Unless otherwise noted and the event there is a conflict between the Appendices E, F, I or J, the Appendix with the latest occurring date shall control.”
- AA. Section ¶167A-52DD.5. the following the words “representative values contained in” are deleted in their entirety and replaced with the following language: “the 2008 Industry Requirements Report (Appendix G) as supplemented by the 2013 Industry Requirements Report (Appendix H), (iii) the May 18, 2004 Statement of Findings (Appendix E), (iv) the Final Supplemental Environmental Impact Statement of Findings dated August 25, 2008 (Appendix F), (v) the Final Second Supplemental Environmental Impact Statement of Findings dated August 19, 2013 (Appendix I), (vi) the Final Third Supplemental Statement of Findings dated August __, 2015 (Appendix J), (vi) the uses and site plans as approved by the Town Board and the Town Planning Board, and (vii) any other relevant requirements and conditions of State and Federal environmental laws and permits issued thereunder.”

- BB. Section ¶176-A52 DD.7 following the words are inserted after “August 25, 2008 (Appendix E)”: “(iii) Final Second Supplemental Environmental Impact Statement of Findings, dated August 19, 2013 (Appendix I), (iv) the Final Third Supplemental Environmental Impact Statement of Findings, dated August __, 2015 (Appendix J) (v) the representative values set forth in the 2008 Industry Requirements Report (Appendix G), as supplemented by the 2013 Industry Requirements Report (Appendix H) (vi) and all requirements of Federal, New York State, Saratoga County and Town of Malta law and regulation.”
- CC. Section ¶167A-52 DD. 11 shall be deleted in its entirety.
- DD. Section ¶167A-52 DD.16(a) and (b) shall be modified by deleting the subsections first words “Along with” and replacing them with “Prior to”.
- EE. Section ¶167A-52DD.17is deleted and replaced by the following: “An application for site plan review shall also be subject to the representative values contained in the 2008 Industry Requirements Report, as supplemented by the 2013 Industry Requirements Report, the Final Supplemental Environmental Impact Statement of Findings dated August 25, 2008 (Appendix F), the Final Second Supplemental Environmental Impact Statement of Findings dated August 19, 2013 (Appendix I), and the Final Third Supplemental Environmental Impact Statement of Findings dated August __, 2015 (Appendix J), incorporated herein by reference.”
- FF. Section ¶167A-52 DD.18 is replaced in its entirety by the following sentence: “Where a proposed site plan development presents issues regarding impacts that were not addressed in (1) the GEIS, (2) Findings Statement dated May 18, 2004 (such as impacts from changed or unanticipated circumstances), (3) representative values contained in the 2008 Industry Requirements Report, as supplemented by the 2013 Industry Requirements Report, (4) Findings Statement of SEIS dated August 25, 2008, (5) Second Supplemental Statement of Findings dated August 19, 2013, or (6) Third Supplemental Statement of Findings dated August __, 2015,the Town Board or Planning Board may request further information such as a Full Environmental Assessment Form or further explanations to determine the significance of such potential impacts and whether a supplemental EIS, limited to those new issues, may be required.”
- GG. Section ¶167A-52 DD 19 shall be deleted in its entirety.
- HH. Section ¶167A-52 DD 20 shall be deleted in its entirety.

- II. Section ¶167A-52DD.21 is replaced in its entirety by the following:
“Impact thresholds. All development, use and occupancy of lands within the District shall be within the thresholds, standards, conditions and limitations set forth in Appendix E, Findings Statement, the 2008 Industry Requirements Report, as supplemented by the 2013 Industry Requirements Report, the Findings Statement of the SEIS dated August 25, 2008, the Findings Statement of the SSEIS dated August 19, 2013 and/or the Findings Statement of the TSFEIS dated August ___, 2015.”
- JJ. Section ¶167-52A DD.22 shall be replaced in its entirety with the following: Paragraph H.1. notwithstanding, violation thresholds shall also include those set forth in the 2013 Industry Requirements Report and the Findings Statements of the SFEIS dated August 25, 2008, the SSFEIS dated August 19, 2013 and the TSFEIS dated August ___, 2015.
- KK. Section ¶167A-52 DD.26(d)(1) is deleted in its entirety.

Section 3. Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 4.Repealer - All Local Laws or ordinances or parts of Local Laws or ordinances codified at Town Code Section 167A-46 that conflict with any part of this Local law are hereby repealed.

Section 5.Effective Date - This Local Law shall take effect upon filing in the office of the New York State Department of State.

(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. _____ of 2015 of the ~~(County)(City)(Town)(Village)~~ of **Malta** was duly passed by the **Malta Town Board** on the _____ day of September, 2015 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 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 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)

Date: September, 2015

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

STATE OF NEW YORK)
)SS:
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.

Signature – Thomas W. Peterson

Town of Malta Attorney

Title

County

City

Town of Malta _____

Village

Date: September, 2015