
The information presented in this document was taken from the Town of Malta's Local Law Number 6 of 2004, Planned Development District Number 46, Luther Forest Technology Campus, adopted May 18, 2004 and amended as Local Law Number 2, adopted February 5, 2007 and Local Law Number 7, adopted August 25, 2008. This information was also gathered from the Town of Stillwater's Local Law Number 4 of 2004, Planned Development District filed on July 8, 2004.

The information and excerpts presented in this document contains only a brief summary of the Planned Development District (PDD) requirements. *The original source documentation from both the Town of Malta and/or Town of Stillwater should be consulted to provide definitive information regarding the adopted PDD legislation.*

I. Allowable uses

The following list summarizes the allowable uses throughout all development areas within the district (i.e., the Luther Forest Technology Campus):

Area 1:

- Area 1 can be used for nanotechnology manufacturing facilities (up to a maximum of three manufacturing facilities, to be located in either the Town of Malta or Stillwater, or both).
- Each such facility shall be anchored by a primary fabrication building, with a footprint not to exceed 525,000 square feet (a maximum clean room area of 300,000 square feet). This may include associated accessory buildings (separate or contiguous), including but not limited to support clean room, manufacturing areas, a central utility building, a gas separation facility data center, other storage and support buildings, and one or more administrative office buildings with associated amenities.
- Each facility, together with its accessory buildings, shall not exceed a total building footprint of 980,000 square feet.
- Public and private utilities.

Uses by Special Use Permit: None.

Other provisions within Area 1 include the following:

Siting Criteria

Entities located in Area 1 shall not produce air emissions, vibration, excessive traffic or other impacts set forth in the statement of findings dated May 18, 2004.

Public Trust

Owners shall meet all applicable government standards for air, land and water quality and implement environmental management systems to meet current ISO industry standards.

Environmental Protection

Entities shall comply with all local, state and federal laws and regulations with respect to discharges in the environment.

Air Pollution

Entities shall comply with all local, state and federal regulations with respect to air emissions.

Tax Abatement Limitations

There is no limitation on an entity's ability to seek relief from the local share of sales tax for construction material costs. Entities also reserve the right to contest assessments on their property(s) pursuant to NYS Real Property Tax Law.

Tax Alternate PILOT or Tax Sharing Agreements

The other provisions of this local law notwithstanding, nothing herein shall prohibit entities owning and/or operating businesses in Development Area 1 from entering into a Payment-in-Lieu-of-Taxes (PILOT) agreement providing that said PILOT payments (in the amounts required by C.2.q.) be allocated in a specific ratio between the Towns of Malta and Stillwater, and the Ballston Spa Central School District and Stillwater Central School District. It is the intention of the Town of Malta to enter into such a revenue sharing or PILOT arrangement on a basis of 75% (Malta) to 25% (Stillwater), which arrangement would remain in effect until certificates of occupancy have been issued for Nanotechnology Manufacturing Facilities in Development Area 1 in both the Town of Malta and the Town of Stillwater, that is, until each Town has one such facility.

Environmental Management Plans

Entities will implement an environmental, health and safety management program consistent with the Industry Requirement Report and will attain ISO 14001 certification as soon as practical.

Environmental Audit

All entities that may have an adverse environmental impact shall operate under an environmental management system as described in the Industry Requirements Report. The entity shall provide copies of the report to the Town of Malta, which will be provided to NYS Department of Environmental Conservation and US Environmental, as well as permit applications.

Site Plan and Building Permit Requirements

Except as otherwise set forth below, no site preparation, clearing, or grubbing, erection of signs or construction shall begin without the property owner having applied for and received site plan approval from the Town Planning Board, and without a duly issued Building Permit.

- a.) Along with the site plan application, an entity may apply for and, upon meeting all necessary requirements, receive a Soil Disturbance approval, which may permit site preparation. In order to receive the approval, the entity must submit a Storm Water Pollution Prevention Plan (SWPPP).
- b.) The entity may also apply for a temporary Construction Site Plan approval for construction related purposes.
- c.) During site plan review, the Town Planning Board(s) shall review and may approve site layout, grading and drainage, access, landscaping, circulation, storm water management, off-street parking and lighting. Also, the Town Building Department(s) may establish an appropriate process for the issuance of phased Building Permits as deemed necessary to efficiently process and accommodate the needs of the project.
- d.) Nothing shall prohibit selective tree harvesting in non-development areas.

The Town Board(s) or Planning Board(s) may request further information including but not limited to 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.

Subdivisions within Approved Non-Residential Development

The owner of the parcel may subdivide for purposes of transfer of ownership or a security interest, upon subdivision review and approval from the Planning Board.

Security and Emergency Response Plan

All manufacturing facilities and other facilities required by local, state or federal law, shall prepare and file facility Emergency Response and Hazardous Materials Management Plans with the County Emergency Management Response Agency and Local Emergency responders prior to the issuance of a certificate of occupancy. This filed plans shall kept updated as directed by the same and as needed.

Building Height

The maximum building height within Area 1 is 110 feet.

All entities shall incorporate the “**Industry Requirements Report**” dated July 29, 2008.

Area 2 and 3

- Areas 2 and 3 can be used for nanotechnology manufacturing support businesses, offices, and community uses, public and private utilities.

Uses by special permit. Nanotechnology manufacturing facilities (up to 100,000 SF of clean room or less for each facility).

For additional information regarding Area 2 and 3 – see Numeral III, Number 19 “Campus Commercial.”

Area 4, 5 and 9

- Can be used for nanotechnology manufacturing support businesses, offices, public and private utilities.

Uses by special permit. Nanotechnology manufacturing facilities (up to 100,000 SF of clean room or less for each facility).

For additional information regarding Area 9 – see Numeral III Number 19 “Campus Commercial”.

Area 6, 7 and 8

- Can be used for community uses, offices, public and private utilities.

Uses by special permit. Campus commercial.

For additional information regarding Area 6 and 7 – see Numeral III Number 19 “Campus Commercial”.

Area 11

- Is a conference center with a maximum of 40 rooms for overnight accommodations. Capacity is 200 people.
- Other uses include community uses, public and private utility.

Uses by Special Use Permit: None.

*The Town Board shall approve or deny an application for a special use permit within 31 days of receipt of completed application. If application is approved the Planning Board shall complete the site plan review process under the procedures and timetable of Town Law.

II. Development Area/Area Guidelines

The information summarized below includes the guidelines that govern development within the PDD (i.e., Luther Forest Technology Campus):

1. Site Plan

- All development areas shall be subject to a site plan review from either the Town of Malta or the Town of Stillwater.
 - No clearing or grubbing, erection of signs or construction is permitted without prior site plan approval from the Towns Planning Board and without a building permit.
 - Construction hours are from 7 am to 6 pm, Monday through Saturday.
 - Development areas can be subdivided as long as ingress and egress is maintained.
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2. Storm Water Management

- Storm water management plans shall be submitted for each developable site.
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3. Access and Circulation

- No development shall have frontage on the arterial boulevards.
 - There shall be a minimum 100 foot wide undisturbed buffer from the edge of road to any parking or construction.
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4. Architectural Guidelines

- Architectural design that uses colonial, Greek revival, Victorian and classical influences are encouraged.
 - Building facades shall promote regional architecture.
 - Facades shall be made of masonry, brick, stone, metal.
 - Long unbroken facades are discouraged.
 - No “up” lighting on the facades.
 - Roof materials shall match the facades
 - Rooflines cannot be flat planes.
 - Colors shall harmonize with the surrounding woods.
 - Columns and pedestrian scale are encouraged.
 - Reflective glass is discouraged.
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Non-Manufacturing Facilities

- Roof materials shall be earth tone colors and shall not be reflective.
- Rooflines that are flat and slightly pitched are recognized as an industry standard.
- Building facades made of concrete, masonry, stone, steel or glass are permitted, but should be attempted to match the surrounding buildings and the environment.
- All overhead doors and loading areas must be screened.
- Support buildings/utility structures shall be of the same design and building style as the main structure.

5. Landscaping Standards and Guidelines:

- Linkage to parking, trails, walks and drop off points shall be landscaped in a way that promotes gathering, shade and plantings that relate to the surroundings.
- Planting shall be smaller deciduous trees with a maximum height of 30' to 50'.
- Trees shall be improved by flowerbeds and perennials.
- Plant material must have a hardiness zone of 5 or better and shall include a mixture of indigenous and hybrid species.
- 200 square feet of planting area shall be provided for every 20 parking spaces and shall contain a deciduous tree with perennials and underlying shrubs. The minimum width of a planting bed is 10'.

6. Green Space, Buffers

- A minimum of 60% of land within the PDD shall be green space with forest buffers.

7. Signs

- Permitted signs include monument entrance, directional and informational signs. Individual owners may use either or both monument or building signs to identify their premises.
- Signs may not exceed more than 200 square feet.
- Signs may be illuminated in a manner consistent with the lighting standards.
- Building mounted signs may not be mounted higher than 35' above the finished grade to the top of the sign.

8. Building Height

- Maximum building height shall be 75' throughout the PDD (excluding Area 1), including all rooftop mounted equipment. "Building Height" is defined as the distance between ground level and the highest finished elevation of the building roof.

9. Building Setbacks

- All buildings within the development areas shall have a minimum front setback of 700' to 1000' from the arterial boulevard.
- An additional front yard setback of 100' to 200' shall be used for landscaping and entryways.
- Side and rear yard buffers shall be a minimum of 100'.
- Buildings shall be a setback of 500' to 1,000' from major roads or boulevards that may have the potential for vibration.

10. Parking

- Nanotechnology manufacturing facilities and support businesses are permitted 0.8 parking spaces per employee (minimum per shift).
- Office buildings are permitted 1.0 parking spaces per 300 square feet of net lease-able floor area, or alternatively, one space per employee.

11. Lighting

- If development occurs in the Town of Malta, see Malta's Local Law Number 6 of 2004, Planned Development District Number 46, Luther Forest Technology Campus page 17168.
- If development occurs in the Town of Stillwater, see Stillwater's Local Law Number 4 of 2004, Planned Development District filed on July 8, 2004.

12. Common Area Maintenance

- All owners of land within the district shall become a member of a landowners association and shall remain a member in good standing. The contractual terms will be approved by either the Town Board of Malta and/or of Stillwater.

13. Emergency Services

- Each owner and operator of a nanotechnology manufacturing facility shall prepare a written annual emergency preparedness plan.
- All manufacturing facilities shall prepare and file an emergency response and hazardous materials management plans with the Saratoga County Emergency Management Response Agency as well as local emergency responders (as per state law).
- Measures shall be taken to protect against terrorism and to secure all hazards in accordance with best available technology and guidance of the accepted industry practices.
- Spill response plans, risk management plans and emergency response plans shall be prepared and maintained as required by all local, state and federal laws and regulations, including but not limited to; NYS DEC regulations; U.S. OSHA regulations; US EPA regulations; FHA regulations; and NYS DOT regulations.
- Landowners shall cooperate with the Town in the siting of emergency warning sirens on the landowner's real property where deemed appropriate by the Town of Malta.

14. Construction Impacts

- Owners shall pay all cost associated (including benefits) for building inspectors whose responsibility will be to provide inspection services within the district.
- Engineering and legal fees incurred by either the Town of Malta or Stillwater in connection with the review, inspections and monitoring of the PDD shall be paid by the owner. Owners will fund an escrow account administrated either by the Town of Malta or Stillwater Building and Planning Department.

15. Growth Inducing Impact Fees

- The following fees are due at the time of site plan approval from either the Towns of Malta or Stillwater as outlined below:
 - a) Nanotechnology manufacturing facility in Area 1 is \$100,000 per each facility.
 - b) Remaining ancillary development within the PDD is \$0.12 per square foot.
 - c) Open space and recreation fee of \$0.69 per square foot payable at the time a building permit is obtained. This fee collection should be expanded within 10 years.

*Said fees are based on 2004 dollars and shall be adjusted accordantly due to inflation.

16. Open Space

- All easements obtained by Owners for placement of water and/or sewer lines shall also contain an easement for use as a public pathways and trails, paved or unpaved, to be determined by either the Town of Malta or Stillwater during the site plan review or at a later time by Town Board resolution. The Town Board shall have the ability to waive this requirement if it proves to be impracticable or undesirable.

17. Development Agreements

- All nanotechnology manufacturing facilities located within the PDD occupying an area of 100,000 square feet or more are required to enter into a development agreement within the Town where the development occurs. This agreement shall be in place before site plan approval. Such benefits shall be a benefit to the quality of life.

18. Special Provisions:

- The following temporary facilities will be subject to site plan review and approval within the PDD:
 - a) Construction office
 - b) Temporary food service
 - c) Portable restrooms
 - d) Storage trailers
 - e) Storage yards
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19. Campus Commercial

- Commercial uses shall provide such goods or services primarily for the use and benefit of the employees and visitors to the campus.
- Commercial uses will not be permitted that will attract customers from outside the PDD that have no relationship with the campus.
- An entity may provide goods or services for its employees, such as a cafeteria or medical facility within the entity's own building. All other uses shall require a special use permit through the Town Board.
- No free standing structures are permitted.
- All campus commercial uses shall have site plan review.
- All buildings must front public streets, shall promote pedestrian access to and throughout the campus center and shall be enhanced by traditional architecture and appropriate landscaping.
- Building colors shall complement the entire campus core.
- All sides of buildings should have a unified appearance.
- Masonry, brick, stone and cast stone facades are preferred

20. Energy Conservation

- Entities within the district shall conserve energy to the maximum extent practicable, considering each entity's purpose and mission, and commit to pursuing the highest LEED certification practicable and economically feasible. Buildings shall be designed, constructed and operated in substantial accordance with "green building standards".

21. Manufacturing Activities

- All manufacturing uses authorized within the district shall take place entirely within enclosed buildings, except for those facilities or portions of facilities such as chemical bulk, gases (including liquefied cryogenic gases), petroleum, or materials storage/lay down facilities or electrical substations, which are required by code, regulation or good engineering practice to be outside of the manufacturing buildings.

III. PDD Incentives

1. Empire Zone/Industrial Development Agencies (IDA)

- Companies entering the district are only permitted to use the Empire Zone Program.
- The only permitted IDA-approved program for tax relief is an exemption from New York State mortgage recording tax (1%) and the local sales tax (3%) for construction materials.
- No property owners shall receive any abatement of local real property taxes with respect to land and/or facilities within the district through a PILOT with the IDA.

IV. Various Available Financial Incentives

The list below outlines other incentive packages that are available:

- Infrastructure grants (National Grid)
 - Training grants (ESD)
 - Relocation services package
 - Energy package (NYSERDA)
 - Employment services package
 - Public/private endowments
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