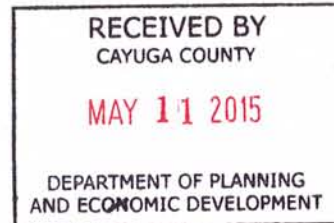


TOWN OF STERLING PLANNING BOARD

1290 State Route 104A
Sterling, New York 13156
Randall Lawrence, Supervisor
June Ouellette, Chairman
Telephone: (315) 947-6245
Fax: (315) 947-5119
Email: szoning@twcny.rr.com

May 6, 2015

Cayuga County Planning Board
160 Genesee Street
Auburn, NY 13021



Ladies and Gentlemen:

In accordance with the requirements of Section 239 NYS General Municipal Law, The Town of Sterling Planning Board hereby refers the following proposed action to the Cayuga County Planning Board for review:

Project Information:

Type of Action: Special Permit Application for Mining Operation
Tax Map # 20.00-1-68.1
Project Address: 13181 Sanford Road, Martville
Zoned: Agricultural/Residential
Applicant: Christopher Ferlito ; Christopher J. Construction LLC.
210 Christopher Circle
Oswego, NY 13126

Materials Submitted (1 copy each) :

Town of Sterling Special Permit application; PB meeting minutes 4/6/15
Town of Sterling ZBA Area Variance application with Resolution & Vicinity Map;
and ZBA meeting minutes 4/27/15
Mined Land Use Plan April 2015 - information package
Stormwater Control Plan June 2014 - information package
NYSDEC Notice of Complete Application and Negative Declaration
Correspondence between DEC and Project Geologist Tom Giles

Referral Criteria:

Project located within 500 feet of the Town of Victory.
SE corner of property borders Sterling Creek.
Close proximity to State Routes 104 and 38.

SEQR Status:

The project is a Type I Action. The NYSDEC has Lead Agency status. Negative Declaration dated 5/4/2015.

Sincerely,


Lisa Somers, Planning Board Clerk

**Cayuga County GML §239 l, m & n Review Committee
Referral Form**

To: Cayuga County Department of Planning and Economic Development
160 Genesee Street; 5th Floor
Auburn, New York 13021

Phone: (315) 253-1276
Email: planning@cayugacounty.us

From: Municipal Board:
Primary Contact:
Address:

*Town of Sterling
Planning Board
Lisa Somers, clerk
1290 State Rt 104A
Sterling, NY 13156
(315) 564-7779
lsomers2@twntyrr.com*

Applicant: Christopher Ferlito; Christopher J. Construction LLC
Site Address: 13181 Sanford Road, Martville
Tax Map Number: 30.00-1-68.1 **Acres:** 111.8
Current Zoning: AR **Current Land Use:** rural vacant
Project Description: Proposal to extract sand and gravel for commercial sale. The site is to be reclaimed to vegetated open space concurrently with mining phases.

(attach additional pages if necessary)

Proposed Action(s)

Please complete the section below that pertains to the proposed action being submitted for review.

- Local Law or Regulation** New Amendment
- Comprehensive Plan Local Law Zoning Law / Ordinance Other

Site Plan

Proposed Improvements: _____

Intended Use(s): _____

Will the proposed project require a variance? Yes No Specify: _____

Is a State or County DOT work permit required? Yes No Specify: _____

Special Use Permit

List the section(s) of the local zoning law/ordinance that requires a special use permit for the proposed use: 10-5-J (p.48)

Required conditions: _____

Will the proposed use require a variance? Yes No Specify: Area Variance

Subdivision

Name: _____

Number of Lots: _____ Type: Residential Preliminary Final

Is Public Water available? Yes No Single/Multi-Family Commercial/Industrial

Is a State or County DOT work permit required? Yes No No Specify: _____

Will the proposed project require a variance? Yes No Specify: _____

Variance

Type: Area Use

List the section(s) of the local zoning law/ordinance requirements that the variance is being sought for, and the specific details of the variance request: 10-5, J2d (p.49) Minimum required distance between mine entrance and existing residential structures is 1,000 feet - 8 buildings involved.

SEQR Determination

Please provide the State Environmental Quality Review (SEQR) information below regarding the type of SEQR action and, if the SEQR process is completed note the SEQR finding. The GML §239 l, m & n Committee does not require full completion of the SEQR process and a local determination prior to reviewing and acting on a referral, however a complete referral package must include a completed and signed Part I of the SEQR forms.

Action: Type I Type II Unlisted Action Exempt

Finding: Positive Declaration- Draft EIS Conditional Negative Declaration Negative Declaration No Finding (Type II Only)

SEQR Determination Made by (Lead Agency): NYS DEC Date: 5/4/15

Attachments

Local Application Form SEQR Forms Text Amendment Other PB & ZBA Meeting Minutes.

Site Plan - within Mined Land Use Plan Survey - ZBA Vicinity Map Subdivision Plat (map)

To my knowledge, this referral request, as required by NYS GML §239 l, m & n, is complete and includes copies of all documents/applications required of and submitted by the applicant to the local municipality, and supporting materials to assist the Cayuga County GML §239 l, m, & n Review Committee ("Committee") in its review. I understand that if no formal action is taken by the Committee within 30 days of receipt of this referral, then the referring board identified on this form may proceed without the Committee's recommendation, unless an extension of time is agreed upon or unless the Committee's recommendation is received at least 2 days prior to local municipal action.

Lisa Armers PB & ZBA clerk
Name and Title of Person Completing this Form

5/6/15
Transmittal Date

TOWN OF STERLING Planning Board

1290 State Route 104A
Sterling, New York 13156
Randall Lawrence, Supervisor
Bruce Applebee, Code Enforcement Officer
Telephone: (315) 947-6245
Fax: (315) 947-5119
Email: szoning@twcny.rr.com

SPECIAL PERMIT APPLICATION

Applicant shall have the burden of proof in establishing his/her right to a Special Permit

Name of Applicant: Christopher Const. LLC
Circle one: owner tenant agent contractor or other (specify) _____

Applicant Address: 210 Christopher Cir

Project Address (if different): 13181 Sanford Rd Martville

Telephone Number: (315) 297-8747

Tax Map Number: 20.00-1-68.1

Date: 1/9/15

Proposed uses on the property, if application is approved are: Mining Operation

ATTACH THE FOLLOWING:

1. An approved site plan
2. A statement with supporting evidence regarding the merit of the proposed use at the proposed location and how the proposed use complies with the general and specific requirement of this law.

I certify that the information provided above is true to the best of my knowledge.

Chth LLC
Property Owner Signature

Date: 1/9/15

Applicant Signature (if not Property Owner)

Date: _____

Code Enforcement Officer Comments: _____

OFFICIAL USE ONLY

Special Permit Filing Fee \$ 100⁰⁰

Date Paid: 4/14/2015

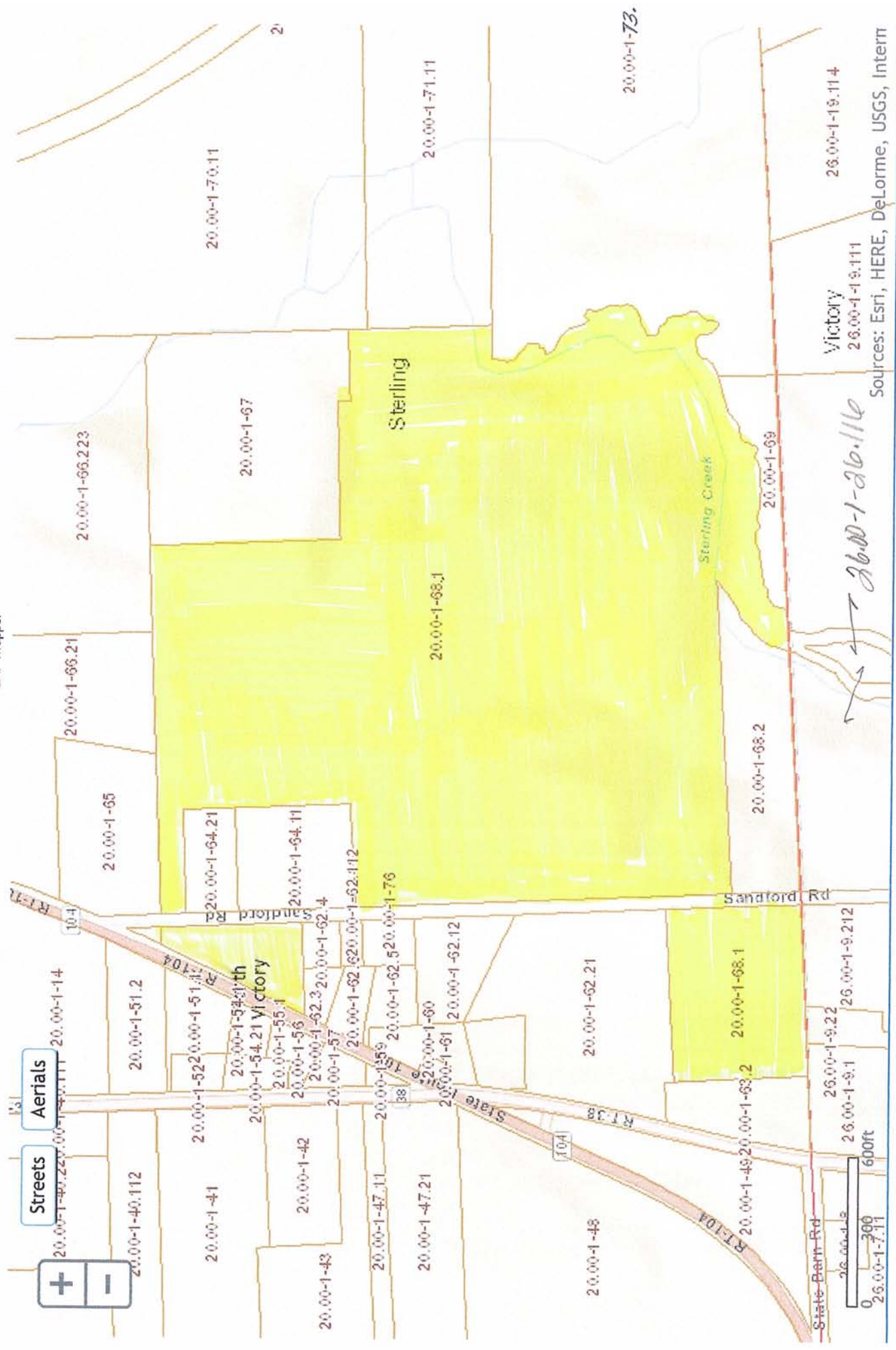
Date of Public Hearing: 6/1/15

Date Special Permit Granted: _____ Date Special Permit Denied: _____

Reason Special Permit Denied: _____

List the owners of record for all properties adjacent to, across the road from, and the property for which the application is being filed. These parties will be notified by the Town of Sterling prior to the public hearing.

TAX MAP #	OWNER'S NAME	MAILING ADDRESS
20.00-1-68.1	Christopher J. Constr.	32 Tupelo Dr. Oswego 13126
-67	Brian Soper	1641 Old State Rd. Sterling 13156
-70.11	Raymond Hunt	13449 Ira. Station Rd. Martville
-71.11	Raymond Hunt	" " "
-73.11	David Depasquale	P.O. Box 81 Martville 13111
-69	Thomas Blanchard	1640 Sand Hill Rd. Martville
-68.2	William & Delores Welsh	P.O. Box 78 Martville
-62.21	Robin Allinger	P.O. Box 101 Martville
-62.13	Todd & Colleen Seymour	P.O. Box 41 Martville
-76	" " "	13211 Sanford Rd. Martville
-62.112	James & Carol Lee	4194 Francis Rd. Cazenovia 13035
-62.4	Jason & Lori Hancock	245 Meader Lane Fair Haven VT 05743
-62.3	David & Shelly Soper	15064 St Rt 104 Martville
-56	James & Kay Hanlon	15061 St Rt 104 "
-55.1	Lindsay Halpin	15063 St Rt 104 "
-54.1	William Forsythe Melinda Custer	15071 St Rt 104 Martville
-51.1	Diane Devendorf	P.O. Box 26 13736 Martville Rd "
-51.2	Rodney Green	P.O. Box 142 15252 Martville Rd "
-14	Sheldon & Marian Keeling Rev. Trust	15259 St Rt 104 Martville
-64.11	Frank & Laurie Nicodemus	13248 Sanford Rd "
-64.21	Dale & Lorraine Ritchie	13256 Sanford Rd "
-65	Gary & Shelba Green	P.O. Box 223 Martville
-66.21	Keeling Rev. Trust	
-66.223	Gerald & Mireille Watts	RD#1 Scott Dr. Hannibal 13074
26.00-1-26.113	JNT Farms	13968 Poplar Rd. Martville
-9.1 and -9.22	Herbert Reiss	13104 St Rt 38 Martville
-9.212	Jeffrey Couperus	13123 Sanford Rd. Martville



Sources: Esri, HERE, DeLorme, USGS, Intern



TOWN OF STERLING PLANNING BOARD MEETING
April 6, 2015

A regular meeting of the Town of Sterling Planning Board was held on Monday April 6, 2015 at the Sterling Town Hall at 7:00 pm with the following members present:

- June Ouellette ~ Chairman
- Sue Allen ~ Member
- Grover Horn ~ Member
- Vernon Bishop ~ Member

Excused: Member Susan Lemon.

Also Present : Kathy Ouellette-Fox, Charles Welling, Pat Cooper Maxon, Joseph Thompson, Town Councilors Steve Keeling and Gus Taft, Nancy Lalik, Justin Slobe, Highway Supervisor Brian Soper, Christopher Ferlito and Geologist Tom Giles.

Chairman Ouellette called the meeting to order at 7:00 pm.

CORRESPONDENCE - none

BUSINESS

Kathy Ouellette-Fox - Sketch Plan Conference for Lot Line Adjustment

Chairman Ouellette stated that the new Land Use Regulations had added a new category of subdivision called a lot line adjustment which realigns property lines between adjacent parcels involving less than 2 acres of property. The first applicant to utilize the new zoning section is her daughter, Kathy Ouellette-Fox, who proceeded to explain to the Board Members the reason for requesting a realignment of her property line on Old State Road. Her neighbor, Charles Welling, owns a shed and well located on her property, which she would like to sell to him allowing him to utilize both the well and shed. An old survey map was provided to illustrate the property layout as well as the location of the 911 cell tower and roadway with 60' ROW in the same area as the proposed subdivision. The subdivision application will need to be submitted to Cayuga County Planning for a 239Review because of proximity to the tower which is owned by the County. An application was supplied to the applicant with instructions to bring one survey map for preliminary approval at the next meeting - May 4th.

Christopher Ferlito - Martville Sand & Gravel Mine - Preliminary Review for Special Use Permit (#20.00-1-68.1)

Mr. Ferlito had supplied maps and reports explaining the proposed operation of a sand and gravel extraction mine to the Planning Board and other Town Departments several months ago in preparation of tonight's meeting. The NYS DEC contacted the Town in July 2014 requesting Lead Agency status for a SEQR Review prompted by Mr. Ferlito filing for a DEC mining permit. The Planning Board did not object to the DEC being Lead Agency and sent a letter dated 2/16/15 with environmental concerns and areas of Town zoning noncompliance to be included in the DEC review process. Tom Giles, a geologist hired by Mr. Ferlito, stated that they had been working with the DEC and had supplied the latest remarks and reply letters which the Board Members also previously received. Mr Giles further stated that the DEC was close to a Notice of Completion, which the Planning Board would require before proceeding with the approval process for Special Use Permit. Chairman Ouellette acknowledged that the applicant had met

with Brian Soper, the Highway supervisor, and several elements of the first design have been changed such as the driveway design, hauling truck route and protection berm design. The mine plans to use two driveways – separate ingress and egress which is safer and causes less wear to the roadway. The egress will be paved to help with dust control and also slightly curved to assist hauling trucks entering traffic - 90 degree turn is slower and creates greater friction on the road surface. All trucks leaving the mine will exit using the south driveway and continue south on Sanford Road a short distance to access State Routes 38 and 104, both built to appropriate specifications for large trucks. The dimensional requirements of the Land Use Regulations stipulates that a structural barrier be constructed along the sides, back and front property lines without any openings except for gated areas for the purposes of public safety. The site plan drawings initially included a 2' high berm to serve as a structural barrier but has since been changed to a 7' high berm which is compliant with the zoning. The Land Use Regulations also requires that access roads be at least 1,000 feet from any existing residence or public building. There are several homes along Sanford Road that are within 1,000 feet of the mine entrance and the Planning Board must refer the applicant to the ZBA to request an area variance before proceeding with the Special Permit process. The clerk asked the applicant for a site plan map that has dimensions of each residence within the 1,000' zone of the entrance, Mr. Ferlito stated that his surveyor was currently working on adding that information to the survey map of the property. He was also asked for a letter or documents to support why his ZBA request should be granted, Mr. Ferlito replied that he would provide that information the following week. The clerk will schedule a ZBA meeting prior to the May 4th Planning Board meeting so the applicant will be able to return and continue his presentation without delay. Member Allen asked the geologist a few questions regarding the terminology used in the drawings such as toe of slope, the geologist briefly explained the mines design and safeguards meant to keep activity, noise and dust within the project parameters. Chairman Ouellette read aloud Section J.2.f of the Land Use Regulations that stipulates the permitted Hours of Operation: 7 am to 5 pm on Monday thru Friday, Saturday limited to residential deliveries between 8 am and 4 pm, closed on Sunday and legally declared holidays. Members asked Mr. Ferlito if he does his own hauling, he replied that he has a couple of his own trucks but fully anticipates selling product to be hauled by other companies. Some final discussion ensued regarding the ZBA request and possible ways of decreasing the impact of the mine on those structures. Existing trees along Sanford Road will remain to create a natural sound buffer and possible dust barrier, more trees to be planted in this area. Utilizing only one access road could reduce a little of the distance but not enough to offset the benefits of two driveways. The clerk will advise applicant of the meeting date set for the ZBA Public Hearing.

Justin Slobe -Sketch Plan Conference for Minor Subdivision

Mr. Slobe presented an old survey map of property located on Curtis Co-op Road that he would like to subdivide. The proposed lot is 2 acres, has 200' of road frontage and contains the residential structure that exists on the property, which is to be sold on completion of the subdivision process. The applicant was given an application and instructions on what needs to be included on the survey map. He was also told to return with only one copy of the map for preliminary approval and scheduling of a Public Hearing.

Steve Keeling – Sketch Plan Conference for Minor Subdivision

Steve Keeling approached the Board with questions regarding a possible subdivision. He presented a sketch and overhead photo image of the property and asked help in formulating a design to straighten and align existing property lines while creating a lot to sell and comply with the zoning requirements. The clerk provided an application and Councilor Keeling was instructed to return with only one map when he was ready to proceed.

Zoning Commissioner – Resolution 2015-01

The Board received a letter dated 3/23/15 from the Zoning Commissioner regarding the wording on a Resolution granting a Special Permit for Samuel Simmons. The CEO felt that the wording misrepresented the situation and a request to revisit the wording was suggested. The Planning Board Members discussed the letter and on a motion moved by Member Allen Resolution 2015-01 shall add “and operation of a business office in an A/R District” after storage of business equipment. The motion was seconded by Member Horn, all were in favor without further discussion and the motion carried. Clerk to revise and distribute.

PRIVILEGE OF THE FLOOR

Pat Cooper Maxon – Ms. Maxon approached the Board as a concerned resident and spoke to them regarding the possibility of a water bottling and distribution business in Sterling which our Land Use Regulations does not deal with. The property is located between Old State Road and State Route 104A and was used in the past as a bait farm where ponds were dug previous to zoning and DEC controls. At the time the ponds were dug, several wells of the surrounding properties were depleted. A trout stream along the back of the property also ceased to exist. Ms. Maxon had spoken with both the Town Supervisor and the Town assessor which prompted discussion between the Town councilors – all of which felt that the Planning Board could address the situation most comprehensively. The Planning Members discussed the fact that they had investigated a Wellhead Protection Plan in 2010 and were under the understanding that the Village of Fair Haven had adopted the report in 2008. Planning Member Bishop supplied a letter dated 1/6/10 from the Planning Board recommending that Sterling file a local law incorporating the aquifer report with additional language to control bulk water usage. Town Councilor Gus Taft stated that the Fair Haven report had never been adopted and that it would have no bearing on the Sterling property above the aquifer – the Town Board is the only entity with control over Sterling property. Pat Maxon had also spoken with the DEC and commented that they too were concerned about the viability of the aquifer if a water bottling business were to operate in Sterling and its effect on the many wetlands and streams in the area. Some discussion ensued amongst the Members regarding solutions such as forming an investigative committee, adding a provision in the use chart referencing PDD formation, adding a section detailing water usage and proposing enacting a moratorium law to halt water usage projects for 6 month time to establish zoning addendum. The Members decided to send a letter of recommendation to the Town Board to establish a moratorium and begin researching other Town provisions.

Permits and Fee Schedule - The Town recently adopted a revised and updated fee schedule to include any new elements in the Land Use Regulations. The subdivision fees changed substantially while the process didn't change at all, the Members plan to review and investigate how the changes occurred and maybe recommend reducing the fees in the future.

MINUTES

Meeting minutes for March 2, 2015 were approved by a motion moved by Member Bishop and seconded by Member Horn. All were in favor without further discussion and the motion passed.

Meeting minutes for March 10, 2015 were approved with minor corrections by a motion moved by Member Horn and seconded by Member Allen. All were in favor without further discussion and the motion passed.

Meeting minutes for March 24, 2015 were approved with minor corrections by a motion moved by Member Horn and seconded by Member Bishop. All were in favor without further discussion and the motion passed.

ADJOURN

On a motion by Member Horn and seconded by Member Bishop, the meeting was adjourned at 8:55 PM.

Approved Minutes,
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa Somers".

Lisa Somers, Planning Board Clerk

Town of Sterling
1290 State Route 104A
Sterling, NY 13156
Randall Lawrence, Supervisor
szoning@twcnv.rr.com

Zoning Board of Appeals
phone: (315)947-6245
Fax: (315)947-5119
email:

ZONING BOARD OF APPEALS APPLICATION

1. Address of property: 13181 Sanford Rd
2. Tax Map #: 20.00-1-68.1
3. Property Dimensions: _____ Lot Frontage _____ Lot Depth _____ Total Sq. Ft. 111.8 Acres
4. Owner of record is: Christopher J. Const. LLC Phone: 315-297-8747
210 Christopher Cir. Oswego NY 13126
(Address) (Village/Town) (State) (Zip)
5. Applicant's Name: Christopher Ferlito Phone: 315-297-8747
32 Tupelo Dr Oswego NY 13126
(Address) (Village/Town) (State) (Zip)
6. Requesting Use Variance _____ Area Variance Other _____
7. All existing uses on the property are: _____
8. Proposed uses on the property, if application is approved are: Mining and extraction of materials
9. Area Variance requested: Front _____ Rear _____ Side _____ Side _____
Setback requirement between access road and existing residences - Article X, Section 5.1 Subsection 2.d
10. Date Building Permit was submitted: _____ Date Denied: _____

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND ACCURATE.

Christopher Ferlito
(Name of Applicant)

Christopher J. Construction LLC
(Property Owner, if different)

Althm Ilte Date: 12/9/14
(Signature of Applicant)

(Signature of Owner, if different)

Gilberti Stinzano Heintz And Smith
John F. Klucsik (315) 442-0100

TOWN OF STERLING PLANNING BOARD

1290 State Route 104A
Sterling, New York 13156
Randall Lawrence, Supervisor
June Ouellette, Chairman
Telephone: (315) 947-6245
Fax: (315) 947-5119
Email: szoning@twcny.rr.com

April 8, 2015

Town of Sterling Zoning Board of Appeals Members:

The applicant has applied for a Special Use Permit to operate a sand and gravel mine through the Planning Board. The project was referred to the ZBA at the April 6th meeting because of a non-compliance issue that arose during review of the site plan. The Land Use Regulations requires that the ingress/egress area be 1,000 feet away from surrounding structures - there are eight residences along Sanford Road that are affected by the enclosed area variance request.

Respectfully submitted by:



Lisa Somers

Planning Board clerk

TOWN OF STERLING ZONING BOARD OF APPEALS MEETING

April 27, 2015

A meeting of the Town of Sterling Zoning Board of Appeals was held on Monday April 27, 2015 at the Sterling Town Hall at 7:00 pm with the following members present:

- Darrell Uetz ~ Acting Chairman
- Richard Palmieri ~ Member
- Charles Itzin ~ Member
- Brad Dates ~ Member

Excused: Chairman Larry Lemon Brad Dates.

Also present: Christopher Ferlito and Attorney John Klucsik, Thomas Blanchard, Steve Keeling, Brian Soper, Robin Allinger, Joe Hammond and Vern Bishop.

The meeting was called to order at 7:00 PM by Acting Chairman Darrell Uetz.

PUBLIC HEARINGS

Christopher Ferlito

Acting Chairman Uetz read the legal notice into the minutes and the Public Hearing was opened at 7:02 PM.

Notice is hereby given that the Zoning Board of Appeals of the Town of Sterling will hold a Public Hearing on Monday April 27, 2015 at 7:00 p.m. at the Sterling Town Hall, 1290 State Route 104A, Sterling, NY 13156 to hear an Area Variance request by Christopher Ferlito of CJ Construction LLC. A request for relief of Town of Sterling Land Use Regulations Article X, Section 5.J Subsection 2.d Setback requirements for access roads and existing residences in connection to a gravel and sand mining/excavation operation on property located at 13181 Sanford Road, Martville, NY 13111; Tax Map #20.00-1-68.01.

All those wishing to be heard in favor of or in opposition of said application may appear in person or by other representation at said time and place. By order of the Zoning Board of Appeals, Lisa Somers, clerk

CJ Ferlito and his attorney, John Klucsik, approached the Board and stated that he has been before the Planning Board for Special Use Permit approval and was referred to the ZBA during the project review because of a noncompliance issue regarding the minimum distance required between the entrance of the mine and the surrounding residential structures. He has also been working with the DEC to obtain a mining permit and process the State SEQR EAF Review which is nearing an end (a draft negative declaration was provided). He has also been working with Highway Supervisor Brian Soper to complete the Highway Preservation paperwork for the Town. Some design elements changed after talking with Mr. Soper like curving the egress drive to assist loaded trucks with the 90 degree turn onto Sanford Road and a plan for all trucks to head south to access both Route 38 and 104. Mr. Ferlito stated he had spoken to many of the neighbors to explain his business plan, especially the closest like the Allinger's, Welsh and Seymour families and that they seemed positive that hours would be established and reclamation efforts would be mandated. A large surveyed Vicinity Map was provided for the members to identify the properties closer than the 1,000 feet with exact distances for each structure to each driveway of the mine. Member Palmieri asked why a second driveway had been designed? The applicant explained that traveling from the north down Sanford Road is a long hill which could be problematic for trucks to pull out, therefore the thought was a north ingress and a south egress 300' apart to ease traffic flow and provide safety. A member asked if signs were going to be posted at the mine to direct the trucks, the applicant stated he would place a 'no right hand turn' sign on the property but the roadway would need to be handled by the Town. The Highway Supervisor commented that the Town would add signs if needed. A member asked about the usage history of the existing mine to which Mr. Ferlito stated that he had purchased the property from Steve Keeling and was told that they had been removing small loads for over 60 years, the aerial photo supports this claim and shows a visibly scarred area. The Board members reviewed the map provided and found that the 4 closest properties were within 600' and only the Allinger's were present at the Hearing. Member Dates asked about the numbers – how many trucks and how much product is going to be moved. The applicant replied he has 6 trucks of his own (4 ten wheel dump trucks and 2 tractor trailer haulers) but deliveries are not limited to his own vehicles, others will be entering the mine pursuant to business contracts. Mr. Ferlito stated that he has two bids out currently for the Sterling water line job and for the Onondaga Lake project – hauling long distances increases bid prices so he hopes to work locally. Member Itzin asked if there was any other layout of the business that would result in better compliance for the mine entrance. Even though the property is 82

acres it has neighbors around the perimeter and purchasing additional property doesn't change the issue it only involves different structures. Acting Chair Uetz asked the Highway Supervisor about the condition of Sanford Road and its ability to handle this kind of truck traffic. Brian Soper answered that the road had recently been rebuilt and can handle the loads. Sanford Road had been on a schedule with many other roads in the Town for repairs and rebuilds which was determined before this project was proposed.

At this time, Acting Chairman Uetz asked if any audience members had comments or concerns. Resident Tom Blanchard, who resides in Victory, questioned whether the roads along the designated route could withstand the loads as well. The Victory Town line bisects Sanford Road past the Welsh residence this section of road and the right turn onto Pople Road to connect with Routes 38 and 104 are not within Sterling's jurisdiction, therefore they are not part of the Road Preservation law nor are they part of this review. The clerk stated that the Town of Victory had been notified as all the residents of the project, Brian Soper also stated that he had spoken with the highway department and they were aware of the project. Discussion ensued regarding the hard right turn onto Pople Road and the effect the loaded trucks will have on the road condition in the Town of Victory. Brian Soper again stated that he had spoken with the Town of Victory representatives and that they were not concerned, as was Brian who had plowed snow for over 10 years at that intersection. Some neighbors commented that the traffic had already increased because of the other businesses in the area in the past 10 years and the roads hadn't been affected thus far. Steve Keeling (previous property owner) stated that they had used the same route and although the turn appears tight, it can be easily maneuvered. Mr. Blanchard had other concerns such as the Creek that borders the property along the east and south property lines and the potential for contamination - the design standards utilized and recommended by the DEC eliminates any potential for contamination. Mr. Blanchard was also concerned about outside hauling contracts and the ability for the project to control other haulers. He stated that Ricelli is a hauler for the Onondaga Lake project and his company is known for noncompliance - other Towns in the area have many complaints filed for noise, dust, speed and road surface destruction. The neighbor directly across the road, Robin Allinger, questioned what the negative declaration from the DEC involved. CJ Ferlito answered that the DEC had reviewed the project design and found that there would be no negative or adverse affects on the surrounding environment and that the DEC would be monitoring the progress of the mine through the phases and reevaluating any oversights. A reclamation plan to plant grass and vegetate each phase as its completed is supported with a bond posted to cover each phase. She also asked about dust control measures? The dust will be controlled by watering the surface areas as needed with water supplied to tanker truck from the pond on site. She also asked what activity would be occurring on the area of property located next to her on the west side of Sanford Road. Mr. ferlito replied that no activity would be occurring on that portion of the property, in fact of the 82 acres available only 36 acres are part of the actual mine.

Attorney John Klucsik had already presented a written argument in support of the variance request for the Board Members and proceeded to summarize the main points for the audience present. The variance request pertains to the mine access and its relation to structures within 1,000 feet only. Mining is a use allowed in AR districts with the issuance of a special use permit according to the Land Use Regulations of Sterling. The mine has existed since 1966 and has had two access points - the north historically for mine access and the south for access to a Christmas tree farm. The use of these existing access points will not change the character of the neighborhood (criteria 1). The proposed control of ingress and egress should increase safety standards relative to traffic negotiating the steep grade on Sanford Road. Established hours of operation with security fencing and gates only further benefit the surrounding community by eliminating the unpredictable previous usage including illegal waste dumping. Other options for access do not exist on the property that improves the number of residences affected (criteria 2), in fact other scenarios increase the number of homes affected overall. The request is substantial (criteria 3) for four properties and less substantial for the four remaining parcels affected but Mr. Ferlito has attempted to mitigate with separate access points for ingress/egress and negotiation to purchase more property to the north to create an easement to place entrance further north on Sanford Road. The location of the access points for the mine will not cause an adverse impact to the physical and environmental conditions of the neighborhood (criteria 4) as

supported by the Negative Declaration to be issued by the DEC as lead agency of the coordinated SEQRA review. The hardship that relief is being sought for is not self-created (criteria 5) in that it arises exclusively from the setback requirements of the Town's Land Use Regulations - the State Mined Land Reclamation Law supersedes local laws, and permits for mining activity are governed by the DEC which has the authority to establish setbacks for public thoroughfares. In conclusion, the applicant has respectfully requested an area variance from the Town in the interest of furthering good relations with both the Town and the neighbors.

A question regarding the mine operation details prompted Acting Chairman Uetz to read aloud from the supplied 'Mine Land Use Plan' sections already approved by the DEC concerning contamination of water sources, estimated truck traffic (5 trucks per hour with a maximum of 10 trucks per hour), dust control, phasing of operations and reclamation efforts with performance bonds, road design and noise study of acceptable processing equipment scheduled to be on site. Member Dates asked the applicant how they monitor the load rates on each truck? He was answered that scales are on the loader. Member Palmieri commented that the hard ship was self-created because he purchased the property to establish a business that doesn't fit the zoning requirements. The attorney disagreed and stated that it's an allowed use - the hardship came with the land that had been utilizing the two access points to extract gravel for close to 60 years. Without any further questions from the audience Acting Chairman Uetz closed the Hearing at 7:50 pm. Acting Chairman Uetz stated that he was satisfied with the neighbor notification and that those who had concerns and problems had attended and were given opportunity to discuss the issues with the Board and the applicant. He also stated that the applicant had appeared to answer issues of dust and noise sufficiently for the DEC to declare a negative declaration. Member Dates commented that the noise levels of the mining activity appear to be equal to those of farming activities which are prevalent throughout the community. Without any further comments a motion was moved by Member Itzin to approve the requested relief of setback requirements regarding access roads and existing residences in connection to a mining/excavation operation. The motion was seconded by Member Palmieri, all were in favor and the motion carried.

Resolution 2015-04

*BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Sterling, upon the facts presented and the determination made, that the application request for relief of setback requirements regarding access roads and existing residences in connection to a mining/excavation operation on property located at 13181 Sanford Road, Martville, NY 13111; Tax map # 20.00-1-68.01 is hereby **APPROVED** with **conditions** as follows: None.*

A roll call vote was taken:

Darrell Uetz, Acting Chairman	Aye
Richard Palmieri, Member	Aye
Charles Itzin, Member	Aye
Brad Dates, Member	Aye

4 AYES 0 NAYS 0 ABSTENTIONS - REQUEST **APPROVED**

MINUTES

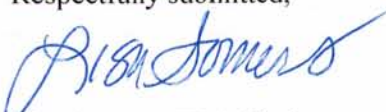
Motion to approve meeting minutes for September 11, 2014 was moved by Member Uetz and seconded by Member Dates, all were in favor with no discussion, motion carried.

Motion to approve meeting minutes for September 11, 2014 was moved by Member Uetz and seconded by Member Dates, all were in favor with no discussion, motion carried.

ADJOURN

On a motion by Member Itzin and seconded by Member Palmieri, the meeting was adjourned at 8:15 PM.

Unapproved Minutes,
Respectfully submitted,



Lisa Somers, ZBA Clerk

Writer's Direct E-mail: jkluksik@gilbertilaw.com

April 24, 2015

Laurence Lemon, Chairman
Town of Sterling
Zoning Board of Appeals
1290 State Route 104A
Sterling, New York 13156

Re: Christopher J. Construction, LLC Area Variance Application

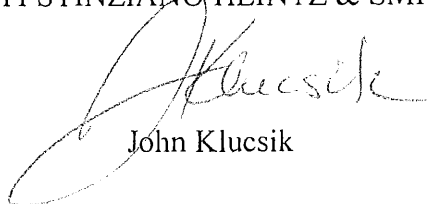
Dear Mr. Lemon and Board Members:

Enclosed for your review and consideration please find supplemental information in support of the Zoning Board of Appeals Application for an area variance filed by Christopher Ferlito of Christopher J. Construction, LLC on December 7, 2014.

Please do not hesitate to contact me in the event you have any questions.

Very truly yours,

GILBERTI STINZIANO HEINTZ & SMITH, P.C.



John Klucsik

JFK/djs

Enclosure

cc: Christopher J. Ferlito

Christopher J. Construction, LLC
Supplemental Information
Application for Area Variance – December 7, 2014

Christopher J. Construction, LLC has proposed to operate, under the authority of a New York State Department of Environmental Conservation Mined Land Reclamation Permit, a commercial sand and gravel quarry, see DEC Permit Application, ID 7-0556-00276/00001, on a 82.1 acre parcel located on the east side of Sanford Road in the Town of Sterling (Tax Parcel 20.00-1-68.1). Of the 82.1 acres, 35.8 acres is proposed as the Life of Mine Area, where mining would be conducted in four (4) phases. The parcel is located within the Town's Agricultural/Rural Zoning District.

The site is in an agricultural, residential and commercial setting near farms, residences and businesses along Sanford Road. Sanford Road is a rural town road with relatively light traffic.

The site property is bounded on the west by Sanford Road, on the north by vacant wooded land, on the east by Sterling Creek and on the south by agricultural and residential land. Much of the adjacent property consists of trees planted for lumber and forest products and by idle land no longer used for active farming.

Previous land owners have mined sand and gravel from the site in the past. Mining at the site goes back to 1966, significantly before the 1974 adoption of the State Mined Land Reclamation Law and its requirement to reclaim mined land disturbed after 1975. Both the Town of Sterling and Cayuga County have historically taken material from the site. In fact, materials from the site were used to build an addition to the Town Hall in 2011.

The proposed site access is via two existing access points on Sanford Road. Sanford Road is a Town road. The north access point (to be used only for mine entry) has historically been used as a point of mine entry and exit. The pending proposal would use this access point for mine ingress only, keeping loaded quarry vehicles from impeding traffic as it approaches a steep grade north of the mine access point.

The south access point will be used exclusively for mine egress, giving traffic an additional separation of 300± feet from the Sanford Road hill. This south access point has historically been used for access to a small Christmas tree farm. In the past, both north and south access roads have been unregulated, leading to unauthorized and unsupervised removal of mineral resources via the north access point and complaints of illicit garbage dumping through use of both the north and south access roads (until a gate was installed at the south access road).

Under the Town of Sterling Land Use Regulations, adopted June 23, 2014, mining is a use allowed in the A/R District upon issuance of a special use permit. (See Land Use Regulations §8-6, Usage Table, Table 3).

Under the State Mined Land Reclamation Law, all other state and local laws relating to the extractive mining industry are superseded, provided, however, that local governments can enact or enforce local zoning ordinances or laws which determine permissible uses in zoning districts. Mined Land Reclamation Law §23-2703(2)(b). Where mining is designated a permissible use in a zoning district and is allowed by special use permit, conditions placed on such special use permits are limited to (among others) ingress and egress to public thoroughfares controlled by the local government, Mined Land Reclamation Law §23-2703(2)(b)(i), when set backs from public thoroughfare rights-of-way are established in a Department of Environmental Conservation (DEC) issued mining permit.

The Town Land Use Regulations purport to require that access roads for a sand, gravel, quarry, mining or excavation operation, at all points, including but not limited to the main entrance and exit, shall be at least one thousand (1,000) feet from any existing residence or public building, Land Use Regulations, §10-4(J)(2)(d). Since DEC has not yet determined whether it would impose any thoroughfare set back requirement (much less a 1,000 foot set back), Christopher J. Construction, LLC has applied to the Town Zoning Board of Appeals for a variance from the 1,000 foot access set back requirement of Land Use Regulations §10-4(J)(2)(d).

Christopher J. Construction, LLC does so in the interest of furthering its good relations with Town government and its constituents, in the interest of avoiding any potential need for the effort and cost to both parties of litigation on the matter, and without waiver of any rights Christopher J. Construction, LLC may have in the matter.

Such reservation of rights aside, Christopher J. Construction, LLC respectfully requests that the Zoning Board of Appeals consider the following (see §4-10(C)(2)) and grant the requested variance.

- i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance*

To the extent that the north and south access points continue to be used to access the parcel and for commercial mining purposes, there will be no change in access or in the character of the neighborhood nor the creation of a detriment to nearby properties.

In fact, to the extent the north access point is controlled for ingress only and the south access point controlled for egress only, the neighborhood and nearby properties will benefit from the traffic and safety benefits that will accompany new control of ingress and egress, especially relative to traffic negotiating the steep grade on Sanford Road. In addition, controlled hours of operation (access) 7:00 a.m. to 5:00 p.m. Monday-Friday and 8:00 a.m. to 4:00 p.m. Saturday will represent an improvement relative to the historically uncontrolled and unpredictable access to the site for mineral removal and worse yet, for waste dumping.

- ii. *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*

Other options for location of quarry access points have been considered. Each alternative would bring the quarry access roads closer to a greater number of residential buildings than does the proposed access plan. Christopher J. Construction, LLC went so far as to discuss with property owners north of the site, an easement agreement that would put the quarry entrance significantly farther north on Sanford Road. Even this alternative would put the quarry access point closer to a greater number of residential buildings.

- iii. *Whether the requested area variance is substantial.*

The requested variance is substantial with respect to four properties – Allinger (Parcel No. 20.00-1-62.21) at 157 feet; Seymour (Parcel No. 20.00-1-62.12) at 432 feet; Seymour (Parcel No. 20.00-1-76) at 674 feet; and Welsh (Parcel No. 20.00-1-68.2) at 693 feet. The requested variance is less significant with respect to four other residences, which are all more than 800 feet away from the proposed quarry access.

- iv. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Christopher J. Construction, LLC has been advised by New York State Department of Environmental Conservation personnel that as part of its action as Lead Agency for a coordinated environmental review under the State Environmental Quality Review Act (SEQRA), the State Department of Environmental Conservation has determined that operation of the quarry, including the proposed points of ingress and egress, would have no significant adverse impact on the environment, has prepared a draft Negative Declaration to that effect, and will issue that Negative Declaration within the next few days.

- v. *Whether the alleged difficulty was self-created.*

The difficulty with respect to the distance of the proposed quarry access points is not self-created. It arises exclusively from the potential application of the public thoroughfare set back requirement of the Town's Land Use Regulations, §10-4(J)(2)(d), and would pose the same problem with respect to access location anywhere on the site.

Upon consideration of the foregoing information, Christopher J. Construction, LLC respectfully requests that the Town of Sterling Zoning Board of Appeals grant the requested Area Variance from the requirements of the Town Land Use Regulations, §10-4(J)(2)(d).

ZONING BOARD OF APPEALS
TOWN OF STERLING

IN THE MATTER OF THE APPLICATION OF
Christopher Ferlito
FOR AN ARAEA VARIANCE **RESOLUTION 2015-04**

WHEREAS, the Applicant, **Christopher Ferlito**, has appealed to the Zoning Board of Appeals for an Area Variance for relief of Town of Sterling Land Use Regulations Article X, Section 5.J Subsection 2.d; setback requirements for property located at 13181 Sanford Road, Martville, NY 13111; Tax Map #20.00-1-68.01, and,

WHEREAS, notice of public hearing was duly published in the official newspaper of the Town of Sterling at least (5) days prior to the date of such public hearing, and all additional notices thereof having been made as required by law, and

WHEREAS, a public hearing was held on Monday, April 27, 2015 upon the above referenced matter, and,

WHEREAS, at said hearing all those interested in said variance were heard either in favor of or in opposition there to, and,

The Board has relied on verbal representations made by the applicant during the course of these proceedings as noted in the applicable Board Minutes. The validity of these statements are expressly made a condition of this approval.

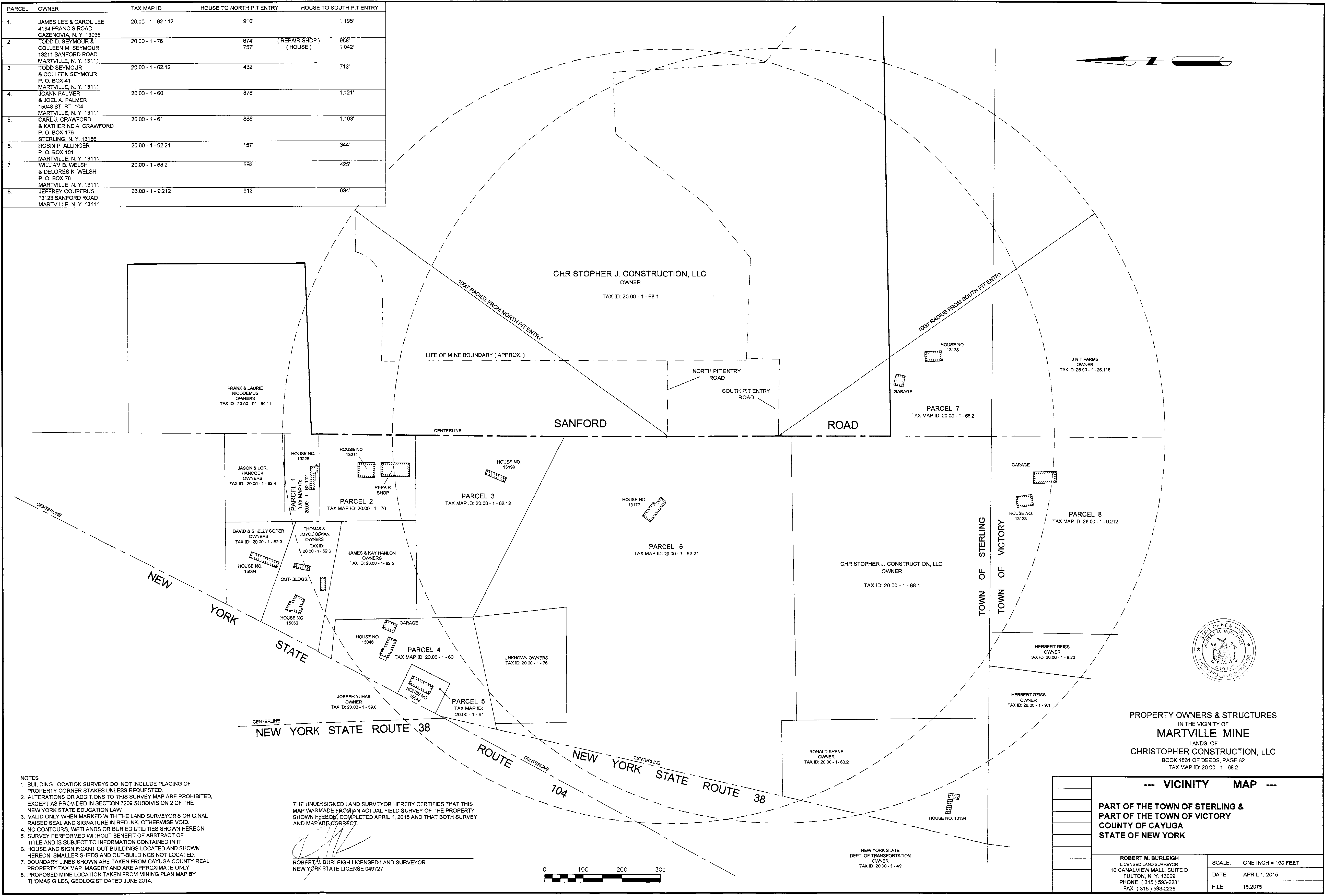
NOW THEREFORE, upon a motion duly made by Member Itzin and seconded by Member Palmieri,

BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Sterling, upon the facts presented and the determination made, that the application request for relief of setback requirements regarding access roads and existing residences in connection to a mining/excavation operation on property located at 13181 Sanford Road, Martville, NY 13111; Tax Map #20.00-1-68.01 is hereby **GRANTED** upon the following express conditions:
None.

A roll call vote was taken:	
Darrell Uetz, Acting Chairman	Aye
Richard Palmieri, Member	Aye
Charles Itzin, Member	Aye
Brad Dates, Member	Aye

4 AYES 0 NAYS 0 ABSTENTIONS - REQUEST APPROVED

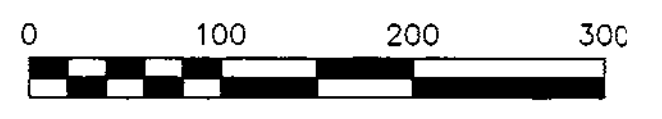
PARCEL	OWNER	TAX MAP ID	HOUSE TO NORTH PIT ENTRY	HOUSE TO SOUTH PIT ENTRY
1.	JAMES LEE & CAROL LEE 4194 FRANCIS ROAD CAZENOVIA, N. Y. 13035	20.00 - 1 - 62.112	910'	1,195'
2.	TODD D. SEYMOUR & COLLEEN M. SEYMOUR 13211 SANFORD ROAD MARTVILLE, N. Y. 13111	20.00 - 1 - 76	674' 757'	(REPAIR SHOP) (HOUSE) 958' 1,042'
3.	TODD SEYMOUR & COLLEEN SEYMOUR P. O. BOX 41 MARTVILLE, N. Y. 13111	20.00 - 1 - 62.12	432'	713'
4.	JOANN PALMER & JOEL A. PALMER 15048 ST. RT. 104 MARTVILLE, N. Y. 13111	20.00 - 1 - 60	878'	1,121'
5.	CARL J. CRAWFORD & KATHERINE A. CRAWFORD P. O. BOX 179 STERLING, N. Y. 13156	20.00 - 1 - 61	886'	1,103'
6.	ROBIN P. ALLINGER P. O. BOX 101 MARTVILLE, N. Y. 13111	20.00 - 1 - 62.21	157'	344'
7.	WILLIAM B. WELSH & DELORES K. WELSH P. O. BOX 78 MARTVILLE, N. Y. 13111	20.00 - 1 - 68.2	693'	425'
8.	JEFFREY COUPERUS 13123 SANFORD ROAD MARTVILLE, N. Y. 13111	26.00 - 1 - 9.212	913'	634'



- NOTES
- BUILDING LOCATION SURVEYS DO NOT INCLUDE PLACING OF PROPERTY CORNER STAKES UNLESS REQUESTED.
 - ALTERATIONS OR ADDITIONS TO THIS SURVEY MAP ARE PROHIBITED, EXCEPT AS PROVIDED IN SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
 - VALID ONLY WHEN MARKED WITH THE LAND SURVEYOR'S ORIGINAL RAISED SEAL AND SIGNATURE IN RED INK, OTHERWISE VOID.
 - NO CONTOURS, WETLANDS OR BURIED UTILITIES SHOWN HEREON.
 - SURVEY PERFORMED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND IS SUBJECT TO INFORMATION CONTAINED IN IT.
 - HOUSE AND SIGNIFICANT OUT-BUILDINGS LOCATED AND SHOWN HEREON. SMALLER SHEDS AND OUT-BUILDINGS NOT LOCATED.
 - BOUNDARY LINES SHOWN ARE TAKEN FROM CAYUGA COUNTY REAL PROPERTY TAX MAP IMAGERY AND ARE APPROXIMATE ONLY.
 - PROPOSED MINE LOCATION TAKEN FROM MINING PLAN MAP BY THOMAS GILES, GEOLOGIST DATED JUNE 2014.

THE UNDERSIGNED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP WAS MADE FROM AN ACTUAL FIELD SURVEY OF THE PROPERTY SHOWN HEREON, COMPLETED APRIL 1, 2015 AND THAT BOTH SURVEY AND MAP ARE CORRECT.

[Signature]
 ROBERT M. BURLEIGH LICENSED LAND SURVEYOR
 NEW YORK STATE LICENSE 049727



NEW YORK STATE
 DEPT. OF TRANSPORTATION
 OWNER
 TAX ID: 20.00 - 1 - 49

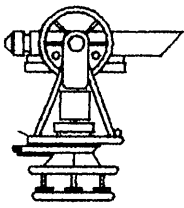


PROPERTY OWNERS & STRUCTURES
 IN THE VICINITY OF
MARTVILLE MINE
 LANDS OF
 CHRISTOPHER CONSTRUCTION, LLC
 BOOK 1581 OF DEEDS, PAGE 62
 TAX MAP ID: 20.00 - 1 - 68.2

--- VICINITY MAP ---

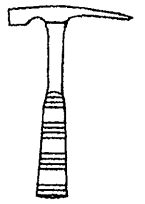
**PART OF THE TOWN OF STERLING & PART OF THE TOWN OF VICTORY
 COUNTY OF CAYUGA
 STATE OF NEW YORK**

ROBERT M. BURLEIGH LICENSED LAND SURVEYOR 10 CANALVIEW MALL, SUITE D FULTON, N. Y. 13069 PHONE (315) 593-2231 FAX (315) 593-2236	SCALE: ONE INCH = 100 FEET DATE: APRIL 1, 2015 FILE: 15.2075
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Thomas Giles

GEOLOGIST



MINED LAND USE PLAN CHRISTOPHER J. CONSTRUCTION, LLC. MARTVILLE MINE

APRIL 2015

CAYUGA COUNTY, TOWN OF STERLING

SUBMITTED BY:

Christopher J. Ferlito
(315) 529-4561

ADDRESS:

210 Christopher Circle
Oswego, NY 13126

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Narrative

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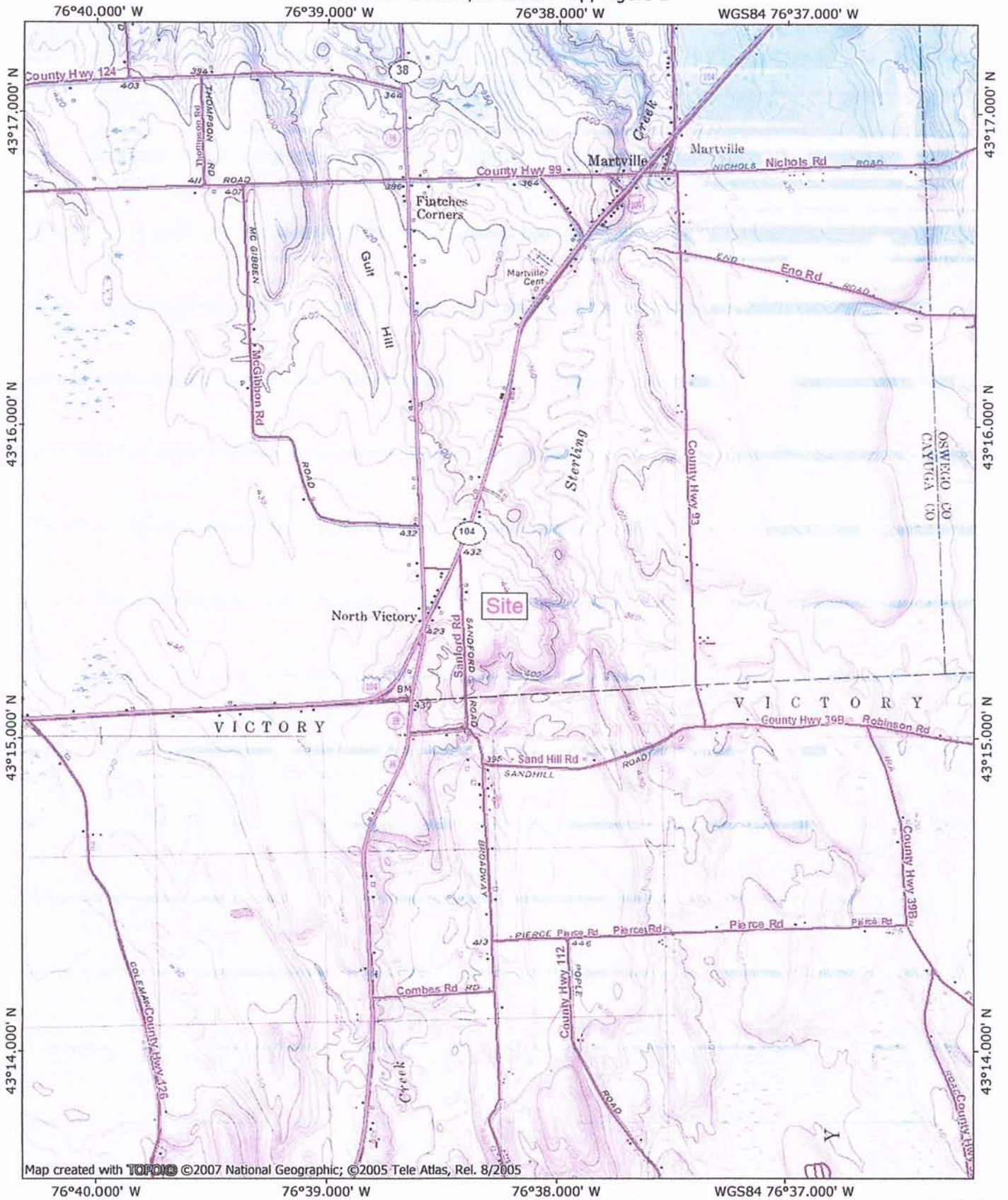
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Noise Measurements
Highway Traffic Noise
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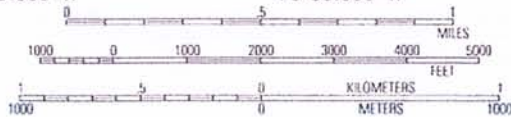
Mining Plan Map
Reclamation Plan Map
Geologic Cross-Sections

Ferlito Martville, Location Map, Figure 1



Map created with **TOPO!** ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

**NATIONAL
GEOGRAPHIC**



MN * TN
12°

05/02/14

Mined Land Use Plan
Christopher J. Construction, LLC.
Martville Mine
April 2015

INTRODUCTION:

This is the original Mined Land-Use Plan for the Christopher J. Construction, LLC. – Martville Mine in Cayuga County, Town of Martville. The property is owned by Christopher Construction, LLC. the proposed operator. Christopher Construction, LLC. is a firm engaged in construction and commercial aggregate production. Utilization of the sand and gravel would be profitable for Christopher Construction, Inc. and would benefit the local economy.

Acreage Summary

Area of Parcel	-	82.1	acres
Life of Mine Area	-	35.8	acres
Phase 1 Area	-	5.5	acres
Phase 2 Area	-	9.2	acres
Phase 3 Area	-	8.8	acres
Phase 4 Area	-	12.3	acres

LOCATION:

The site is located approximately thirteen miles west of Fulton, New York, on the east side of Sandford Road. The site can be found on the Fair Haven U.S.G.S. 7.5 minute topographic quadrangle; a location map is enclosed.

ADJACENT LAND USE FEATURES:

The site is in an agricultural, residential and commercial setting near farms, residences and businesses along Sandford Road. Sandford Road is rural with relatively light traffic.

The site property is bounded on the west by Sandford Road, north by vacant wooded land, east by Sterling Creek, and on the south by agricultural and residential land. Much of the adjacent property is rows of planted trees being used for lumber and forest products, and idle land no longer used for active farming.

EXISTING CONDITION OF LAND:

Previous land owners have mined sand and gravel from the site in the past. The north access road leads into a small active excavation. Due to the low volume produced the operation has always been exempt from NYS DEC requirements. The northwest corner of the currently affected area was mined prior to 1975, and will not be disturbed.

The area to be mined is vegetated with rows of planted trees. The wooded area is periodically selectively cut for lumber and fire wood. The area to be mined will remain a minimum of 100' from Sterling Creek. The area proposed for mining is well to excessively drained.

The Town of Sterling does not prohibit mining at this site. The Town of Sterling has special use permit regulations, and the operator is pursuing the necessary approvals.

MINERAL AND MINING METHOD:

The Agricultural Soil Type Map from the Cayuga County Soil and Water Conservation Service shows the soil to be composed of Alton cobbly loam.

The Alton series is described as "Deep, well drained to somewhat excessively drained, moderately coarse textured soils. These soils formed in glaciofluvial sand and gravel deposits derived mainly from red and gray sandstone. They are on terraces, plains, remnant beach ridges, eskers and kames. In a representative profile, the surface layer is dark brown cobbly loam 7 inches thick. The subsoil extends to a depth of 41 inches. The substratum, to a depth of 63 inches, is stratified sand and gravel. Permeability is moderately rapid in the surface layer and subsoil and rapid in the substratum." Capability subclass IIs.

Agricultural Soil Properties Table

<u>Soil Name</u>	<u>Description</u>	<u>Drainage</u>	<u>Origin</u>	<u>Topsoil</u>	<u>Subsoil Thickness</u>	<u>Total</u>
Alton	cobbly loam	Well drained	glaciofluvial	7"	34"	41"
Howard	gravelly loam	Well drained	glaciofluvial	10"	19"	29"
Palmyra	gravelly loam	Somewhat excessively drained	glaciofluvial	11"	23"	34"

The Soil Conservation Service map shows glaciofluvial soils on the site. Lacustrine and deltaic soils are mapped surrounding the site. Till is mapped in elongated hills nearby. Poorly drained soils are mapped in the lowlands associated with Sterling Creek. The Surficial Geologic Map of New York maps "lacustrine silt and clay" deposits on the site. The deposit is probably too small to map at the scale of the Surficial Geologic Map of New York. The sand and gravel is probably underlain by lacustrine and till deposits.

Although the underlying bedrock was not tested, it typically is found to be Clinton Group sandstone and shale in this region. The absence of bedrock outcrops in the mining area suggests that it is unlikely that bedrock will be encountered. If bedrock is encountered it will not be mined. There will be no blasting.

Topsoil from the initial mining phase will be stripped to the mine perimeter to form erosion control berms as shown on the Mining Plan Map. Erosion control berms will subsequently be constructed around the subsequent mining phases in the same way. The land will remain undisturbed as long as possible prior to stripping. Areas will not be stripped until a short time before they are mined. When the land is cleared the valuable trees will be sold for lumber or mulch. The wood by-products will be chipped and sold to the maximum practical extent. All stumps or unusable wood by-products will be buried on site under a minimum of 2 feet of compacted cover.

Silt fence will be constructed between the erosion control berms and the mine boundary during construction to prevent sediment transport. The berms will be constructed of subsoil and topsoil stripped from the area to be mined. The subsoil and topsoil will be stored separately in parallel berms. The height of the berms will be a minimum of seven feet, and the minimum width of the base will be 14 feet. As soon as phase 1 and then subsequent phases are entered, berms will be mulched/seeded upon construction. After vegetation is established on the berms, the silt fence may be removed. The berms will prevent surface water from leaving the site. The berm along the west mine boundary will prevent offsite runoff from entering the mine. The erosion control berms will also serve as noise and visual screening. The subsoil and topsoil stored in the erosion control berms and the screening berms will be used to facilitate final reclamation. At the completion of mining, the berms will be removed.

Very little topsoil was saved for reclamation from previous mining activities. The remainder of the mine has an average of approximately 7" of topsoil and only 6" is required. The required topsoil volume is 28,879 cubic yards, and the available topsoil is 31,245 cubic yards. Calculations show that the remaining topsoil will ultimately be adequate to reclaim the mine.

Excavation will proceed eastward into the initial mining phase. Sand and gravel excavation and loading trucks will be accomplished with a bulldozer, front end loader or a hydraulic excavator. The bulldozer will be utilized to strip and replace subsoil and topsoil. The use of a small portable screening plant is anticipated. No crushing equipment is proposed. Any required air pollution permits will be obtained after the equipment is selected and the need for permitting is determined.

During the initial mining phase product stockpiles will be located near the processing plant. Nearly all of the working mine floor will be needed for processing, stockpiling and loading trucks. During Phase 2 the plant and stockpile area will be located in the north half of the Phase 2 area. In subsequent phases the plant and stockpile area will be in the east half of Phase 3, and in the southeast corner of Phase 4. These locations will ensure that the processing facilities will be as far as

possible from potential receptors along Sandford Road. Mining activities will be effectively screened by the working face, distance, vegetation and topography.

Archeology clearance has been obtained for the initial mining phase. Additional archeology field work has been done, and approval is imminent. Mining will not proceed into subsequent phases until archeology approval is obtained.

Unused areas of the mine floor will be reclaimed as soon as they are no longer needed. Concurrent with mining activities the mine perimeter will be sloped no steeper than two horizontal to one vertical. The final mine floor will slope gently eastward.

The mine perimeter boundary will remain a minimum of 100 feet from all property lines. The excavation toe will not proceed closer to the mine perimeter boundary than one and one half times the height of the face.

The elevation of Sterling Creek south of the proposed mine is approximately 358 feet above sea level. The groundwater was encountered at three feet deep in a test pit in the existing excavation. The test pit is located near where the access road enters the mine as shown on the Mining Plan Map. The test was excavated in the spring of 2014. The elevations shown on the cross sections are extrapolated from these known elevations. A minimum of five feet of undisturbed material will be maintained above the seasonal high groundwater elevation. The permittee will dig test pits in the mine floor at least five feet deep during the annual period of high groundwater each year in order to determine compliance with this condition. The resulting mine floor will be relatively dry and will not result in wetland habitat. There will be no discharge of sediment laden surface water from the site. Drainage will be internal, with surface water traveling radially inward.

If areas of unfavorable materials are encountered that are not practical to mine, mine depth may be reduced. Surface and subsurface drainage will not be substantially changed. No offsite drainage of surface water will be allowed. It is unlikely that bedrock will be encountered. There will be no mining of consolidated material. There will be no blasting. The site will be posted to prevent inadvertent or unauthorized access.

POLLUTION CONTROL MEASURES:

Air quality:

Excavation of the deposit and loading trucks will not generate significant dust, because the deposit is moist. Appreciable dust will not be generated by processing, and it will be controlled by the addition of water as necessary. A possible dust source could be the haul road, but it will be graded, watered or treated with approved dust palliatives as necessary to control dust. A water truck will be filled at the well shown on the Mining Plan Map and used to spray the mine floor and internal roadways. The small quantity of dust that is generated will not leave the site.

Water quality:

Mining will not affect the quality and quantity of groundwater or surface water, because below water mining is not proposed. Wells and springs that may exist in the vicinity will not be affected. Drainage will be vertical and radially inward as moisture is absorbed by the porous permeable sand and gravel soils. No surface water or runoff will be allowed to leave the site. To eliminate sources of possible water pollution there will not be storage or introduction of chemicals, waste, or refuse in the mine site. The Best Management Practices for petroleum pollution prevention are detailed in the appendix.

Stormwater control:

The north haulageway descends into the existing mined area, preventing surface water from flowing onto Sandford Road. The existing mined area is currently a concave landform and functions as a detention pond. As mining progresses the topography of the mine perimeter will remain high enough to prevent offsite drainage of surface water. All runoff from unvegetated areas will be directed inward, and the excavation will act as an infiltration basin.

There will be no discharge of sediment laden surface water into any natural surface water body or Designated Wetland. No surface water or runoff will be allowed to leave the site. The south haulageway is crowned to direct drainage to both sides.

Existing drainage patterns will not be substantially changed. Any erosion control measures implemented during mining activities will be installed pursuant to practices described in the "Guidelines for Urban Erosion Control".

Visual protection:

The site is located in a rural area characterized by farms and commercial activity. The nearest dwelling is over 250 feet away. The mine is well screened from any receptor due to vegetation and topography.

The wooded land between the mine and Sandford Road will remain undisturbed to serve as a visual and noise buffer. The proposed screening will be adequate to eliminate the potential for visual impacts to any receptor.

Noise protection:

Mining activities are well screened by vegetation and topography. Additional noise screening will be provided by the active face and erosion control berm. Mining activities will be performed in a manner that does not have prolonged impact on any potential receptor. All processing and mobile equipment is equipped with mufflers and is well maintained. Mining is likely to sporadically generate noise levels above current levels. The noise generated by mining will be sporadic in much the same way as the existing daily sound of highway traffic and agricultural activity.

Mining activities on the site will be conducted primarily during weekday daylight hours. Mining activities are not scheduled for Sundays and holidays. Hours of operation will be from 7:00 AM to 5:00 PM Monday through Friday, and from 8:00 AM to 4:00 PM on Saturday. Mining activities will be seasonal, and will principally be conducted April through November.

Potential noise impacts are addressed further in the enclosed Potential Noise Exposure Table. The conclusions drawn from the noise exposure estimates show that the sound generated by the proposed action will seldom if ever exceed ambient levels. The applicant uses modern well maintained equipment, and will not generate significantly louder noises than are typically generated by existing agricultural activities and ordinary vehicular traffic.

Traffic:

The two existing haulageways and existing stabilized construction entrances shown on the Mining Plan Map will be used for mine access. The north haulageway will only be used by traffic entering the mine. The south haulageway will be used by traffic exiting the mine. The sight distance from the south haulageway is excellent in both directions along Sanford Road. The view to the north from the north haulageway is limited by the steep hill. For this reason the north haulageway will not be used by traffic exiting the mine. Loaded trucks will only travel south on Sanford Road. Loaded trucks will then travel the short distance westward to NYS Route 38 on County Route 112 (Pople Road). Loads will then travel to customers using NYS Route 38 to the north and south or NYS Route 104 to the east and west. These routes have been discussed with the Town of Sterling Highway Superintendent, and the vehicles and loads will be acceptable on Sanford Road for the short distance proposed. County Route 112 and the New York State Highways are designed for heavy commercial traffic. The vehicles to be used will include tandem dump trucks, triaxle dump trucks and eighteen wheel tractor/dump trailer combination vehicles. The vehicles will not be loaded with weights exceeding legal limits for each individual vehicle. Loads will not extend above side boards, and will be properly tarped. The intersections of the mine haulageways with Sanford Road will be watered and swept as appropriate to control mud and dust. Proper traffic control signage will be put in place prior to and during road cleaning activities. Southbound traffic will stop at the stop sign at the corner of Sanford Road and County Route 112, and will not proceed until vehicles with the right-of-way have cleared. These vehicles now westbound will negotiate the intersection of County Route 112 and NYS Route 38 in the same way. Once on the New York State Highways these professional drivers will negotiate the appropriate routes without any additional safety concerns.

Wildlife:

There is evidence of wildlife activity in the wooded land on the site. The site currently appears to provide habitat for deer and other wildlife species. Any wildlife that may exist on the site will be temporarily displaced by mining and mining activities. A variety of habitats exist on land adjacent to the site. Many of these habitats are very similar to those currently found on the site. Wildlife species

assemblages similar to those currently present on the site are presumed to exist on nearby land. Species temporarily displaced by alteration of the project area may not find empty niches on nearby vegetated idle land. As mined areas are reclaimed species from nearby land will probably be available to re-colonize the affected areas. The area of the proposed excavation is very small relative to the large area of available similar habitat.

Affected land will be reclaimed concurrent with mining activities so that the area affected at any one time will be minimized. After mining activities are completed, lands will be re-vegetated.

To prevent impact to the endangered Indiana Bat (*Myotis sodalis*), tree clearing will be restricted to between November 15 and March 31. This species has not been identified at the site. These measures are a precaution to ensure protection of these valuable natural resources.

The quantity and quality of usable forage area and habitat will not be substantially changed. There will not be a permanent disturbance or significant reduction of habitat of any wildlife species.

Cultural Resources:

The OPRHP Statewide Archeological Inventory was examined and a portion of the site falls within a shaded area. A Phase 1B archaeology study was performed on a portion of the site by Alliance Archaeological Services in the Fall of 2014. The findings were submitted to OPRHP, and a No Impact Letter was issued for the initial mining phase. Alliance Archaeological Services has recently completed the field work for the remainder of the site. No culturally significant finds were reported. The information for the remainder of the site has been submitted to OPRHP for review. Mining activities will not be conducted in any area prior to clearance from OPRHP.

FINAL LAND USE OBJECTIVE:

The site will be returned to a condition consistent with local land use. The mine will be reclaimed to vegetated open space.

RECLAMATION METHOD:

Mined areas will be revegetated at the completion of mining or when they are no longer needed. The mine perimeter will be graded to a maximum slope of two horizontal to one vertical, and graded to conform to surrounding topography. The top of the two horizontal to one vertical slope will be the Life of Mine boundary; the toe will be the mine floor. The mine floor elevation will be gently sloping from approximately 411 feet to 378 feet above sea level.

The haulageways will remain for access as shown on the Reclamation Plan map. The mine floor and internal roadways will be scarified to a minimum depth of 12" prior to re-emplacement of subsoil and topsoil. The scarification will be

accomplished with chisel plows or the ripping teeth of a bulldozer. The mine perimeter slopes and the mine floor will be recovered with adequate subsoil and a minimum of six inches of topsoil, and re-vegetated with hearty grasses. Areas will be rechecked periodically to determine if a 75% survival rate has been accomplished. Areas of failure will be seeded with grasses as needed.

Surface and subsurface drainage patterns will not be substantially changed. All residual material and personal property will be removed.

RECLAMATION SCHEDULE:

As mining progresses, as much as possible of the excavation perimeter will be graded to a two horizontal to one vertical slope and re-vegetated. Any areas of the mine floor where unfavorable materials are encountered, and which are not necessary for stockpile area, will also be reclaimed. Grading and re-emplacment of subsoil and topsoil will take place in areas where mining has been completed. Grading and sloping will be done as soon as possible after affected areas are no longer in use. The area affected at any time will be minimized. Topsoil and subsoil will be replaced after grading is completed and affected areas will then be revegetated to grasses.

The operator intends to use sand and gravel from the deposit for nearby construction projects. It is anticipated that the mineral resource will be utilized and the mine site will be reclaimed within approximately twenty years.

Final grading, seeding and re-emplacment of subsoil and topsoil will take place in the growing season following completion of mining.

RE-VEGETATION:

Soil samples will be analyzed by the Cornell Cooperative Extension or other competent laboratory. Specifications and application rates of mulch, fertilizer, lime and seed will be fine tuned based upon the recommendation obtained.

The mine floor will be planted to grasses using the same seed mixture as the perimeter slopes.

5-10-10 fertilizer will be applied at 600 lb./acre. Ag-lime will be applied as needed, to attain a pH of at least 6.

Seeding will be according to the following rates:

Creeping red fescue or Tall fescue	- 10 lbs./acre
Red Top	- 2 lbs./acre
Birdsfoot trefoil	- 8 lbs./acre
Perennial Rye Grass	- 8 lbs./acre

Hay or straw will be used as mulch at 4,000 lbs./acre.

REFERENCES:

NRCS Soil Conservation Service Soil Data.

United States Geological Survey, Fair Haven 7.5 Minute Topographic Quadrangle.

Donald H. Cadwell et.al., 1986, Surficial Geologic Map of New York, Finger Lakes Sheet, N.Y.S. Geological Survey.

Donald W. Fisher et.al., 1970, Geologic Map of New York, Finger Lakes Sheet, N.Y.S. Geological Survey.

U.S. Dept. of Agriculture Soil Conservation Service, 1988, New York Guidelines for Urban Erosion and Sediment Control.

U.S. Dept. of Agriculture Soil Conservation Service, 1991, Conservation Plantings on Critical Areas for New York.

APPENDIX

POTENTIAL NOISE EXPOSURE TABLE
CHRISTOPHER J. CONSTRUCTION, LLC.
MARTVILLE MINE

<u>Equipment</u>	<u>Noise Level @ 50'</u>	<u>Receptor</u>	<u>Distance</u>	<u>Resulting Sound Pressure Level</u>
Processing Plant	85	13199 Sanford	700 ft.	62
Excavator	70	13199 Sanford	300 ft.	54
Dump Truck	76	13199 Sanford	300 ft.	60
Bulldozer	82	13199 Sanford	600 ft.	60
Cumulative				66
Reduction due to Noise Barrier = 10 decibels				56
Reduction due to Vegetation = 6 decibels				50

<u>Equipment</u>	<u>Noise Level @ 50'</u>	<u>Receptor</u>	<u>Distance</u>	<u>Resulting Sound Pressure Level</u>
Processing Plant	85	13177 Sanford	700 ft.	62
Excavator	70	13177 Sanford	400 ft.	52
Dump Truck	76	13177 Sanford	400 ft.	58
Bulldozer	82	13177 Sanford	600 ft.	60
Cumulative				66
Reduction due to Noise Barrier = 10 decibels				56
Reduction due to Vegetation = 6 decibels				50

Equipment to Be Used

The proposed equipment will include a bulldozer, excavator, and a portable screening plant. Tandem dump trucks will be used to haul bank run and processed aggregates to market. All of these machines will be well maintained, and equipped with effective mufflers for noise control. Ambient noise measurements were taken on March 5, 2015. At the same time the sound of the Hitachi 350 hydraulic excavator was also measured. The excavator was operated in the same way it will be used to work the sand and gravel mine. The peak noise measured at 50 feet

was 70 decibels. Worst case published data had been used in previously submitted reports. The current table has been revised to reflect the directly measured data.

The back up alarms are required by mine safety law to be louder than the noise level immediately adjacent to the mobile equipment. The sound level of the back up alarm can be easily adjusted to be no louder than necessary. The screening plant will not be moved closer to any receptor than as shown on the Mining Plan Map.

Nearby Residences and Businesses

Several residences are located along Sandford Road within approximately 300 feet of the project. The maximum potential sound impact to these receptors is dependent on the proximity of the mobile equipment. Sound impact decreases geometrically with distance following the "inverse square law". The above calculations represent the time when the bulldozer and excavator are working near the mine perimeter, and the processing plant and dump truck are operating simultaneously at full capacity. The direction of mining is to advance the working face toward the residential receptors. The mobile and processing equipment will be on the mine floor behind the active face below the residential receptors. The mine face will screen sound impacts at the residential receptors.

This Potential Noise Exposure Table is based primarily upon the NYS DEC Program Policy Document "Assessing and Mitigating Noise Impacts". The noise of the screening plant was estimated from similar machines. The noise of the excavator was measured while the machine was working hard. The noise levels of the other equipment are from "The USDOT Construction Noise Handbook". The noise level that is generally acceptable to receptors is less than or equal to 55 decibels. An increase of more than 6 decibels above ambient levels may cause complaints. Noise affects are reduced by distance, topography, weather conditions and screening.

The Potential Noise Exposure Table estimates that with no topographic or vegetative screening noise levels could sporadically exceed 55 decibels. The resulting noise levels could be 66 decibels at the nearest residence. Screening by the working face and erosion control berms may reduce noise levels by 10 decibels.

The wooded buffer to remain will provide additional noise screening. Dense vegetation can reduce sound levels by 3 to 7 decibels per 100 feet⁽¹⁾. If we assume 200 feet of excellent quality vegetative screening between the mine and nearby dwellings the maximum sound impact may be reduced by 6 decibels.

The ambient noise levels at the nearby residences are probably elevated by the sounds of daily activities and passing motorists. The peak noise generated at the receptors by the project will be approximately 50 decibels. In general, the EPA's "Protective Noise Levels" guidance found that ambient noise levels \leq 55 decibels were sufficient to protect public health and welfare, and in most cases, did not create an annoyance (EPA 550/9-79-100, November 1978). The addition of any noise source, in a non-industrial setting, should not raise the ambient noise level

above a maximum of 65 decibels at the receptor⁽¹⁾. The Potential Noise Exposure Table demonstrates that the 55 decibel level would seldom if ever be exceeded.

Mining will occur in four phases to mitigate noise and other impacts. Mining activities in the currently affected area have generated noise for many years. As mining proceeds farther from receptors the existing noise levels will decrease. Mining activities will be much farther away during Phase 2 and Phase 3, and noise levels will be negligible. Mining will subsequently proceed from east to west in Phase 4. This mining plan mitigates noise in two important ways. Mining will proceed toward nearby receptors from far away. The noise generated reflects from the excavation face and is directed away from potential receptors, resulting in the barrier effect calculated above. The other important benefit from the phasing plan is that the areas close to the receptors are mined last. The result is that the time that receptors are potentially exposed to noise is minimized.

The sound from the mine will be generated primarily during weekday business hours, when the majority of dwelling occupants may not be home.

These Applicant's Scenario estimates show the average sound impact generated by the gravel pit to be approximately 50 decibels. Ambient noise measurements taken on March 5, 2015 show ambient noise to average 47 decibels at 13199 Sanford Road and 45 decibels at 13177 Sanford Road. The peak noise measured at 13199 Sanford Road was 76 decibels, and at 13177 Sanford road 72 decibels.

The conclusions drawn from the noise exposure estimates show that the sound generated by the proposed action will seldom if ever exceed ambient levels. The applicant uses modern well maintained equipment, and will not generate significantly louder noises than are typically generated by existing agricultural activities and ordinary vehicular traffic.

References:

- (1) Jeffrey Sama, Director, 2000, Assessing and Mitigating Noise Impacts, Program Policy, NYS DEC, Division of Environmental Permits, Department ID DEP-00-3.
- (2) USDOT, Federal Highway Administration, Construction Noise Handbook, www.fhwa.dot.gov
- (3) USEPA "Protective Noise Levels", 550/9/79-100, November 1978

Residence 13199 Sanford Rd.		Residence 13177 Sanford Rd.	
Time	Decibels	Time	Decibels
9:45	41	9:45	67
9:46	46	9:46	45
9:47	44	9:47	43
9:48	67	9:48	38
9:49	39	9:49	38
9:50	59	9:50	62
9:51	39	9:51	38
9:52	76	9:52	38
9:53	39	9:53	38
9:54	42	9:54	41
9:55	42	9:55	41
9:56	39	9:56	38
9:57	51	9:57	39
9:58	39	9:58	38
9:59	39	9:59	38
10:00	39	10:00	38
10:01	39	10:01	38
10:02	46	10:02	45
10:03	39	10:03	38
10:04	39	10:04	38
10:05	39	10:05	38
10:06	64	10:06	67
10:07	66	10:07	51
10:08	42	10:08	39
10:09	39	10:09	38
10:10	39	10:10	38
10:11	62	10:11	60
10:12	39	10:12	38
10:13	39	10:13	38
10:14	44	10:14	43
10:15	53	10:15	56
10:16	39	10:16	67
10:17	42	10:17	41
10:18	67	10:18	38
10:19	55	10:19	45
10:20	39	10:20	38
10:21	43	10:21	42
10:22	39	10:22	38
10:23	57	10:23	38
10:24	39	10:24	46
10:25	39	10:25	58
10:26	44	10:26	43
10:27	53	10:27	38
10:28	39	10:28	38
10:29	59	10:29	60
10:30	39	10:30	47
10:31	55	10:31	38
10:32	45	10:32	44
10:33	39	10:33	45
10:34	39	10:34	38
10:35	57	10:35	60
10:36	39	10:36	45
10:37	39	10:37	38
10:38	39	10:38	46



MINING PERMIT APPLICATION

FOR OFFICIAL DEC USE ONLY	
FMIS NUMBER: _____	
7. MINED LAND PROJECT	
	Yes No
a. Will the total acreage by mining for the entire mining site exceed 5 acres?	<input checked="" type="checkbox"/> <input type="checkbox"/>
b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet?	<input checked="" type="checkbox"/> <input type="checkbox"/>
c. Will there be on-site processing of mining products (eg. crushing, screening, washing)?	<input checked="" type="checkbox"/> <input type="checkbox"/>
d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area?	<input type="checkbox"/> <input checked="" type="checkbox"/>
e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)?	<input type="checkbox"/> <input checked="" type="checkbox"/>
f. Will mining occur within 500' of any dwelling?	<input checked="" type="checkbox"/> <input type="checkbox"/>
g. Will mining ever occur at or below the mean high water table?	<input type="checkbox"/> <input checked="" type="checkbox"/>
8. TAXPAYER ID If other than individual, provide Federal Taxpayer ID Number	9. APPLICATION TYPE <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Modification
10. a. PRESENT PERMIT TERM Expiration Date / / <input checked="" type="checkbox"/> 5 years <input type="checkbox"/> Other _____ years	b. COMING PERMIT TERM _____ years
11. COMMON GEOLOGIC NAME OF MINERAL TO BE MINED Sand and Gravel	
12. LOCAL ORDINANCES a. Is mining prohibited at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. Does the local government require any type of permit for mining at this location? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. If YES, give DEC mine file number(s)
14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit SUSPENDED OR REVOKED or has had a New York State mined land reclamation bond FORFEITED ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, identify the person(s).	
15. ACREAGE SUMMARY (To be filled in by applicant)	FOR OFFICIAL DEC USE ONLY
a. Total acreage controlled by owner at this location	_____ acres
b. Total acreage permitted by DEC prior to this application	82.10 acres
c. Total acreage affected since April 1, 1975	_____ acres
d. Total acreage approved by DEC as reclaimed since April 1, 1975	0.00 acres
e. Current affected acreage (c minus d)	_____ acres
f. Acreage included in this application, but not previously approved	2.60 acres
g. New acreage to be affected during the coming permit term	_____ acres
h. Number of acres to be reclaimed during coming permit term	0.00 acres
16. NAME OF MINING SITE Martville Mine	
17. MINE LOCATION Road <u>Sanford Road</u> Nearest Road Intersection <u>NYS Route 104</u> Town <u>Sterling</u> County <u>Cayuga</u>	18. MAP LOCATION a. Quadrangle Name <u>Fair Haven</u> b. <input type="checkbox"/> 15 minute <input checked="" type="checkbox"/> 7 1/2 minute
FOR DEC OFFICIAL USE ONLY	
LATITUDE: _____ LONGITUDE: _____ NAD 83	
19. NAME AND ADDRESS OF SURFACE LANDOWNER same	20. NAME AND ADDRESS OF MINERAL OWNER same
21. The surface landowner and the mineral owner of the property that is to be mined by the above applicant have read the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer, or the NYS Department of Environmental Conservation. The surface landowner and mineral owner further agree to allow access to the property to Department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.	
SIGNATURE OF SURFACE LANDOWNER <u>Chth JLA</u>	DATE <u>6/23/14</u>
SIGNATURE OF MINERAL OWNER <u>Chth JLA</u>	DATE <u>6/23/14</u>
22. I hereby affirm, under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.	
NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE Christopher J. Ferlito, President <u>Chth JLA</u>	
DATE <u>6/23/14</u>	

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to

additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Christopher J. Construction, LLC., Martville Mine		
Project Location (describe, and attach a general location map): Sanford Road, Town of Sterling, Cayuga County		
Brief Description of Proposed Action (include purpose or need): The applicant proposes to mine sand and gravel from the site for commercial sale. The site will be reclaimed to vegetated open space concurrently with mining.		
Name of Applicant/Sponsor: Christopher J. Construction, LLC.		Telephone: (315) 529-4561
		E-Mail: cjf9679@yahoo.com
Address: 210 Christopher Circle		
City/PO: Oswego	State: New York	Zip Code: 13126
Project Contact (if not same as sponsor; give name and title/role): Christopher J. Ferlito		Telephone: (315) 529-4561
		E-Mail: cjf9679@yahoo.com
Address:		
Property Owner (if not same as sponsor): same		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use Permit	
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DEC Mining Permit	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<hr/> <hr/>	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 AR _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Red Creek Central School District

b. What police or other public protection forces serve the project site?
Cayuga County Sheriff

c. Which fire protection and emergency medical services serve the project site?
Hannibal Fire Company

d. What parks serve the project site?
Hannibal Community Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Sand and gravel commercial excavation

b. a. Total acreage of the site of the proposed action? _____ 35.8 acres
 b. Total acreage to be physically disturbed? _____ 35.8 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 82.1 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____ 4
 • Anticipated commencement date of phase 1 (including demolition) _____ 4 month 2015 year
 • Anticipated completion date of final phase _____ 9 month 2035 year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

Mining activities will be preformed only in the current phase. The phases will be excavated consecutively. Reclamation will be accomplished concurrently with mining. _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? Production of sand and gravel construction aggregates.
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): 1,400,000 Cubic Yards
 • Over what duration of time? 20 years
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
The project will mine surface unconsolidated sand and gravel. Topsoil will be stripped and replaced at the time of reclamation.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ 35.8 acres
 vi. What is the maximum area to be worked at any one time? _____ 17.8 acres
 vii. What would be the maximum depth of excavation or dredging? _____ 60 feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____
Topsoil will be replaced and the site will be reclaimed to vegetated open space.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 35.8 acres (impervious surface)

_____ Square feet or 82.1 acres (parcel size)

ii. Describe types of new point sources. Vegetated land will become unvegetated mine floor.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

All surface water will be retained on site.

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Mobile heavy equipment will be used to excavate and transport sand and gravel.

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):
 Dust will be controlled by the addition of water or approved dust palliatives. _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of 9:00 AM to 5:00 PM.
 ii. For commercial activities only, projected number of semi-trailer truck trips/day: 50
 iii. Parking spaces: Existing 0 Proposed 0 Net increase/decrease 0
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
 A stabilized construction entrance will be used where the proposed access road intersects Sanford Road. _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 AM- 5:00 PM</u> • Saturday: <u>8:00 AM- 4:00 PM</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 AM- 5:00 PM</u> • Saturday: <u>8:00 AM- 4:00 PM</u> • Sunday: <u>None</u> • Holidays: <u>None</u>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
 The sound of the heavy equipment will be mitigated by distance, vegetation and topography.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: A wooded barrier 200 feet wide will remain along Sanford Road.

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0	0
• Forested	31.2	0	-31.2
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	35.8	+35.8
• Agricultural (includes active orchards, field, greenhouse etc.)	2.0	0	-2.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	2.6	0	-2.6
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ Not Tested feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Alton Cobbly Loam _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ 3 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 90 % of site
 10-15%: _____ 10 % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 847-490 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____ White Tail Deer _____ Raccoon _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____	
ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: CAYU005	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature	
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. CEA name: _____	
ii. Basis for designation: _____	
iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Christopher J. Ferlito Date 2/20/15

Signature *Cher...* Title President

PRINT FORM

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part I. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part I. E.2. m.-q.) NO YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



ENVIRONMENTAL ASSESSMENT FORM FOR MINED LAND RECLAMATION PROJECTS
 (Attachment to Permit Application)

Part 1 - Project Information (To be completed by Applicant or Project Sponsor)

Applicant or Sponsor: Ferlito Aggregates, LLC.	Mine Name: Martville Mine
Mine Location: Sanford Road	
Municipality: Town of Sterling	County: Cayuga
Proposed Action: <input checked="" type="checkbox"/> New <input type="checkbox"/> Modification	

A. Site Description

- Describe the existing physical condition and existing land use of the site.
 Much of the site is vegetated with plantation trees. The remainder is woods and fields. Sterling Creek is approximately 200 feet south of the site.
- Describe the present land use of the properties surrounding the proposed/existing mine site (i.e. residential, industrial, farming, forest, etc.):
 The surrounding properties are idle, agricultural, commercial and residential.
- Is the site located in an agricultural district certified pursuant to Agricultural and Markets Law, Article 25-AA, Section 303 and 304? Yes No
- Describe the soils that exist within the proposed mine site (available from the County Soil and Water Conservation District).
 Alton cobbly loam
- Distance and bearing (direction) from the life-of-mine boundary to nearest property line (e.g. 480 ft / North) 100 Ft./North, 200 Ft./South, 500 Ft./East, 200 Ft./West
- Distance and bearing (direction) from the life-of-mine boundary to nearest residence (e.g. 1430 ft / Northeast) 300 Ft./West
- Distance and bearing to the nearest water supply well: 300 Ft./West
- Depth to water table at the site: 3-60 feet

9. Are there any water resources or wetlands within or adjacent to the proposed mine?
 Yes No Type(s): Sterling Creek
10. Is there any existing subsurface septic system, including leach field, within 50 feet of the life-of-mine limits?
 Yes No
11. Does the proposed mine require any type of approval from the local government?
 Yes No Type: Town of Sterling, Special Use Permit
12. Will the proposed action comply with existing zoning or other land use restrictions?
 Yes No If no, please describe .

B. Description of the Project

1. Briefly describe the project
 The applicant proposes to mine sand and gravel from the site for commercial sale. The site will be reclaimed to vegetated open space concurrently with mining.
2. Total acreage owned or controlled by the applicant at the site: 82.1 acres
3. Amount of land to be affected by mining:
 Initially: 5.5 acres Ultimately (life-of-mine): 35.8 acres
4. Maximum depth of the excavation: 60 feet
5. Estimated total amount of material to be removed from the site: 1400000 cubic yards
6. Will reclamation be concurrent with mining? Yes No If yes, what is the projected maximum number of acres to be open or disturbed at any one time? 17.8 acres
7. Estimated life of the mine including final reclamation phase: 20 years
8. Fate of unuseable materials (stumps, overburden, fines, oversize, etc.):
 All unusable materials will be removed from the site or buried under a minimum of 2' of cover.
9. If there will be onsite processing, what types of equipment will be used? (Portable/non-portable; dry screen; crusher; shredder). Provide maximum capacity in tons per hour for this equipment:
 screen 200 tons/hour crusher _____ tons/hour shredder _____ tons/hour
10. Number of vehicle trips per hour to be generated by mining operation:
 maximum 10 trips/hour average 5 trips/hour
11. Will all surface water runoff be retained on-site? Yes No If No, a SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) will be required.
12. Hours of Operation: Monday through Friday: 7 a.m. to 5 p.m.
 Saturday: 8 a.m. to 4 p.m.
 Will the mine normally operate Sundays, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day? Yes No
 If Yes, please describe Hours of Operation: _____ a.m. to _____ p.m.
13. Will blasting occur? Yes No

C. Will the Mining Operation Create a Pond? Yes No If Yes, please complete the following:

1. What will be the principal source of the water? Ground water Surface water runoff
2. Surface area of the pond: _____ acres Pond water depth: _____ feet
3. If the pond will have a dam or impounding structure, what will be its height above existing ground level?
_____ feet
 - a. What is the size in acres of the upgradient watershed that will drain toward the proposed pond ?
_____ acres
 - b. How much water will be impounded (held back) by the impounding structure?
_____ million gallons
4. If the pond will have an outlet structure:
 - a. Type: _____
 - b. Located at or below existing ground level? Yes No
 - c. If above existing ground level, what height above? _____ 0.0 feet
 - d. Where will the pond overflow discharge? _____
5. Maximum steepness of underwater slopes: _____ feet horizontal to _____ feet vertical
6. Does the local government prohibit a pond at the site? Yes No If no, is a local approval required to create a pond? Yes No

D. Verification

I certify that the information provided above is true to the best of my knowledge

Applicant or Sponsor Name: _____ Christopher J. Ferlito _____ Date: 6/23/14

Signature: Chris J. Ferlito

Part 2- Environmental Assessment (To be completed by Agency)

A. Does Action exceed any Type I threshold in 6NYCRR Part 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, coordinate the review process and use the Full EAF
B. Will the action receive coordinated review as provided for unlisted actions in 6NYCRR Part 617.6? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, a negative declaration may be superceded by another agency.
C. Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA) ? <input type="checkbox"/> Yes <input type="checkbox"/> No
D. Is there, or is there likely, to be controversy related to potential adverse environmental impacts? <input type="checkbox"/> Yes <input type="checkbox"/> No
E. If reclamation impounds water, will a dam safety permit be required? <input type="checkbox"/> Yes <input type="checkbox"/> No

Part 3 - Determination of Significance (To be completed by Agency)

Instructions: For each adverse effect, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question C of Part 2 was checked "yes", the determination and significance must evaluate the potential impact of the proposed impact of the action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large and significant adverse impacts which may occur. Then proceed directly to the FULL EAF and prepare a positive declaration.

Check this box if you have determined, based upon the information and analysis and any supporting documentation, that the proposed action will not result in any significant adverse environmental impact and attach a supporting negative declaration.

Name of Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Date

Signature of Preparer (if different)

Route 104 to the east and west. These routes have been discussed with the Town of Sterling Highway Superintendent, and the vehicles and loads will be acceptable on Sanford Road for the short distance proposed. County Route 112 and the New York State Highways are designed for heavy commercial traffic. The vehicles to be used will include tandem dump trucks, triaxle dump trucks and eighteen wheel tractor/dump trailer combination vehicles. The vehicles will not be loaded with weights exceeding legal limits for each individual vehicle. Loads will not extend above side boards, and will be properly tarped. The intersections of the mine haulageways with Sanford Road will be watered and swept as appropriate to control mud and dust. Proper traffic control signage will be put in place prior to and during road cleaning activities. Southbound traffic will stop at the stop sign at the corner of Sanford Road and County Route 112, and will not proceed until vehicles with the right-of-way have cleared. These vehicles now westbound will negotiate the intersection of County Route 112 and NYS Route 38 in the same way. Once on the New York State Highways these professional drivers will negotiate the appropriate routes without any additional safety concerns.

Thank you for your assistance.

Sincerely,

Thomas Giles, Geologist

OFFICE FILE NUMBER



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF MINERAL RESOURCES
 50 WOLF ROAD, ALBANY, NEW YORK 12233-6500

ORGANIZATIONAL REPORT

INCOMPLETE FORMS NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

<p>1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY, INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.</p> <p>Christopher J. Construction, LLC. 210 Christopher Circle Oswego, NY 13126</p> <p>TELEPHONE NUMBER (315) 529-4561</p> <p>FAX NUMBER ()</p>	<p>2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR OF ANY COURT OF LAW POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.</p> <p>Same</p> <p>TELEPHONE NUMBER ()</p>
---	--

3. TYPE OF ACTIVITY (Check those That Apply)

<input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)	<input type="checkbox"/> SOLUTION MINING—Own/Operate Facility
<input type="checkbox"/> STORAGE—Underground Gas or LPG facility	<input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility
<input type="checkbox"/> PURCHASING—Of Oil or Gas From Others	<input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole
<input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others	<input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility
<input type="checkbox"/> SALVAGE—Plug and Abandon Wells for Others	<input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility
<input type="checkbox"/> DRILLING—Drill Wells for Others	

<p>4. STATE WHETHER THE ENTITY IS A CORPORATION, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY IF FOREIGN CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GIVE COUNTY OF FILING.</p> <p>NYS Corporation</p>	<p>5. IF A NAME CHANGE, GIVE COMPLETE NAME AND ADDRESS OF PREVIOUS ENTITY</p> <p>N/A</p>
--	--

<p>6. IF CORPORATION OR ASSOCIATION, LIST ALL DIRECTORS AND ALL OFFICERS. IF PARTNERSHIP LIST ALL GENERAL AND ALL LIMITED PARTNERS ATTACH ADDITIONAL SHEETS IF NECESSARY.</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;">NAME</th> <th style="width:50%;">TITLE</th> </tr> </thead> <tbody> <tr> <td>Christopher J. Ferlito</td> <td>President</td> </tr> <tr> <td>Mary Audlin</td> <td>Secretary</td> </tr> </tbody> </table>	NAME	TITLE	Christopher J. Ferlito	President	Mary Audlin	Secretary	<p>7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;">NAME</th> <th style="width:50%;">TITLE</th> </tr> </thead> <tbody> <tr> <td>Christopher J. Ferlito</td> <td>President</td> </tr> <tr> <td>Mary Audlin</td> <td>Secretary</td> </tr> </tbody> </table>	NAME	TITLE	Christopher J. Ferlito	President	Mary Audlin	Secretary
NAME	TITLE												
Christopher J. Ferlito	President												
Mary Audlin	Secretary												
NAME	TITLE												
Christopher J. Ferlito	President												
Mary Audlin	Secretary												

I hereby affirm under penalty of perjury that the information provided in the report is true to the best of my knowledge and belief. I am aware that false statements made in this report are punishable as a Class A misdemeanor under Section 210.45 of the Penal Law.

<p>TYPE OR PRINT NAME OF AUTHORIZED PERSON</p> <p>Christopher J. Ferlito</p>	<p>SWORN TO AND SUBSCRIBED</p> <p>BEFORE ME, THIS 24th</p>	<p>ROBIN L BARBER Notary Public, State of New York No. 01BA6276096 Qualified in Oswego County Commission Expires February 11, 2017</p>
<p>SIGNATURE</p> <p><i>Chth JLA</i></p>	<p>DATE</p> <p>6/24/14</p> <p>DAY OF June 2014</p> <p><i>Rob L Barber</i> NOTARY PUBLIC</p>	

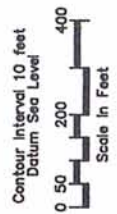


Mining Plan Map
 Christopher J. Construction, LLC.
 Martville Mine
 Cayuga County, Town of Starling
 Fair Haven U.S.G.S. Topo. Quad.
 Prepared by Thomas Giles, Geologist
 April 2015

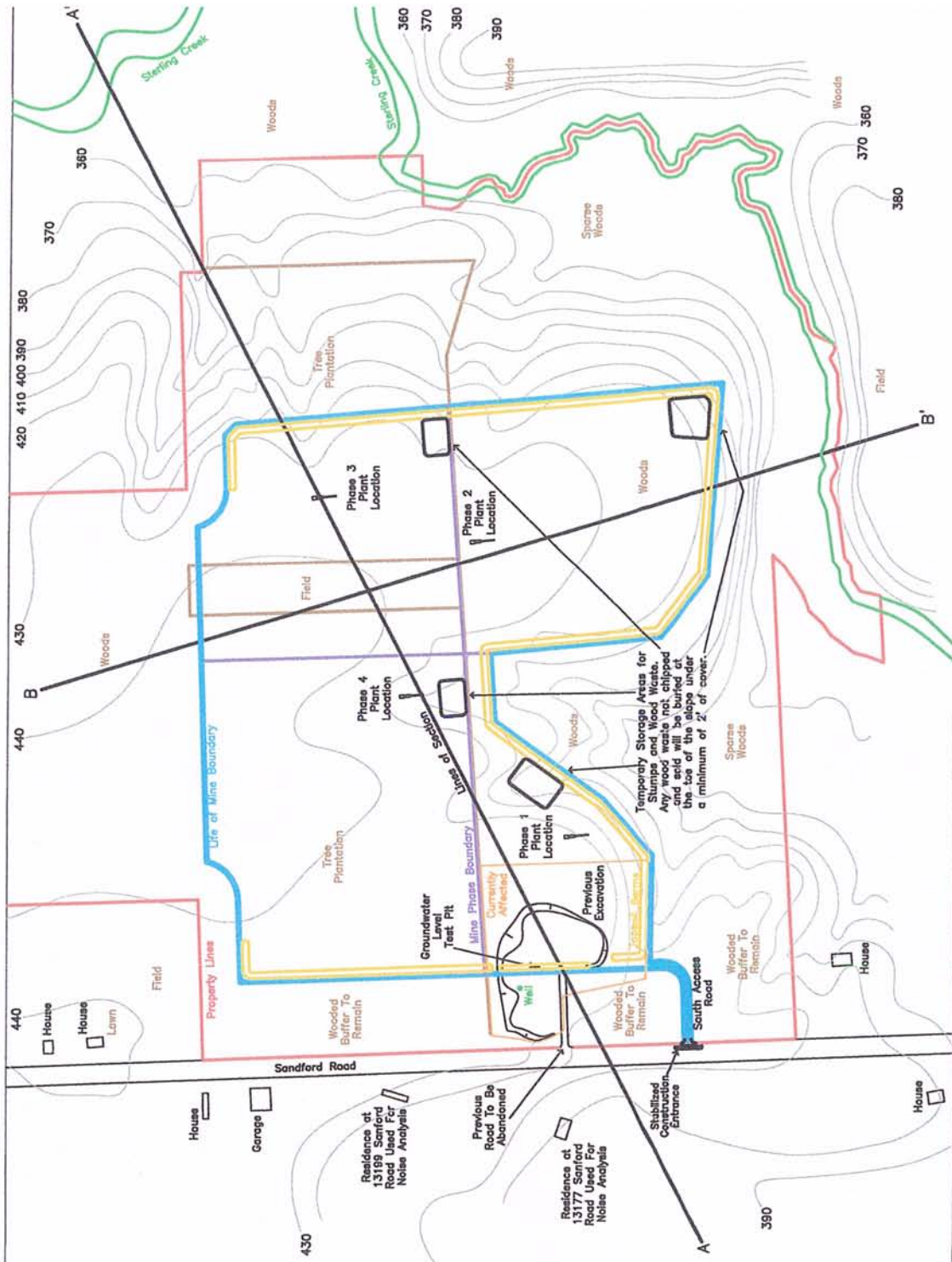
Approximate Acreages

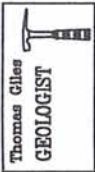
Area of Property	82.1 Acres
Life of Mine Area	35.8 Acres
Phase 1 Area	5.5 Acres
Phase 2 Area	9.2 Acres
Phase 3 Area	8.8 Acres
Phase 4 Area	12.3 Acres

- LEGEND**
- 480 Topographic Contour
 - Topographic Elevation
 - Vegetation Feature
 - Water Feature
 - Life of Mine
 - Mining Phases
 - Currently Affectad
 - Logan's Run



This map is not intended
 for use in engineering, design,
 or the accompanying of land.

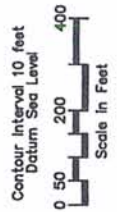




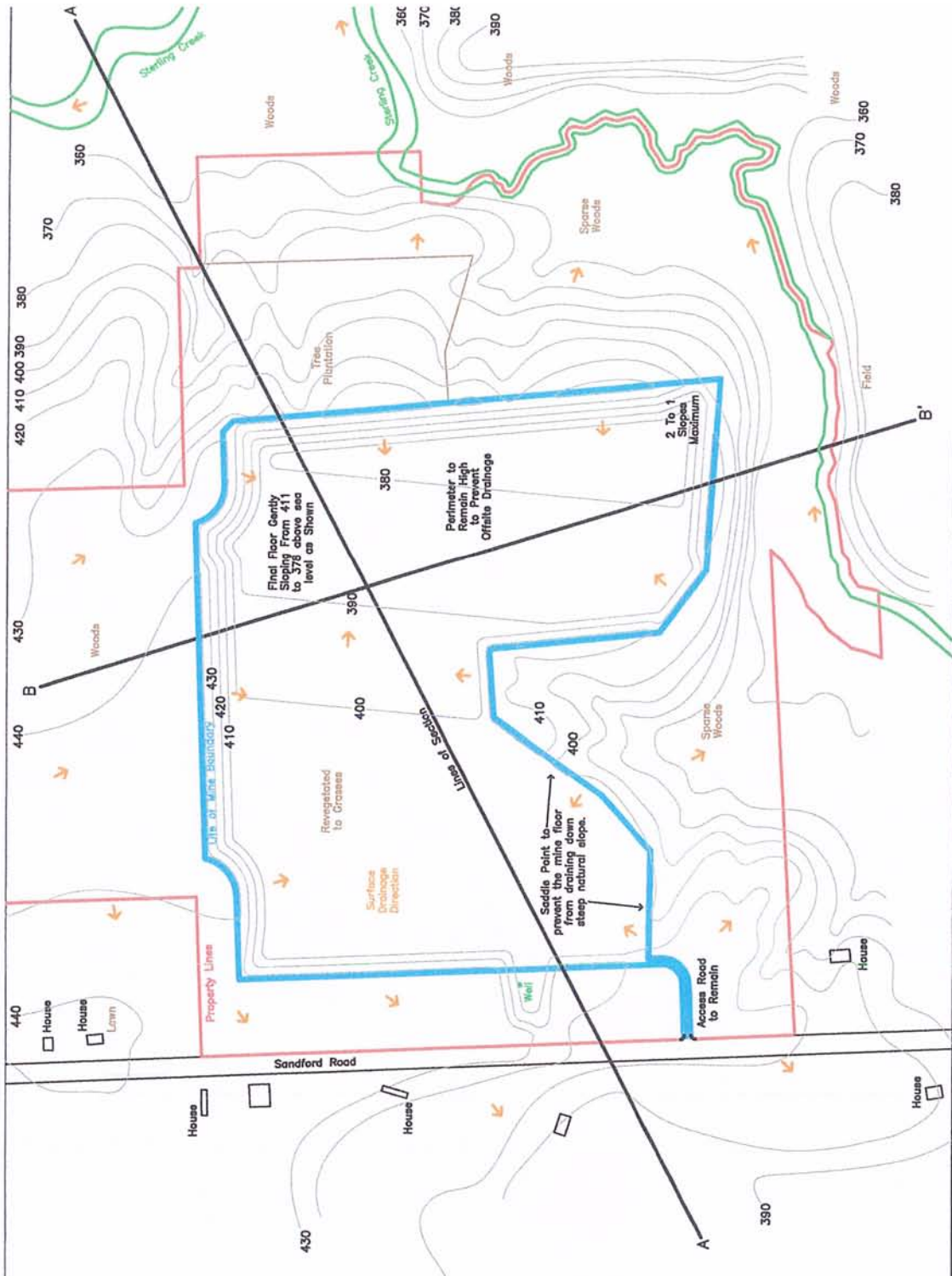
Reclamation Plan Map
 Christopher J. Construction, LLC.
 Martville Mine
 Cayuga County, Town of Sterling
 Fair Haven U.S.G.S. Topo. Quad.
 Prepared by Thomas Giles, Geologist
 April 2015

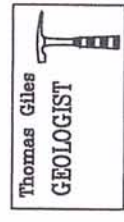
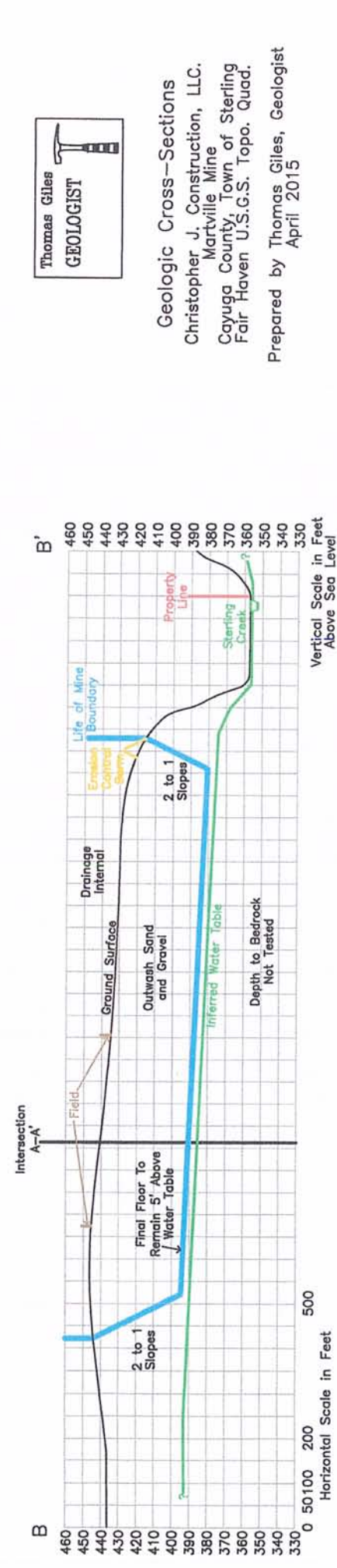
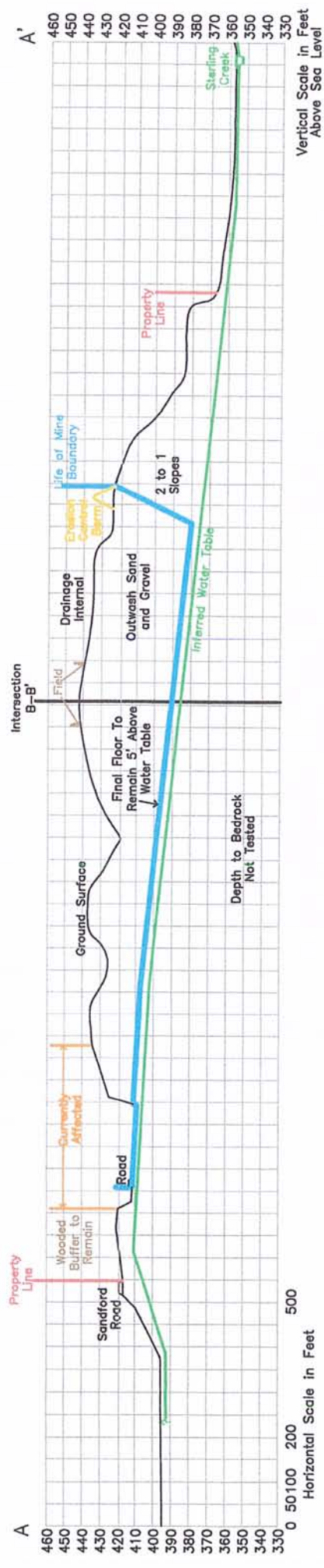
Approximate Acreages
 Area of Property - 82.1 Acres
 Life of Mine Area - 33.8 Acres

- LEGEND**
- 460 Topographic Contour
 - 460 Elevation
 - Yellowish Feature
 - Water Feature
 - Blue Feature
 - Orange Arrows

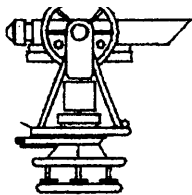


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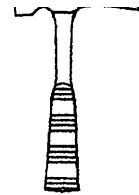


Geologic Cross-Sections
 Christopher J. Construction, LLC.
 Martville Mine
 Cayuga County, Town of Sterling
 Fair Haven U.S.G.S. Topo. Quad.
 Prepared by Thomas Giles, Geologist
 April 2015



Thomas Giles

GEOLOGIST



STORMWATER CONTROL PLAN CHRISTOPHER J. CONSTRUCTION LLC. MARTVILLE MINE

JUNE 2014

CAYUGA COUNTY, TOWN OF STERLING

SUBMITTED BY:

Christopher J. Ferlito
(315) 529-4561

ADDRESS:

Christopher Construction, Inc.
210 Christopher Circle
Oswego, NY 13126

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Standard Specifications for Silt Fence

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Colonie	Soil Description
Galen	Soil Description
Howard	Soil Description
Palmyra	Soil Description

**CHRISTOPHER J. CONSTRUCTION, LLC.
MARTVILLE MINE
TOWN OF STERLING
STORMWATER CONTROL PLAN**

1. INTRODUCTION

The information presented in this document includes a written description of controls that will be implemented to prevent pollution and runoff from stormwater.

1.1 Project Description: The site is primarily wooded land producing lumber and forest by-products. A small commercial excavation has operated at a low activity level for many years. The operator intends to expand the mine to excavate and market sand and gravel.

2. EXISTING SITE DATA

2.1 Project Location: The property lies in the Town of Sterling on Sanford Road.

2.2 Existing Condition of the Land:

2.2.1 Site Description: The Life of Mine area of the proposed gravel pit will be 35.8 acres. Nearly all of the proposed excavation area is wooded. The exception is a two acre field. The site is the southeast end of an elongated hill. The top of the hill slopes gently, and the sides slope steeply down to the edge of Sterling Creek. Surface water is currently readily absorbed by the porous and permeable sand and gravel soils. Surface water is seldom if ever present. The catchment area is the 35.8 acres of the project area plus a 4.4 acre offsite catchment area to the north.

2.2.2 Soils: The soil on the site is primarily composed of Alton cobbly loam. Palmyra and Howard soils are also present. All of these soil types are well to excessively drained, Hydrologic Group A soils.

2.2.3 Topography: The existing topography of the project site is shown by the Stormwater Control Plan. The top of the hill slopes southward at approximately 2%. The south and east sides slope between approximately 10% and 20%.

2.2.4 Present Drainage and Surface Water: The water shed area is the 35.8 acres of the site plus the 4.4 acres to the north for a total of 40.2 acres. The water incident on the water shed area is

predominantly absorbed by the porous and permeable sand and gravel soils.

3. PHASED STORMWATER CONTROL

3.1 Current Conditions:

3.1.1 Minimal Runoff : The current ground cover of the site is woods and meadow in good condition. These unaffected soils have a curve number of 30%. The resulting runoff is 0.0, and the discharge is negligible.

3.1.2 Internal Drainage: The existing soil condition results in negligible runoff. Little or no surface water currently leaves the site.

3.2 Future Conditions: The existing excavation serves as a detention pond that will be enlarged as mining proceeds. The mine floor will remain above the water table, and due to the high permeability soils the detention pond will not contain permanent water. Since the percolation rate of the coarse outwash sand and gravel soils exceeds 5" per hour, the detention pond will always remain dry.

3.3 Future Conditions Stripping:

3.3.1 Erosion Control Berm: Erosion control berms will be constructed around the mine perimeter. The berms will be constructed of subsoil and topsoil stripped from unaffected areas. The unaffected soils have a curve number of 30%. The resulting runoff is 0.0, and the discharge is negligible. A bulldozer will be used to reverse the surface slope of the east and south mine perimeters at the same time as stripping is performed. This stripping practice will prevent runoff from disturbed soils from entering Sterling Creek below.

3.3.2 Runoff Prevention Silt Fence: Temporary silt fence will be constructed to prevent transportation of sediment offsite during berm construction. After vegetation is established on the erosion control berms, the silt fence may be removed.

3.4 Summary: All surface water drainage will be internal to the mine. No sediment laden surface water will leave the mine site.

4.0 PLANNED STORMWATER CONTROL PRACTICES

1. **General:** All work shall be in conformance with the New York Guidelines for Urban Erosion & Sediment Control specifications as printed by the Empire State Chapter Soil and Water Society.
2. **Existing Haulageways:** The existing access roads will be used as the mine haulageways. The road surface is raised and crowned to prevent surface water from flowing parallel to the road surface.
3. **Land Grading:** The following philosophy will be used in the grading of the land.
 - Grade and stabilize in stages to reclaim the mine perimeter concurrently with mining progress.
 - Minimize grading by using as much existing topography as possible.
 - Perimeter slopes to conform to surrounding topography where possible with a maximum of 2 to 1.
4. **Sediment fence:** A temporary sediment fence of filter fabric will be constructed during overburden stripping activities to prevent sediment from leaving the site.
5. **Surface Stabilization:** Within 15 days after construction, overburden berms will be seeded, fertilized and mulched according to specifications in the previously submitted mining plan. Internal roadways will be graded and watered as needed to prevent erosion and dust generation.
6. **Dust Control:** When excessive dust is generated, sprinkling with water will control it.
7. **Wet Lands:** Runoff water from the site will not enter Sterling Creek or the associated wetlands or wetland buffer zones below the project area.

5.0 IMPEMENATION SCHEDULE AND MAINTENANCE

5.1 Construction Schedule

- 5.1.1 Obtain all plans approvals and permits.
- 5.1.2 Flag the mine limits and Permit Term Area.
- 5.1.3 Hold conference to inform employees of mine limits and erosion control plan.
- 5.1.4 Construct sediment fence as required.
- 5.1.5 Strip topsoil and overburden prior to sand and gravel excavation.
- 5.1.6 Excavate sand and gravel.
- 5.1.7 Inspect erosion and sediment control practices weekly or after rainfalls and make needed repairs.
- 5.1.8 As mining proceeds reclaim perimeter and areas of the mine floor no longer needed.

5.2 Maintenance Plan

- 5.2.1 All erosion and sediment control practices will be checked for stability and operation following every runoff producing rainfall, but in no case less than once a week. Needed repairs shall be made immediately to maintain practices as designed.
- 5.2.2 All seeded areas will be fertilized, re-seeded as necessary and mulched according to specifications in the plan to maintain a dense vegetative cover.

STANDARD AND SPECIFICATIONS FOR EARTH DIKE



For drainage areas larger than 10 acres, refer to the Standard and Specifications for Diversion on page 5B.1.

Stabilization

Stabilization of the dike shall be completed within 7 days of installation in accordance with the standard and specifications for seed and straw mulch or straw mulch only if not in seeding season and flow channel shall be stabilized as per the following criteria:

Type of Treatment	Channel Grade ¹	Flow Channel	
		A (<5 Ac.)	B (5-10 Ac)
1	0.5-3.0%	Seed & Straw Mulch	Seed & Straw Mulch
2	3.1-5.0%	Seed & Straw Mulch	Seed and cover with RECP, sod, or lined with plastic or 2 in. stone
3	5.1-8.0%	Seed and cover with RECP, Sod, or line with plastic or 2 in. stone	Line with 4-8 in. stone or, Recycled Concrete Equivalent ² or geotextile
4	8.1-20%	Line with 4-8 in. stone or Recycled Concrete Equivalent ² or geotextile	Site Specific Engineering Design

Definition

A temporary berm or ridge of compacted soil, located in such a manner as to channel water to a desired location.

Purpose

The purpose of an earth dike is to direct runoff to a sediment trapping device, thereby reducing the potential for erosion and off site sedimentation. Earth dikes can also be used for diverting clean water away from disturbed areas.

Conditions Where Practice Applies

Earth dikes are often constructed across disturbed areas and around construction sites such as graded parking lots and subdivisions. The dikes shall remain in place until the disturbed areas are permanently stabilized.

Design Criteria

See Figure 5A.1 on page 5A.2 for details.

General

	Dike A	Dike B
Drainage Area	<5 Ac	5-10 Ac
Dike Height	18 in.	36 in.
Dike Width	24 in.	36 in.
Flow Width	4 ft.	6 ft.
Flow Depth in Channel	8 in.	15 in.
Side Slopes	2:1 or flatter	2:1 or flatter
Grade	0.5% Min. 20% Max.	0.5% Min. 20% Max.

¹ In highly erodible soils, as defined by the local approving agency, refer to the next higher slope grade for type of stabilization.

² Recycled Concrete Equivalent shall be concrete broken into the required size, and shall contain no steel reinforcement.

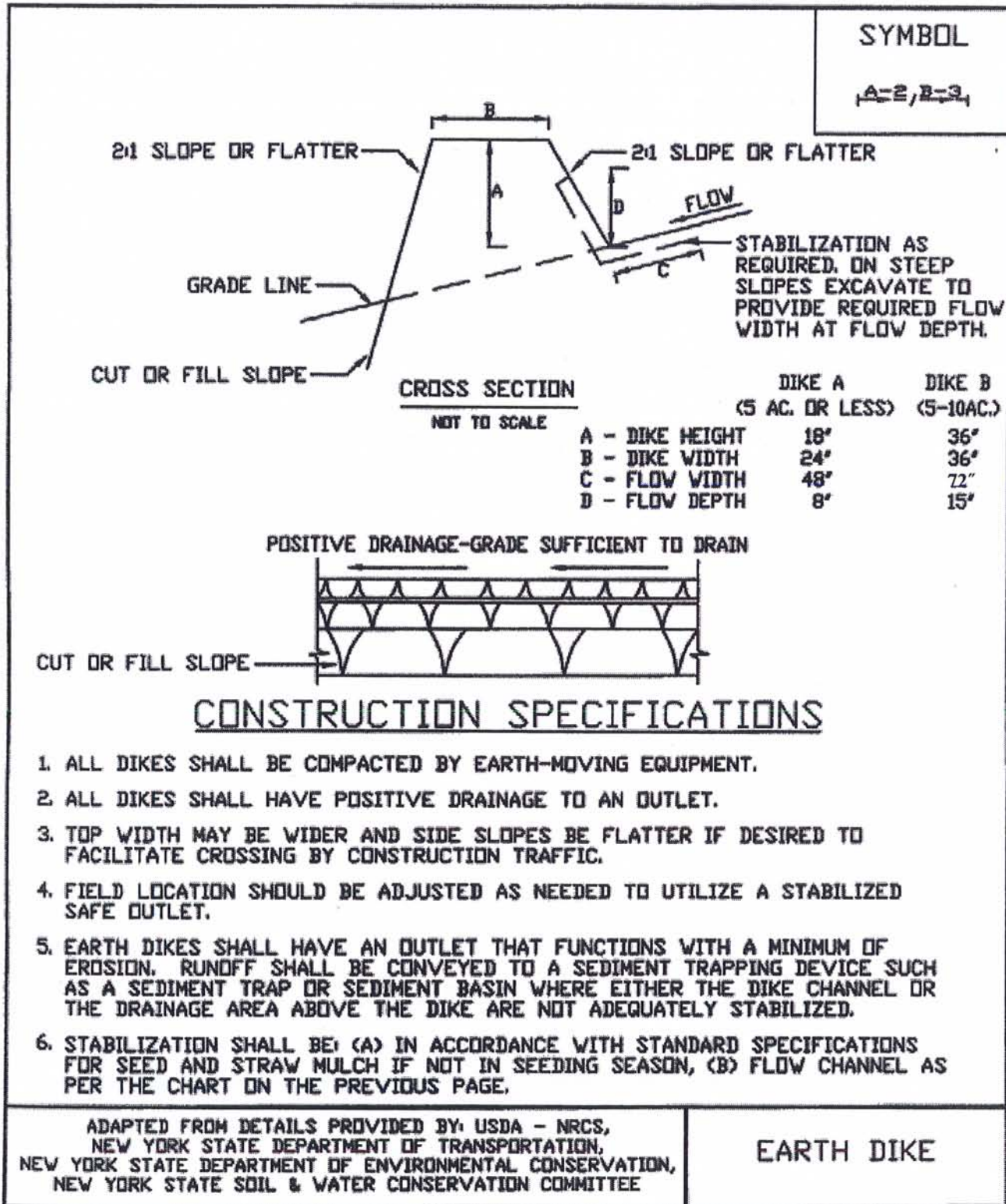
Outlet

Earth dikes shall have an outlet that functions with a minimum of erosion.

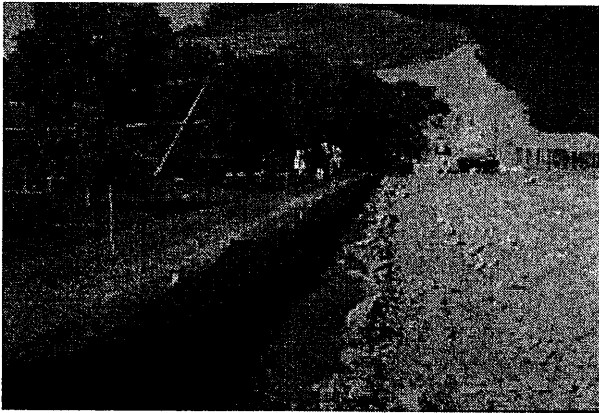
Runoff shall be conveyed to a sediment trapping device until the drainage area above the dike is adequately stabilized.

The on-site location may need to be adjusted to meet field conditions in order to utilize the most suitable outlet.

Figure 5A.1
Earth Dike



STANDARD AND SPECIFICATIONS FOR SILT FENCE



Definition

A temporary barrier of geotextile fabric installed on the contours across a slope used to intercept sediment laden runoff from small drainage areas of disturbed soil.

Purpose

The purpose of a silt fence is to reduce runoff velocity and effect deposition of transported sediment load. Limits imposed by ultraviolet stability of the fabric will dictate the maximum period the silt fence may be used (approximately one year).

Conditions Where Practice Applies

A silt fence may be used subject to the following conditions:

1. Maximum allowable slope lengths contributing runoff to a silt fence placed on a slope are:

Slope Steepness	Maximum Length (ft.)
2:1	25
3:1	50
4:1	75
5:1 or flatter	100

2. Maximum drainage area for overland flow to a silt fence shall not exceed ¼ acre per 100 feet of fence, with maximum ponding depth of 1.5 feet behind the fence; and
3. Erosion would occur in the form of sheet erosion; and
4. There is no concentration of water flowing to the barrier.

Design Criteria

Design computations are not required for installations of 1 month or less. Longer installation periods should be designed for expected runoff. All silt fences shall be placed as close to the areas as possible, but at least 10 feet from the toe of a slope to allow for maintenance and roll down. The area beyond the fence must be undisturbed or stabilized.

Sensitive areas to be protected by silt fence may need to be reinforced by using heavy wire fencing for added support to prevent collapse.

Where ends of filter cloth come together, they shall be overlapped, folded and stapled to prevent sediment bypass. A detail of the silt fence shall be shown on the plan. See Figure 5A.8 on page 5A.21 for details.

Criteria for Silt Fence Materials

1. Silt Fence Fabric: The fabric shall meet the following specifications unless otherwise approved by the appropriate erosion and sediment control plan approval authority. Such approval shall not constitute statewide acceptance.

Fabric Properties	Minimum Acceptable Value	Test Method
Grab Tensile Strength (lbs)	90	ASTM D1682
Elongation at Failure (%)	50	ASTM D1682

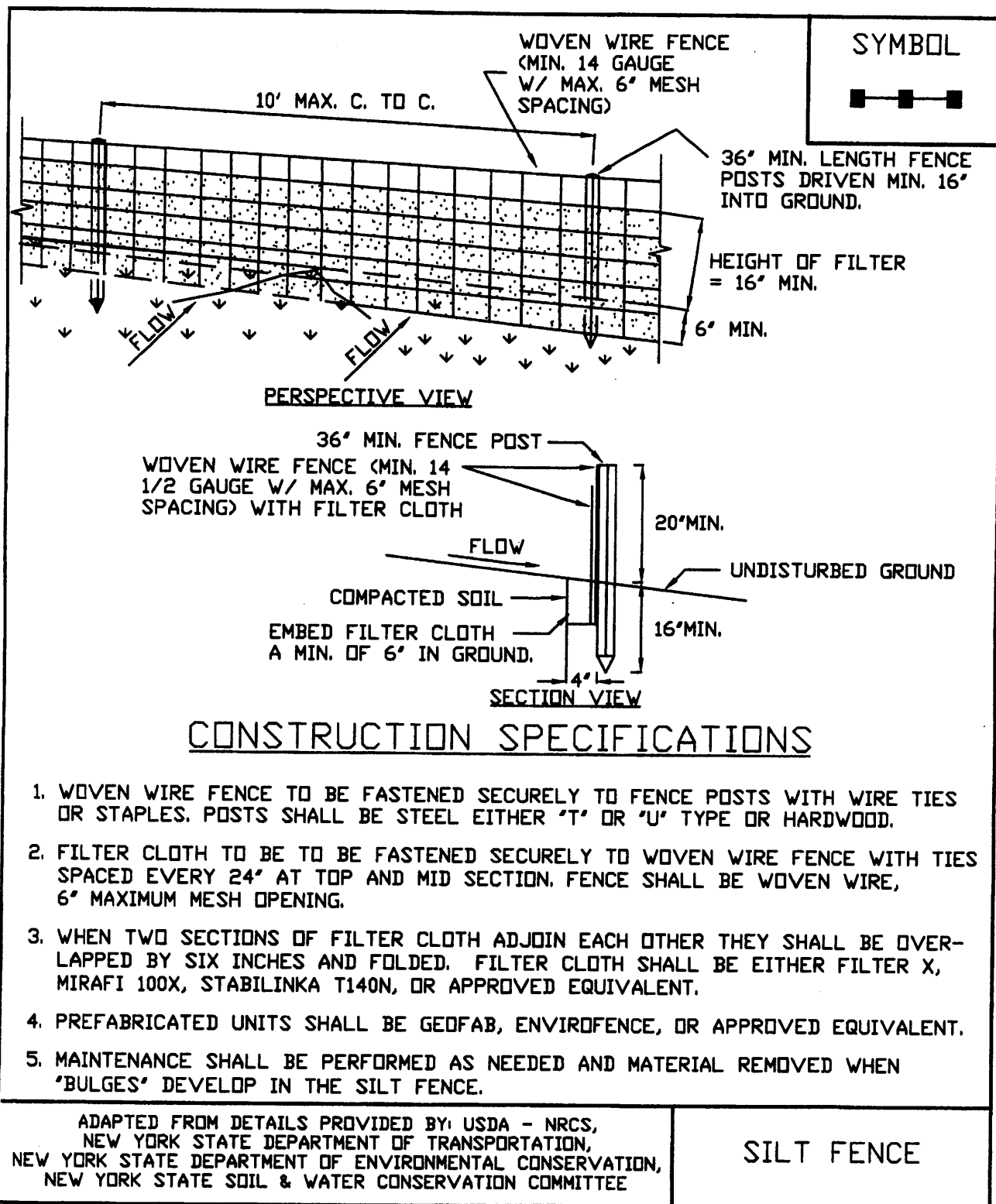
Mullen Burst Strength (PSI)	190	ASTM D3786
Puncture Strength (lbs)	40	ASTM D751 (modified)
Slurry Flow Rate (gal/min/sf)	0.3	
Equivalent Opening Size	40-80	US Std Sieve CW-02215
Ultraviolet Radiation Stability (%)	90	ASTM G-26

2. Fence Posts (for fabricated units): The length shall be a minimum of 36 inches long. Wood posts will be of sound quality hardwood with a minimum cross sectional area of 3.0 square inches. Steel posts will be standard T and U section weighing not less than 1.00 pound per linear foot.

3. Wire Fence (for fabricated units): Wire fencing shall be a minimum 14 gage with a maximum 6 in. mesh opening, or as approved.

4. Prefabricated Units: Envirofence, Geofab, or approved equal, may be used in lieu of the above method providing the unit is installed per details shown in Figure 5A.8.

Figure 5A.8
Silt Fence



Cayuga County, NEW YORK

AmA—Alton cobbly loam, 0 to 3 percent slopes

Map Unit Setting

Elevation: 250 to 650 feet

Mean annual precipitation: 32 to 41 inches

Mean annual air temperature: 45 to 50 degrees F

Frost-free period: 145 to 185 days

Map Unit Composition

Alton and similar soils: 80 percent

Minor components: 20 percent

Description of Alton

Setting

Landform: Terraces, deltas, outwash plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Gravelly loamy glaciofluvial deposits over sandy and gravelly glaciofluvial deposits, derived mainly from acidic rocks, with some limestone below 40 inches

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): High
(1.98 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Available water capacity: Low (about 4.0 inches)

Interpretive groups

Farmland classification: All areas are prime farmland

Land capability (nonirrigated): 2s

Hydrologic Soil Group: A

Typical profile

0 to 7 inches: Cobbly loam

7 to 41 inches: Gravelly sandy loam

41 to 63 inches: Very gravelly loamy sand

63 to 120 inches: Stratified very gravelly sand

Minor Components

Phelps

Percent of map unit: 5 percent

Fredon

Percent of map unit: 5 percent

Palmyra

Percent of map unit: 5 percent

Howard

Percent of map unit: 5 percent

Cayuga County, New York

CmC—Colonie loamy fine sand, 6 to 12 percent slopes

Map Unit Setting

Elevation: 150 to 1,000 feet

Mean annual precipitation: 32 to 41 inches

Mean annual air temperature: 45 to 50 degrees F

Frost-free period: 145 to 185 days

Map Unit Composition

Colonie and similar soils: 80 percent

Minor components: 20 percent

Description of Colonie

Setting

Landform: Deltas, beach ridges

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Tread

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Sandy glaciofluvial or eolian deposits

Properties and qualities

Slope: 6 to 12 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (1.98 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Low (about 4.0 inches)

Interpretive groups

Farmland classification: Farmland of statewide importance

Land capability (nonirrigated): 3e

Hydrologic Soil Group: A

Typical profile

0 to 9 inches: Loamy fine sand

9 to 36 inches: Loamy fine sand

36 to 60 inches: Loamy fine sand

Minor Components

Arkport

Percent of map unit: 5 percent

Galen

Percent of map unit: 5 percent

Stafford

Percent of map unit: 5 percent

Alton

Percent of map unit: 5 percent

Cayuga County, New York

GaB—Galen fine sandy loam, 2 to 6 percent slopes

Map Unit Setting

Mean annual precipitation: 32 to 41 inches

Mean annual air temperature: 45 to 50 degrees F

Frost-free period: 145 to 185 days

Map Unit Composition

Galen and similar soils: 80 percent

Minor components: 20 percent

Description of Galen

Setting

Landform: Deltas on lake plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Deltaic deposits with a high content of fine and very fine sand

Properties and qualities

Slope: 2 to 6 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat):

Moderately high to high (0.57 to 5.95 in/hr)

Depth to water table: About 18 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Available water capacity: Low (about 4.9 inches)

Interpretive groups

Farmland classification: All areas are prime farmland

Land capability (nonirrigated): 2w

Hydrologic Soil Group: A/D

Typical profile

8 to 14 inches: Fine sandy loam

14 to 32 inches: Loamy fine sand

32 to 60 inches: Stratified loamy fine sand to fine sand

Minor Components

Niagara

Percent of map unit: 5 percent

Stafford

Percent of map unit: 5 percent

Arkport

Percent of map unit: 5 percent

Minoa

Percent of map unit: 5 percent

Description of Howard

Setting

Landform: Terraces, valley trains

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Riser

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Gravelly loamy glaciofluvial deposits over sandy and gravelly glaciofluvial deposits, containing significant amounts of limestone

Typical profile

H1 - 0 to 10 inches: slightly acid, gravelly loam

H2 - 10 to 29 inches: slightly acid, gravelly loam

H3 - 29 to 62 inches: slightly acid, very gravelly loam

3C - 62 to 120 inches: slightly alkaline, stratified very gravelly sand

Properties and qualities

Slope: 25 to 40 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat):
Moderately high to high (0.57 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 1 percent

Available water storage in profile: Low (about 5.7 inches)

Interpretive groups

Farmland classification: Not prime farmland

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: A

Cayuga County, New York

PnE—Palmyra, Howard, and Alton soils, 25 to 40 percent slopes

Map Unit Setting

Elevation: 250 to 650 feet

Mean annual precipitation: 32 to 41 inches

Mean annual air temperature: 45 to 50 degrees F

Frost-free period: 145 to 185 days

Map Unit Composition

Palmyra and similar soils: 30 percent

Alton and similar soils: 25 percent

Howard and similar soils: 25 percent

Minor components: 20 percent

Description of Palmyra

Setting

Landform: Terraces, deltas, outwash plains

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Riser

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy over sandy and gravelly glaciofluvial deposits, derived mainly from limestone and other sedimentary rocks

Typical profile

H1 - 0 to 11 inches: slightly acid, gravelly loam

H2 - 11 to 34 inches: neutral, gravelly loam

H3 - 34 to 60 inches: moderately alkaline, stratified very gravelly sand

Properties and qualities

Slope: 25 to 40 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat):
Moderately high to high (0.57 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 5.0 inches)

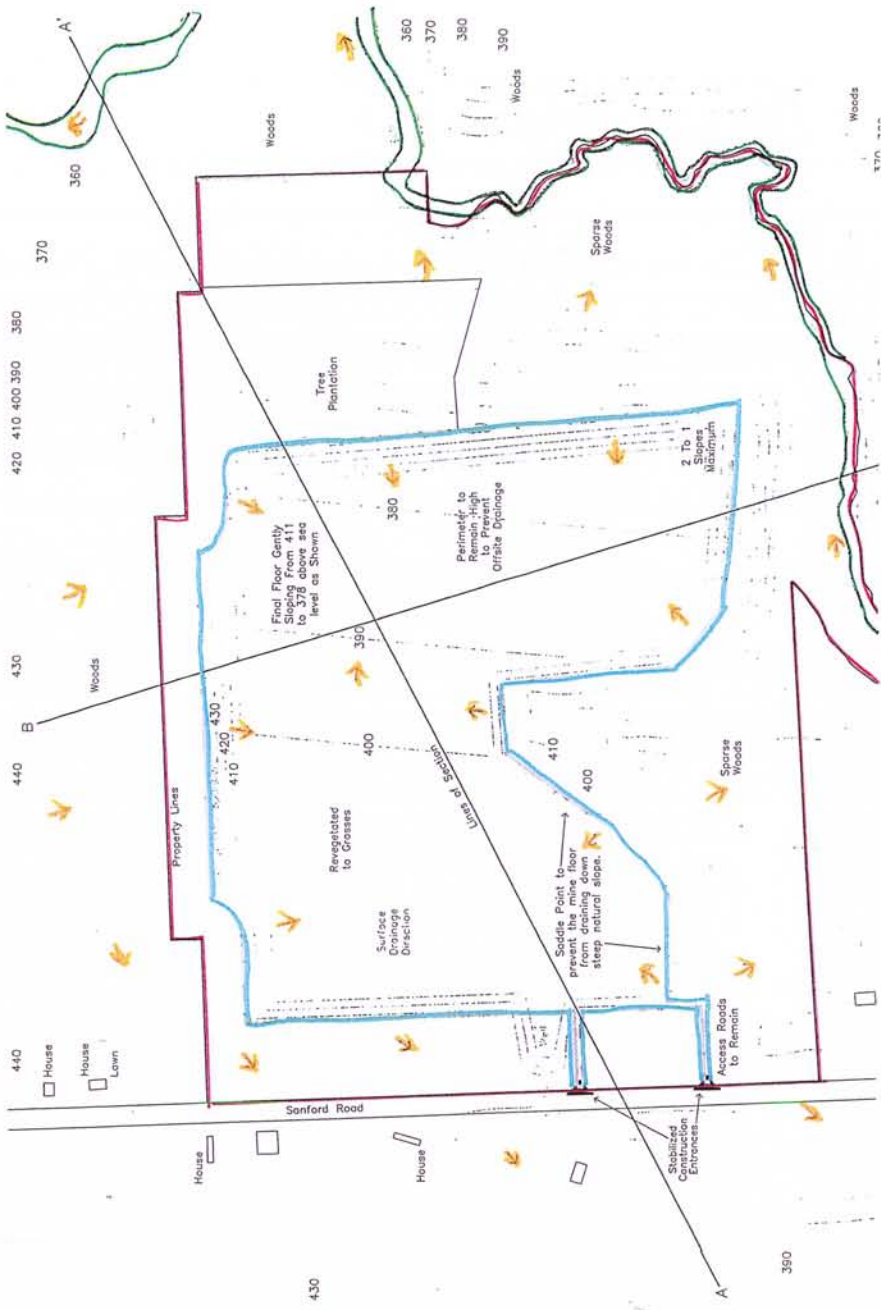
Interpretive groups

Farmland classification: Not prime farmland

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: A



Reclamation Plan Map
 Christopher J. Construction, LLC.
 Martville Mine
 Cayuga County, Town of Sterling
 Fair Haven U.S.G.S. Topo. Quad.
 Prepared by Thomas Giles, Geologist
 June 2014

Approximate Acreages
 Area of Property - 82.1 Acres
 Life of Mine Area - 35.8 Acres

- LEGEND**
- Topographic Contour
 - 460 Topographic Contour
 - Vegetation Feature
 - Surface Drainage



This map is not intended
 for use in engineering, design,
 or the conveying of land.

Stormwater Control Plan Interim Condition

Christopher J. Construction, LLC.
 Martville Mine
 Coyoaga County, Town of Sterling
 Fair Haven U.S.G.S. Topo. Quad.

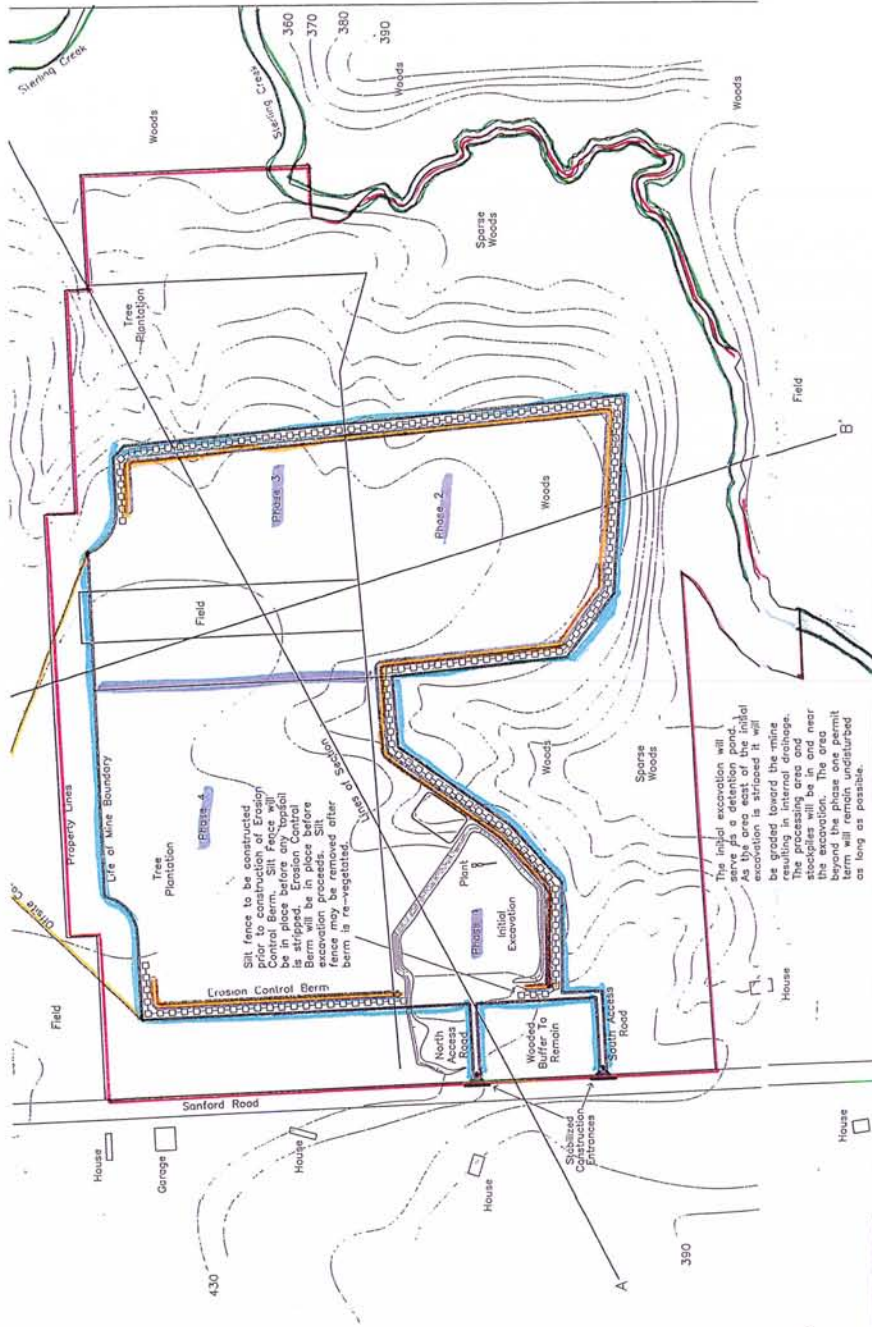
Prepared by Thomas Giles, Geologist
 June 2014

Approximate Acres
 Area of Property - 82.1 Acres
 Offsite Catchment - 4.4 Acres

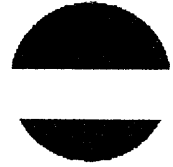
- LEGEND**
- 460 Topographic Contour
 - 460 Geologic Contour
 - Vegetation Feature
 - Mining Phases
 - DC-Silt Fence

Contour Interval 10 feet
 Datum Sea Level
 0 50 200 400
 Scale in Feet

This map is not intended
 for use in engineering, design,
 or the conveying of land.



New York State Department of Environmental Conservation
Division of Environmental Permits
NYSDEC REGION 7 HEADQUARTERS
615 ERIE BOULEVARD WEST
SYRACUSE, NY 13204-2400
(315) 426-7438



May 04, 2015

CHRISTOPHER J FERLITO
210 CHRISTOPHER CIRCLE
OSWEGO, NY 13126

Re: DEC ID # 7-0556-00276/00001
MARTVILLE MINE

Dear Mr. Ferlito:

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 05/04/2015 on any day Monday through Friday.

AUBURN CITIZEN
25 DILL ST
AUBURN, NY 13021

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

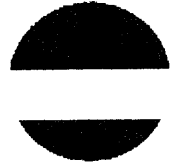
Sincerely,

Digitally signed by John M. Clancy
DN: cn=John M. Clancy,
o=NYS DEC, ou=Division of
Environmental Permits,
email=jmclancy@gw.dec.st
ate.ny.us, c=US
Date: 2015.05.04 16:51:35
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JOHN M CLANCY
Division of Environmental Permits

THIS IS NOT A PERMIT

**New York State Department of Environmental Conservation
Notice of Complete Application**



Date: 05/04/2015

Applicant: CJ FERLITO AGGREGATES INC
210 CHRISTOPHER CIR
OSWEGO, NY 13126

Facility: MARTVILLE MINE
13181 SANFORD RD
STERLING, NY 13111

Application ID: 7-0556-00276/00001

Permits(s) Applied for: 1 - Article 23 Title 27 Mined Land Reclamation

Project is located: in STERLING in CAYUGA COUNTY

Project Description:

The applicant proposes to develop and operate a 35.8 acre surface sand and gravel mine within an 82.1 acre parcel of land owned by the applicant. The reviewed Life-Of-Mine (LOM) area is 35.8 acres, and the project site is located on the east side of Sanford Road, 1.8 miles south-southwest of the hamlet of Martville. The mine is intended to operate as a traditional surface extraction of the Alton cobbly loam and on 0 to 8 percent slopes, with minor inclusions of Palmyra, Howard and Alton soils on 8 to 25 percent slopes. Mining is not proposed from below the local water table. Excavation would be done by using a tracked excavator and rubber tired loader, removing approximately 1,400,000 cubic yards of sand and gravel over the estimated 20 year operational life of the mine. Sand and gravel would be stockpiled as unprocessed, or processed with portable screens and crushers. Maximum processing rates for the screen and crushing operations will not exceed 200 tons-per-hour (TPH). Final reclamation would restore the site to a 35.8 acre uniformly graded meadow as described and depicted by the revised Mining Reclamation Plan and accompanying narrative received on May 4, 2015.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

Project is a Type I action and will not have a significant effect on the environment. A coordinated review with other involved agencies was performed and a Negative Declaration is on file.

SEQR Lead Agency NYS Department of Environmental Conservation

State Historic Preservation Act (SHPA) Determination

A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 06/05/2015 or 30 days after the publication date of this notice, whichever is later.

Contact Person

JOHN M CLANCY
NYSDEC
615 ERIE BOULEVARD WEST
SYRACUSE, NY 13204-2400
(315) 426-7445

CC List for Complete Notice

MR. RANDY LAWRENCE, SUPERVISOR (T) STERLING
THOMAS GILES
DEC ENVIRONMENTAL NOTICE BULLTIN (ENB)
FILE

Final reclamation would restore the site to a 35.8 acre uniformly graded meadow as described and depicted by the revised Mining Reclamation Plan and accompanying narrative received on May 4, 2015. The reviewed Life-Of-Mine (LOM) area is 35.8 acres.

Location: The project site is located on the east side of Sanford Road, 1.8 miles south-southwest of the hamlet of Martville and 1,020 feet east-southeast of the intersection of State Routes 38 and 104. The geographic coordinates of the site are 43.25453 (N) and -76.63887 (E).

Reasons Supporting This Determination: Pursuant to State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR Part 617.7, Department staff have reviewed: a) the Full Environmental Assessment Form (Full EAF), b) the Environmental Assessment Form for Mined Land Reclamation Projects, and c) mining and reclamation narrative plans and maps. As a result of this environmental assessment, it has been determined that this project would not result in significant, adverse environmental impacts and that a permit, with appropriate conditions, can be issued.

As Lead Agency, the Department has concluded that the mining and reclamation plans have been prepared, and where necessary, revised to avoid, minimize or mitigate to the extent practicable, adverse environmental impacts potentially associated with the project. After a full review of the application, the Department is satisfied that the requirements of ECL Article 8-0109 have been met. The following assessment of environmental, visual, archeological and related resources support this determination.

SOIL: As proposed, there will be a permanent alteration to the existing topography within the area affected by mining from the removal of in-situ sand and gravel over the 35.8 acre LOM area. This impact is unavoidable because of the progressive, consumptive nature of mining, however this impact is not necessarily significant or adverse. It is the public policy of New York State to support and foster the mining and minerals industry, and the alteration of affected land, properly reclaimed, is an acceptable impact. Lowering the final mine floor elevation to extract additional reserves is a standard mining practice and will not result in a significant adverse impact. Topsoil would be removed and stockpiled for the purpose of reclamation.

A reclamation bond in an amount adequate to reclaim all affected land within the LOM area will be on file with the Department before any permit issuance decision is made, and will continue to be held in whatever amount is deemed necessary by the Department, over the entire operation life of the mine.

The mine is within Agricultural District CAYU005 certified pursuant to Article 25-AA of the New York State Agriculture and Markets Law. However, there will be no significant loss of agricultural production, as the soils are excessively well drained, the growing season is relatively short, and much of the immediately surrounding area has been converted from agricultural use to forest cover through deliberate tree planting. Significant portions of the landscape has also reverted from cropland and pasture to early and mid successional forest cover. As such, the dominant landscape matrix

surrounding the LOM is currently conifer forest plantation and young to middle aged hardwood forest with a mix of cropland and rural residential homes developed in close proximity to the town and county highway network.

As mining progresses, most of the excavation perimeter will be graded to a two horizontal to one vertical slope and re-vegetated. Any areas of the mine floor where unfavorable materials are encountered, and which are not necessary for a stockpile area, will also be reclaimed. Grading and re-emplacment of subsoil and topsoil will take place in areas where mining has been completed. Grading and sloping will be done as soon as possible after affected areas are no longer in use. The area affected at any time will be minimized. Topsoil and subsoil will be replaced after grading is completed and affected areas will then be planted to grasses. The final mine floor elevation will be gently sloping from approximately 411 feet to 378 feet above sea level.

Soil samples will be analyzed by Cornell Cooperative Extension or other competent laboratory. Specifications and application rates of mulch, fertilizer, lime and seed will be determined based upon the recommendations obtained. The mine floor will be planted to grasses using the same seed mixture as the perimeter slopes. Grading and replacement of subsoil and topsoil will take place in areas where mining has been completed. The affected areas will then be planted to grasses at the rates specific in the text of the Mining Plan.

WATER: The applicant reports that mining will not affect the quality and quantity of groundwater or surface water, because below water the groundwater table mining is not proposed. The applicant has provided a Stormwater Control Plan and Map with the Mining Permit Application Package. Surface water drainage will be vertical and radially inward as moisture is absorbed by the porous permeable sand and gravel soils. Surface and stormwater generated on, or running across the mine will be retained within the LOM. There are no regulated streams, surface waters or state regulated wetlands mapped or identified within the LOM boundary. The nearest residential well is over 250 feet from any mining operations. No consumptive use or pumping of water is planned.

Based on information available from the DEC's geographical information system and the Mining Plan submitted by the applicant, the nearest stream is Sterling Creek, a DEC Class C stream, which at its' closest point is located approximately 550 feet from the proposed LOM Boundary. The nearest mapped freshwater wetland is a national wetland located just outside of the LOM boundary. The national wetland is characterized as palustrine forested/shrub wetland and is associated with the floodplain of Sterling Creek. The applicant states that a minimum of 5 feet of undisturbed material will be maintained above the seasonal high groundwater elevation. Per the Mining Plan, the permittee will dig test pits in the mine floor at least 5 feet deep during the annual period of high groundwater each year in order to determine compliance with this condition. As such, no impacts to Sterling Creek or the adjacent national wetland are anticipated.

The applicant reports that chemicals, waste, or refuse will not be stored at the mine site. The applicant also states that employees will be trained in proper fueling and lubricating practices, including spill prevention and DEC spill reporting requirements. In addition, employees will be taught where absorbent materials are stored and how to use them. Best Management Practices for petroleum pollution prevention will be followed, which will minimize the potential for ground water contamination from petroleum products. The applicant has included in the Mining Plan Application text a specific list of Best Management Practices for Groundwater Protection for the proposed Martville Mine, including the DEC Spill Hotline number.

In summary, there have been no issues raised, or investigations, evidence tests or other analysis that would lead the Department to conclude that any significant water quality or quantity problems could result from sand and gravel mining at this location.

TRAFFIC, NOISE & DUST: No significant adverse impacts from these aspects of the mining operation are anticipated. Additional detail is provided below.

Traffic: Based on the information provided by the applicant through the Full and Mining Environmental Assessment Forms (EAF's), truck traffic generated by the operation of the mine will not be a significant impact on local roads. An estimated average of 5 trucks per hour are expected during normal operations, with an estimated 10 trucks per hour expected at maximum processing rates. On March 12, 2015 the Department received a letter from the Town of Sterling Highway Superintendent stating Sanford Road was rebuilt in 2014, upgraded to meet or exceed town specifications, and that there is no concern regarding road use associated with mining operations at the present time. The applicant will be required to obtain a Road Use Permit from the town of Sterling Highway Department.

The applicant reports that the sight distance from the south haul road is excellent in both directions along Sanford Road. The view to the north from the north haul road is limited by a steep hill. For this reason the north haul road will not be used by traffic exiting the mine. Loaded trucks will only travel south on Sanford Road. Loaded trucks will then travel the short distance westward to State Route 38 on County Route 112 (Pople Road). Loads will then travel to State Route 38 to the north and south or NYS Route 104 to the east and west. These routes have been discussed with the Town of Sterling Highway Superintendent, and the vehicles and loads will be acceptable on Sanford Road for the short distance proposed. County Route 112 and the New York State Highways are designed for heavy commercial traffic. The vehicles to be used will include tandem dump trucks, triaxle dump trucks and eighteen wheel tractor/dump trailer combination vehicles. The vehicles will not be loaded with weights exceeding legal limits for each individual vehicle. Loads will not extend above side boards, and will be properly covered. The intersections of the mine haulage ways with Sanford Road will be watered and swept as appropriate to control mud and dust. Proper traffic control signage will be put in place prior to and during road cleaning activities.

Department Staff also reviewed available data from the New York State Department of Transportation Traffic Data Viewer application, available at <http://gis.dot.ny.gov/tdv/> Based on the data available from 2011, average daily traffic on State Route 104 located about 1 mile north of the mine had an estimated range of 1,501 to 4,000 vehicles per day, with an estimated one way traffic annual daily average traffic count (AADT) of 1,652 vehicles per day, eastbound and 1,570 vehicles per day westbound. Additional truck traffic associated with mining operations, assuming an average of 50 one way traffic trips per day during an average 10 hour day at 5 trucks per hour (as reported by the applicant) would represent only about a 3% increase in the average daily traffic typically expected on State Route 104.

Noise: Overall, there will be minimal impacts from noise associated with this mining operation. Noise impacts will be mitigated by observing 7 a.m. to 5 p.m. operating hours during weekdays and 8 a.m. to 4 p.m. on Saturdays, with no operation on Sundays, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day. Mining operations will be seasonal in nature, and will principally be conducted April through November.

At the request of the DEC a Noise Analysis, guided by the DEC Division of Environmental Permits (DEP) Noise Guidance and Program Policy DEP-00-1 was conducted by the applicant. The Noise Analysis results suggest that noise impacts from this facility will in most cases be effectively minimized by the application of appropriate Best Management Practices including the installation of berms and eventually the use of mine faces to produce a "noise shadow" for operations within the pit. Observing posted speed limits, operating during permitted hours and the use of properly maintained and muffled mining equipment will reduce noise impacts. The Mining Plan includes provisions for the retention of existing forest cover along the LOM perimeter for noise and visual screening.

In order to further assess and predict potential noise impacts, a Worst Case Scenario was used. The Worst Case Scenario assumes that all mining, processing and hauling equipment are operating at the same time and placed within the mine near the closest receptors. The applicant has provided DEP with a list of equipment that is planned to be used for mining, processing and material hauling operations and it is included with mining application package.

Table 1 summarizes the noise generated at various distances based on the inverse square rule. Equipment and processing plant data was provided by the applicant. The Worst Case Scenario assumes that the processing plant and all mining equipment are operating at the same time, which in practice will not be the case at this site. Table 1 shows that at a distance of 1,000 feet from receptors, without an additional noise deduction being made for the noise shadow associated with a mining face, the anticipated sound generated from the processing plant and equipment operating at the same time is 46 decibels (dB).

TABLE 1 - NOISE ASSESSMENT SUMMARY TABLE				
DISTANCE FROM NOISE SOURCE (FT)	EQUIPMENT AND PLANT NOISE (dB)	EQUIPMENT NOISE ONLY (db)	PROCESSING PLANT ONLY NOISE (db)	*SOUND AT RECEPTOR FROM PLANT AND EQUIPMENT WORST CASE SCENARIO (dB)
50	87	83	85	71
100	81	77	79	65
175	76	72	74	60
200	75	71	73	59
300	71	67	69	55
400	69	65	67	53
500	67	63	65	51
600	65	62	63	49
700	64	60	62	48
800	63	59	61	47
900	62	58	60	46
1,000	61	57	59	45

** Assumes and includes a 16 dB reduction for earth berm and associated vegetation*

At the request of the DEC, the applicant's consultant measured the ambient noise on March 5, 2015 at 13177 Sanford Rd. and 13199 Sanford Road. These residential receptors are 175 feet and 300 feet, respectively, from the proposed Life of Mine. Noise data was collected from 9:45 am until 10:38 am at both receptors. Table 2 summarizes the results collected.

TABLE 2 - AMBIENT NOISE ASSESSMENT TABLE			
RESIDENCE	DISTANCE FROM LOM	PEAK NOISE (dB)	AVERAGE NOISE (dB)
13177 Sanford Rd.	175	72	45
13199 Sanford Rd.	300	76	47

Table 2 shows that the average measured ambient noise level was 45 and 47 decibels respectively, with an average of 46 decibels. Peak ambient noise experienced during daytime hours varies by the minute, depending upon factors such as humidity, wind, time of day and the sound generated from sources such as traffic on local, county and state highways, lawnmowers, facilities such as the New York State DOT residency.

As previously mentioned and shown by Table 1, receptors over 900 feet away from the mining operation using the Worst Case Scenario without additional noise pressure reductions associated with an active mining face, would receive about 46 dB in noise pressure, which represents no appreciable increase in noise when compared to the established daytime ambient noise levels at the site.

The applicant reports that not all mining and processing equipment will be operating in the same location at the same time and provided an alternative analysis in the mining permit application, which will be referred to as the Applicant Scenario.

RECEPTOR	WORST CASE SCENARIO (dB)			APPLICANT SCENARIO (dB)		
	Predicted	Avg. Ambient	Difference	Predicted	Avg. Ambient	Difference
13177 Sanford Rd. (175 Ft.)	60	45	15	50	45	5
13199 Sanford Rd. (300 Ft.)	55	47	8	50	47	3

** Assumes and includes a 16 dB reduction for earth berm and associated vegetation*

DEC noise guidance states that an increase of more than 6 decibels above ambient levels may cause complaints. Noise affects are reduced by factors such as increased distance, topography blocking the line of site and the presence of vegetative buffers.

As shown by Table 3, the anticipated difference between the predicted and established ambient noise levels exceed 6 decibels at the 175 foot receptor using the Worst Case Scenario, but is less than 6 decibels using the Applicant Scenario. The Applicant Scenario places equipment at the predicted operating locations within the LOM; the Worst Case Scenario assumes all mining and processing equipment will be operating at the same location at the same time, which will not be the case for the Martville Mine.

Upon consultation with DEC Division of Minerals Staff, it was determined that the Applicant Scenario is a reasonable approach. As such, the Applicant Scenario will be used in concert with the Worst Case Scenario to assess the potential noise impacts from mining activities. To further reduce potential noise impacts to the residence at 13177 Sanford Rd., the applicant has agreed to close and reclaim the North Entrance Road, which is directly across from the residence. The closure and reclamation of the North Entrance Road will be conditioned in the DEC Mined Land Reclamation Permit.

In a letter dated February 17, 2015, the applicant states that the height of the soil berms will be 7 feet, with a minimum berm base width of 14 feet. Other possible strategies employed for managing and mitigating noise generated from mining operations will include the planting of trees and shrubs, the use of fencing, increasing berm size and the strategic placement of stockpiles. Changing of the mining sequence to begin mining further back in the LOM area to take advantage of noise reduction from the mine face is also a possibility. However, changing the mining sequence phases would require additional archeological studies before the proposed mining operations can begin.

Dust:

The applicant states that appreciable dust will not be generated by processing. Any dust generated from equipment and truck movement will be controlled by the addition of water as necessary. The haul road will be graded, watered or treated with approved dust palliatives as necessary to control dust. A water truck will be filled at the well shown on the Mining Plan Map and used to spray the mine floor and internal roadways. The intersections of the mine haul roads will be watered and swept as appropriate to control mud and dust.

AIR: Air emission sources from this facility include mining and processing equipment. Air emissions from this facility will comply with all requirements of State and Federal law. Emission sources for this facility will be covered under the Department's facility registration system, or a State Air Facility Permit or Registration, as appropriate. Portable rock crushers with a processing capacity of more than 150 tons per hour are required to have a State Air Facility Permit Registration. Dust emissions exceeding Title V of the U.S. EPA Clean Air Act thresholds are not anticipated.

CULTURAL AND VISUAL RESOURCES: The project is in an area shown on the Statewide Archaeological Inventory Map as having the potential for significant cultural or archaeological resources. As such, the applicant was required to conduct a Phase 1B Archeological Field Reconnaissance study for the first phase (Phase 1) of the proposed mining sequence. The report was produced on November 6, 2014 by Alliance Archeological Services and provided to the New York State Office of Parks, Recreation and Historic Preservation (SHPO) for review. Alliance Archeological Services concluded that no cultural materials or cultural features were identified during the Phase 1B field investigation. On November 25, 2014, SHPO determined that the proposed project will have no impact on archeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. Mining Phase 1, and subsequent phases are shown on the Mining Plan Map provided by the applicant. Additional archeological studies will be required before future proposed mining can be approved by the DEC in mining phases 2, 3 and 4. As such, the mined land reclamation permit would be conditioned to require the above mentioned archeological studies.

There will be minimal visual impact from the development and operation of the mine. The mine site is in a rural and agricultural setting with low residential density. Setbacks, elevation of the mine floor below surrounding grades, natural vegetative screening and use of berms have historically, and will continue to, minimize views of the mine site.

Elevations of homes across from the mine along Sanford Road range from about 397 to 455 feet above mean sea level. Trending southwest to northeast, the Reclamation Plan Map and accompanying Geological Cross-Section map show that the final mine floor is predicted to range from 378 to 411 feet above mean sea level. As such, as mining progresses, a significant portion of the mine floor will be lowered below the direct line of site from the residences. Additionally, middle aged trees with mature heights of 40 to 60 feet around the LOM boundary will provide additional visual screening.

FISH AND WILDLIFE: There will be no significant adverse impact to wildlife species within the LOM. Habitat values and land cover diversity are limited on the site due to the relatively short growing season, and a landscape that is increasingly dominated by mid successional (middle aged) forest. There will be some disruption and dislocation of wildlife species and loss of existing habitat during the operational life of the mine. This impact is unavoidable because of the human intrusion, equipment operation, stripping of vegetation and topsoil, and excavation of sand and gravel which are inherent to sand and gravel mining. Reclamation to a meadow will diversify the landscape and provide new habitat opportunities for animals that require and benefit from grassland habitats.

The applicant states that potential impacts to Indiana bat habitat (Indiana Myotis) a state and federally listed endangered species, will be addressed by restricting tree cutting and clearing to a period between November 15 and March 31. The Indiana bat hibernates in hard rock mines and caves, but males and females roost in crevices and under the bark of trees during the warmer months of the year. Female Indiana bats form maternity colonies, giving birth and raising their young in tree roosts.

There will be no impact to any aquatic resources from the development and operation of the mine. There are no aquatic or fisheries resources, or threatened or endangered plant or animal species known within the project area.

LAND USE PLANNING & ZONING: Local land use planning and land use decisions are at the discretion of local government. DEC jurisdiction over mining does not preclude the Town's rights to plan and regulate land use development. As it relates to other land use impacts, the Department finds that significant, long term adverse impacts are unlikely should this mine be developed as proposed and mining activities proceed under a valid mining permit. Land affected by surface mining in the production of saleable aggregate products, in compliance with the policies and regulations of the Mined Land Reclamation Law (MLRL), does not inevitably result in the elimination of future beneficial uses for that land. The enforcement of the MLRL permit, which includes an adequate reclamation bond held by the Department over the entire operational life of the mine, and the approved final reclamation, further ensures that the long term impact of mining at this site will not result in adverse impacts.

The property and surrounding lands are zoned Agricultural/Residential (A/R) as described by the Town of Sterling Land Use Regulations, dated June 23, 2014, and available at: <http://www.cayugacounty.us/portals/1/sterling/government/laws/index.htm>. The AR District is intended for portions of the town where open space is important, both for the purposes of farming and to maintain the rural character of the community. This district is intended to accommodate the continued use of existing farms while allowing for low density residential development.

Mining in the A/R Zoning District requires a Special Use Permit from the town of Sterling. Section 10.5 (J) on page 48 of the Town of Sterling Land Use Regulations provides Conditions Applicable to Special Use Permits in the town. The Town will be a participant in the coordinated review of this project and will be able to recommend conditions regarding property line setbacks, access barriers, dust control, and hours of operation for inclusion in the Department's approval.

OTHER: This application review and significance determination is only for the current 35.8 acre LOM area included in this application. Any future modification which, in the judgment of the Department, results in a material change in the environmental conditions at the site, or in the scope of the permitted activity or would require one or more changes to any Mined Land Reclamation Permit Conditions will be considered a new application and will be reviewed pursuant to all applicable regulations.

For Further Information:

Contact Person: John M. Clancy - Environmental Analyst
Address: NYS DEC, 615 Erie Blvd. West, Syracuse NY 13204-2400
Telephone Number: (315) 426-7445
E-mail Address: John.Clancy@dec.ny.gov

For Type I Actions and Conditioned Negative Declarations, a copy of this Notice shall be sent to:

Mr. Christopher J. Ferlito, Applicant
Mr. Randy Lawrence, Town of Sterling Supervisor
Regional Office of NYS DEC



February 11, 2015

Mr. Thomas Giles, Geologist
17002 Witt Road
Chaumont, NY 13622

RE: NYS Mined Land Reclamation Permit
Martville Mine
DEC Application ID No. 7-0556-00276/00001, Cayuga County (T) Sterling
Preliminary Review of Permit Application Materials

Dear Mr. Giles:

Department staff have completed a preliminary review of the application materials for the Martville Mine. We offer the following comments and require the additional information listed below.

A. General Items

- 1.) Additional technical information may be requested as our review progresses and the requested supplemental information is provided. We have not yet made a determination of significance (negative or positive declaration); that decision will await your response to this notice. This project will require publication in the Department's Environmental Notice Bulletin (ENB) and a local newspaper, with a 30 day public comment period. I will provide more detail when the application is deemed complete.
- 2.) Please complete the enclosed Full Environmental Assessment Form (Full EAF). The Full EAF included with the original application has recently been updated. DEC's EAF mapper, available at: <http://www.dec.ny.gov/eafmapper/> can be used to create a fillable PDF of the form.
- 3.) Based on the description of the mining project provided in the Environmental Assessment Form (EAF) for Mined Land Reclamation Projects, the processing equipment will have a maximum capacity of 200 tons per hour. Processing equipment that is capable of producing more than 150 tons/hour may require an air registration. It is possible that the processing equipment may be exempt from an air registration. Please contact DEC Regional Air Pollution Engineer Reggie Parker at (315) 426-7554 to determine if an air registration is required.

- 4.) Please provide three printed copies, and, if possible, an electronic copy of future submissions, including plans and maps, will be required for our review.

B. Permit Application Items (Compiled by DEC Minerals Resources Specialist)

Mine Plan Narrative (Requested Changes are in **Bold**)

- 1.) Page 3, “All stumps or unusable wood by-products will be buried on site under a minimum of 2 feet of **compacted** cover”.
- 2.) Page 3, paragraph 3. Please add “**As soon as phase 1 and then subsequent phases are entered, berms will be mulched/seeded upon construction.**”
- 3.) Page 4, When was the groundwater encountered at three feet deep in a test pit in the existing location? Where in the current mine floor? Most mines requesting above water-table excavation require a 5 foot separation from the water table. Without backfilling this previous excavation done by others, a minimum of 5 feet will be required over the rest of the Life-of-Mine and the permit will be conditioned as follows: **All must be conducted at least 5 feet above the mean annual high groundwater table. The permittee must dig test holes in the mine floor at least five feet deep during the annual period of high ground water each year in order to determine compliance with this condition.**
- 4.) Page 4, Air quality: Where will the water come from and how will it be used? By water truck or some other method?
- 5.) An initial berm should also be started on the western portion of phase 1 with any additional overburden.
- 6.) An internal calculation review of noise levels after cumulative and mitigation measures was reviewed, the resulting Sound Pressure Level should be 55 decibels.

Cross Section B-B' & Cross Section A-A'

- 1.) The distance from the Life of Mine to the property line is 100 feet as shown on the Reclamation Plan map (B-B'). Please correct.
- 2.) The final floor elevation should be shown to be 5 feet above the water table. This should be reflected in the mining Narrative also. Please update the Narrative and Geologic Cross Section Map.

Reclamation Plan Map & Mining Plan Map

- 1.) The South entrance haul road design should be redesigned to make it more practical for truck travel. (i.e.) Not a 90 degree turn into the mine and internal travel. This revised design should be shown on both maps. The Reclamation Plan should show the removal of the

principal mine haul road being eventually reclaimed, leaving one access for future property use.

C. Additional Items

Noise

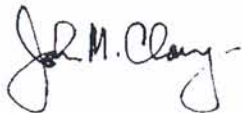
Please determine the ambient noise level range and the average ambient sound levels for the residential receptor closest to the mining site. Based on measurements taken using Google Earth and the Department's Geographic Information System, the closest receptor appears to be at 13177 Sanford Road (Tax Map No. 20.00-1-62.21), which is about 175 feet from the north mine entrance. The residence used for noise analysis referenced on the June 2014 Mining Plan Map is at 13199 Sanford Road (Tax Map No. 20.00-1-62.12), which is about 300 feet from the proposed Life of Mine Boundary. Please reassess, and include in your analysis the noise impacts at 13177 Sanford Road.

Traffic

Please provide an analysis of the impacts from truck traffic associated with the proposed mining operations. At a minimum, your analysis should describe proposed truck traffic routes, the type of vehicles that will travel to and from the mine site, and the impact to local traffic from the vehicles. Please also assess and discuss the impact of truck traffic to the stability of the roadway and its ability to sustain the proposed traffic levels. Your analysis should also consider the impact of truck route roadway geometry to traffic safety. Include operational procedures or practices that will be employed in order to keep all mine access roads intersecting paved or public roads free of any spilled or tracked material. Please include in your analysis mitigation measures that will reduce any significant impacts. Once we receive your analysis, we will solicit input and comment from those highway departments having jurisdiction over the various segments of the traffic routes. Please be specific.

Please contact me at (315) 426-7445, or at John.Clancy@dec.ny.gov if you have any questions relating to the status of this application or the information requested in this letter. You may also contact Lucas Mahoney, Region 7 Division of Minerals Resources (DMR) Supervisor at (315) 426-7461.

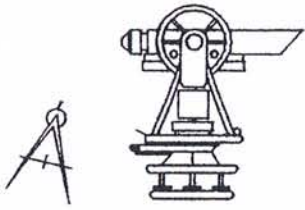
Respectfully yours,



John M. Clancy
Environmental Analyst

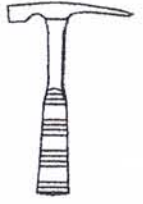
Enclosure (Full EAF)

Cc: Lucas Mahoney, Region 7 DMR Supervisor (w/o Enclosures)/Town of Sterling Supervisor Lawrence (w/o Enclosures)/Mr. Christopher Ferlito (w/o Enclosures)/Mr. Michael Spadafore, Region 7, DMR Minerals Resource Specialist/(w/o Enclosures)



Thomas Giles

GEOLOGIST



John M. Clancy
NYS DEC Div. of Env. Permits, Region 7
615 Erie Blvd. West
Syracuse, NY 13204-2400

February 17, 2015

Re: Preliminary Review
Christopher J. Construction, LLC.
Martville Mine, 7-0556-00276/00001
Town of Sterling, Cayuga County

Dear Mr. Clancy:

Changes have been made to referenced Mined Land Use Plan in accordance with the preliminary review dated February 11, 2015.

A. General Items

- 1) The applicant is aware that a public comment period will be required at the appropriate time.
- 2) The information from the outdated Environmental Assessment Form has been used to prepare the current Environmental Assessment Form.
- 3) The applicant has discussed the processing equipment with the DEC Regional Air Pollution Engineer Reggie Parker. The determination was made that since only screening equipment was proposed, but not crushing equipment, the air permit would not be required.
- 4) Three hard copies and a CD containing the electronic copies are enclosed.

B. Permit Application Items

Mine Plan Narrative

- 1) All stumps or unusable wood by-products will be buried on site under a minimum of 2 feet of compacted cover.
- 2) The height of the berms will be a minimum of seven feet, and the minimum width of the base will be 14 feet. As soon as phase 1 and then subsequent phases are entered, berms will be mulched/seeded upon construction. After vegetation is established on the berms, the silt fence may be removed.
- 3) The elevation of Sterling Creek south of the proposed mine is approximately 358 feet above sea level. The groundwater was encountered at three feet deep in a test pit in the existing excavation. The test pit is located near where the access road enters the mine as shown on the Mining Plan Map. The test was excavated in the spring of 2014. The elevations shown on the cross

sections are extrapolated from these known elevations. A minimum of five feet of undisturbed material will be maintained above the seasonal high groundwater elevation. The permittee will dig test pits in the mine floor at least five feet deep during the annual period of high groundwater each year in order to determine compliance with this condition. The resulting mine floor will be relatively dry and will not result in wetland habitat.

- 4) A possible dust source could be the haul road, but it will be graded, watered or treated with approved dust palliatives as necessary to control dust. A water truck will be filled at the well shown on the Mining Plan Map and used to spray the mine floor and internal roadways. The small quantity of dust that is generated will not leave the site.
- 5) The initial berm on the western portion of phase 1 is shown on the revised Mining Plan Map.
- 6) The Potential Noise Exposure calculations have been revised as appropriate.

Cross-Section B-B' & Cross-Section A-A'

- 1) The property line setback has been corrected on Cross-Section B-B'.
- 2) The final floor elevation has been corrected on Cross-Section B-B' & Cross-Section A-A'.

Reclamation Plan Map & Mining Plan Map

- 1) The sharp bend in the south entrance haul road has been changed to a curve with a 50' radius to make it practical for use with loaded dump trucks. The access road that will not remain has been removed from the Reclamation Plan Map.

C. Additional Items

Noise

Calculations for the residence at 13177 Sanford Road have been added to the Potential Noise Exposure Table. The residence at 13177 Sanford Road is slightly closer to the north driveway, but slightly farther from the extractive Life of Mine Boundary. The resulting noise level increases from 54 decibels at 13199 Sanford Road to 55 decibels at 13177 Sanford Road. This increase is not significant, because loaded trucks will use only the south driveway.

Traffic

The two existing haulageways and existing stabilized construction entrances shown on the Mining Plan Map will be used for mine access. The north haulageway will only be used by traffic entering the mine. The south haulageway will be used by traffic exiting the mine. The sight distance from the south haulageway is excellent in both directions along Sanford Road. The view to the north from the north haulageway is limited by the steep hill. For this reason the north haulageway will not be used by traffic exiting the mine. Loaded trucks will only travel south on Sanford Road. Loaded trucks will then travel the short distance westward to NYS Route 38 on County Route 112 (Pople Road). Loads will then travel to customers using NYS Route 38 to the north and south or NYS