Town of Berlin Zoning Board of Appeals

Rensselaer County, New York

Request for Special Use Permit

Please type or print all information and submit in triplicate. Use additional pages as necessary. Any consultant costs wi be borne by applicant.

Permit Number: _____ **Appeal No.** _____

Fee: _____ **Zone:** _____

General Information *who and where*

Request Special Use Permit for: Sand & Gravel Extraction

Applicant(s): Roger Vincent

Applicant's Address: 2671 Plank Rd, Berlin, NY 12022

Tax Parcel No: 129-2-5.1 **Street Address of Parcel:** 2671 Plank Rd, Berlin, NY 12022

Legal Description of Property: Deed Book 1453 Page 00011

Request for Special Use *what the permit is for*

- Under provisions of Chapter ___ Article 6 Paragraph B2 from the Land Use Ordinance of Town of Berlin .
- **Reason for Request** Sand & Gravel Extraction
- **Present Use of Property:** Residential, Farming, Logging
- **Present Use of Building:** n/a
- **Number of Families:** 1

Lot Specifications *why you qualify*

Explain completely wherein your case conforms to each and all of the following requirements:

- **That the strict applications of the Land Use Regulations would result in practical difficulty or unnecessary hardship that would prevent the reasonable use of the land or building involved:** No adverse effects to the local area have been identified. Located in area zoned for proposed use pending approval of Special Use Permit
- **That there are special or exceptional circumstances or conditions applicable to the property involved, or to the intended use or development of the property involved, that do not generally apply to the other property in the same district or neighborhood:** The property contains a glacial kame containing quality sand and gravel.
- **That the granting of the variance will be in harmony with the general purpose of the Land Use Regulations and will not be injurious to the district or neighborhood in which the property is located nor otherwise detrimental to the public welfare:** Site located in a rural area, cannot be seen from surrounding area, is located on a road with adequate capacity and service.

Additional Information *what else is needed*

The following items, in triplicate, must accompany application as applicable.

- Strip map showing location of property.
- Dimensioned plot plan showing proposed construction and adjacent property.
- Dimensioned, scaled, drawings indicating proposed building area or elevation changes.

6 May 2013 Roger Vincent

Date **Signature of Applicant(s)**

Do not write below this line

On _____, the Zoning Board of Appeals of the Town of Berlin met in open and gave consideration to the above Request for Variance by the Appellant. The resolution of the Board was to ☐ ALLOW the variance.

☐ DISALLOW

_____ _____

CHAIR SECRETARY

MINED LAND RECLAMATION PERMIT APPLICATION
MLF #40912

PROPOSED VINCENT MINE
2671 COUNTY ROUTE 40
TOWN OF BERLIN
RENSSELAER COUNTY, NEW YORK

Prepared for:

Roger Vincent
PO Box 401
Berlin, NY 12022

Prepared by:

H2H Associates, LLC
179 River Street
Troy, New York 12180

September 2012
Revised April 2013

TABLE OF CONTENTS

FIGURES

APPENDICES

1.0 INTRODUCTION

This document provides Roger Vincent's application to the New York State Department of Conservation (NYSDEC) for approval of a Mined Land Reclamation Permit for the operation of a sand and gravel mine located in the Town of Berlin, Rensselaer County, New York.

The mine operation will provide for final reclamation as a pasture in accordance with Article 23, Title 27, of the New York State Environmental Conservation Law and known as the Mined Land Reclamation Law.

2.0 EXISTING CONDITIONS

The Site is located at 2671 Plank Road (County Route 40) in the Town of Berlin, Rensselaer County, New York and is situated on the moderately to steeply sloping western wall of a glacially carved valley (Figure 1). The Site has historically been utilized for logging. As a result the Site and surrounding area are composed of young woodlands (<20 years). A glacial kame composed of sand and gravel is located in the central northern portion of the Site. The kame has historically been mined for sand and gravel in limited quantities for use on the property. As a result, a mine face exists on the southern end of the kame. Approximately 0.44 acres have been affected by past mining activities. A seasonal intermittent stream flowing north-south is located along the central portion of the property.

According to the Natural Resources Conservation Services' (NRCS) National Cooperative Soil Survey (NCSS for Rensselaer County) dated December 20, 2011, the soil found at the site is Buckland very stony loam, moderately steep (BuD). This soil is formed on hills and ridges and is well drained, has a moderately low to moderately high capacity to transmit water (Ksat: 0.6 to .20 in/hr), no frequency of flooding or ponding, and has a low available water capacity (about 3.8 inches). The parent material is a loamy till derived mainly from phyllite and schist with a small amount of limestone.

Site access is via an unpaved road that extends off of County Route 40 (Figure 2). Topographic information is based on the USGS 7.5 Minute Taborton, NY Quadrangle dated 2010. This topographic information was used by H2H Associates, LLC (H2H) to create the Mining Plan (Figure 2) and Reclamation Plan (Figure 3) maps.

3.0 PROPOSED PERMIT CONDITIONS

Sand and gravel is to be mined from the Site and sold into the open market on an on-demand basis. The sand and gravel extraction process consists of a single-person operating a front-end loader and/or a single person operating an excavator. The loader/excavator operator services customers as they drive into the operation. Material is loaded into haul trucks either directly from active faces or from stockpiles located on the mine floor. There are no permanent on-site structures at the Site. No processing plant is proposed. A static grizzly screen with no mechanized parts will be utilized for making material 2 inches in size and smaller. The sieve has no engine and does not vibrate.

The mine face will not exceed a total height of fifteen feet. No groundwater will be encountered as a result of the mining activities. The proposed hours of operation are Monday through Friday 6 AM to 5 PM and Saturdays 6AM to 3 PM.

3.1 PROPOSED AFFECTED AREA (10.0 ACRES)

The total acreage controlled at this location is 87.0 acres; within this area, 10.0 acres are proposed for mining and mining related activities (Figure 2).

The proposed Affected Area has historically been utilized for logging and consists of young woodlands (<20 years). A glacial kame composed of sand and gravel is located in the northeastern portion of the proposed Affected Area. The kame has historically been mined for sand and gravel in limited quantities for use on the property. As a result, a mine face exists on the southern end of the kame. Approximately 0.44 acres have been affected by past mining activities. The previously affected 0.44 acres have been included in the 1.0 acre stockpile and support area as it is an existing level, cleared area. A seasonal intermittent stream flowing north-south is located along the central portion of the property to the west of the proposed Affected Area. As indicated on the Mining Plan Map (Figure 2), a 25 foot buffer and berm was established between the mine and the intermittent stream. A topsoil berm was placed along the edge of the Affected Area, between the stream and the Excavation Area, to further prevent any material originating at the mine from entering stream.

The unmined portions of the active mining area currently consist of wooded slopes surrounding the boundaries of the excavation area. Excavation of the proposed mining area will continue laterally from within the active face along the approximate north-south axis of the kame. During the initial permit term, topsoil and subsoil removal will occur in the proposed 1.76 acre Phase 1 Excavation Area (Figure 2). Active stripping will occur from the active mining area outwards to the permit limit in advance of the excavation activities. Both topsoil and subsoil will be stockpiled in separate windrows located along the northern, southern, northeastern and western limits of the Affected Area boundary (Figure 2). A buffer will be maintained between the mine face and the topsoil and subsoil windrows to ensure undermining does not occur.

Several test pits were dug within the affected to determine topsoil and subsoil thicknesses. Test pits revealed a topsoil thickness of approximately six inches and a subsoil thickness of approximately 22 to 24 inches. Based on these thicknesses, each Phased Excavation Area will contain approximately 1,613 cubic yards of topsoil and 6,450 cubic yards of subsoil. Stripped topsoil and subsoil will be stockpiled within the respective Phased Excavation Area it was stripped from and will be replaced on all affected areas in a quantity equal to or greater than the amount stripped upon completion of mining.

4.0 ENVIRONMENTAL

4.1 VISUAL

The visual impact analysis was conducted utilizing topographic information obtained from USGS 10 meter resolution DEM data as well as localized site survey and spot elevation information. In addition, 24 inch resolution orthoimagery collected in 2011 as part of the New York State Statewide Digital Orthoimagery Program is utilized behind topographic information for base mapping purposes. Line-of-sight profiles were chosen based on the identification of neighboring receptor locations. The target areas used as the basis for evaluating visual impacts are the final reclaimed configuration of the proposed mine limits and associated stockpiles.

As illustrated on the attached Line of Sight Profiles map (Figure 5), there will be no adverse visual impacts to the surrounding community and neighboring receptors. The mine will not be visible to the neighboring receptors and surrounding area. The surrounding topography and vegetation will shield the area from mining operations.

4.2 NOISE

4.2.1 Noise Source Sound Levels

The current Stockpile and Support Area have been identified on the Mining Plan Map (Figure 2) and will remain at this location throughout the life of the operation. The projected noise levels in the assessment were generated based on the premise that all processing operations will occur at these locations. The primary Site noise sources used to project facility sound impacts at local receptors are listed below in Table 1.

Table 1 - Primary Project Noise Source Sound Levels (dB) at 50 feet (unobstructed view)

Sound Source	Description	Sound Level (dB)
Front-end Loader	200 horse power	86*

*Maximum sound at full throttle

4.2.2 Projected Noise Levels at Sensitive Receptors

Community ambient sound levels are generally controlled by nearby industrial activities, local and distant traffic, topography, vegetation, wind, and insect populations. Rural ambient levels are generally considered to be around 45 dBa. As summarized in Table 1, short-term equivalent sound levels measured for the type of equipment used at the Site is approximately 86 dB at full throttle at a distance of 50 feet.

The area surrounding the Site was surveyed to identify potentially "noise-sensitive" receptors, which in this area is represented by single family residences. Abutting land use consists mainly of sparsely populated, rural, wooded residential areas surrounding the Site. Figure 2 shows the location of the key local residential receptors identified above and on the list below

Key Residences/Structures	*Distance to Processing Area (feet)*	*Surface Elevation (feet amsl)**
R-1	1,410	1,140
R-2	1,535	1,020
R-3	1,590	925

Key local receptors were selected based on criteria, such as distance from the processing facility (noise source) and changes in elevation. Distance is the most crucial factor because sound naturally attenuates over distance. The key receptors listed above were chosen due to their close proximity to the Site, as all lie within 1,500 feet of the source (processing facility area). At distances beyond 1,500 feet, using natural sound attenuation and the noise levels produced by the on-site equipment, increases in sound levels are considered to be negligible.

Straight-line noise attenuation is generally applicable for determining sound levels at the property boundaries and residential receptor locations. Noise impacts associated with operations are the result of sound from several individual noise sources. The total noise impact, therefore, is the result of the combined impact of each individual noise source located at the Site. Since the front-end loader is the only piece of motorized equipment being used at the site, no additive effects from operating multiple pieces of equipment at the Site were applied. For purposes of this study, noise associated with operations was assumed to be continuous and at full throttle thus representing a "worst-case" scenario regarding noise impact.

Table 2 - Estimates of Facility Sound Levels (dB) at Sensitive Receptor Locations*

A	B	C	D	E	F
Location	Approximate Distance to Source (feet)	Operational Sound Level at 50 feet (dB)	Rural Ambient Sound Level (dB)	Maximum Estimated Sound Level at Receptor Location (dB)*	Δ
R-1	1,410	86.0	55.0	57.4	12.4
R-2	1,535	86.0	55.0	56.5	11.5
R-3	1,590	86.0	55.0	56.1	11.1

* Assumes front-end loader operating at full throttle at all times. Following the inverse square law (sound pressure levels change in inverse proportion to the square of the distance from the sound source), the "worst-case scenario" estimate of predicted sound levels at receptor locations are provided in Column E of Table 2. No noise reduction due to vegetation, topography, wind, temperature, etc. are provided in this calculation.

As shown in Column F of Table 2, sound level reduction over distance calculations indicate that an increase in sound levels should be experienced by the residential receptors as a result of operation of the processing equipment. This is based on a 'worst-case' scenario of a front end loader operating at full throttle at all times. In addition, the calculation predicts sound levels based solely on distance from the source. No noise reduction due to vegetation, topography, wind, temperature, etc. are provided in this calculation. It is unlikely that the operation will produce.

The location of primary sound sources (front end loader operating in the mine at a lower elevation behind the mine face and generally further away from the measured affected area boundary), berms, vegetation, and topography will significantly minimize sound levels generated by mining operations at the Site. A mixture of coniferous and deciduous trees surround the Site. Studies have shown that vegetation is an effective noise barrier and can absorb and scatter about 5 dB per 100 feet of distance. In addition, berms will be placed between the mine perimeter and the residential receptors to further reduce sound levels. These noise attenuating features are expected to significantly reduce Site noise levels. As a result of these features we would expect any increases in sound levels to be below 6 dB. Based on the results of this assessment, it is concluded that the noise impact associated with the mining operations is expected to be minimal.

4.3 TRAFFIC

According to Scott Gallery, Rensselaer County Road Superintendent, approximately 662 vehicles travel Plank Road (County Route 40) daily. A maximum of 8 trucks per hour, with an average of 2 trucks per hour, is estimated to be generated per hour as a result of the proposed mine. A comparison of existing versus proposed traffic supports the conclusion that truck traffic generated by the operation of the mine will not have a significant impact on local roads. The capacity and level of service on County Road 40 is adequate for the proposed project and would not be affected by peak traffic volumes.

4.4 GROUNDWATER

Depth to groundwater is estimated to be greater than 20 feet. As a result no groundwater is expected to be encountered as a result of the mining activities. All mining activities will take place above the groundwater table. No mining will take place within 5 feet of the mean annual high groundwater table. Test holes at least five feet deep will periodically be dug in the mine floor to ensure this buffer is maintained.

4.5 BEDROCK

Bedrock is not anticipated to be encountered at the site. No mining will take place within 5 feet of the bedrock surface. Test holes at least five feet deep will periodically be dug in the mine floor to ensure this buffer is maintained.

4.6 STORMWATER

To support the active mine operations, surface water runoff from the affected mine area will be collected in a sump situated within the limits of the affected mining area. Calculations and design options to determine if storm water run-on and run-off can be contained within the project area were completed. Calculations indicate that peak discharge from the 100-year storm cannot be contained on site. If necessary, any impounded surface water runoff will be discharged onsite via pumping to the secondary unnamed tributary of the Little Hoosic River. This discharge will require a State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit (MSGP). The land use of the industrial facility to be permitted under the SPDES Sector-J and Sector-P Multi-sector General Permits (MSGP) for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) is Sand and Gravel Mining (SIC# 1442 and 1446). Roger Vincent intends on submitting a Notice of Intent (NOI), under separate cover, to gain coverage under the SPDES MSGP.

5.0 PROPOSED MINING SEQUENCE

Excavation and reclamation of the 10.0 acres will occur in four separate phases, comprising 1.76 to 1.96 acres each, as depicted on the Mining Plan Map (Figure 2). The phased mining approach will allow reclamation to occur concurrently with ongoing mining operations as the pit expands. Reclamation of each phase will begin after the excavation of sand and gravel in that phase is complete so that no more than 3.44 acres (Phase 3) of active mining area is exposed at one time. It is necessary to begin pre-excavation activities (i.e. overburden removal and haul road construction) at the next phase to be mined prior to the completion of the current phase being excavated. This ensures that there is no mixing of overburden with the sand and gravel and that there is a constant supply of material available for the production of sand and gravel from the pit.

The mining sequence for the excavation of the Phase 1 Excavation Area will occur outwards and at lower elevations within the active faces. Mining of the sand and gravel will be accomplished in two basic steps:

1. Excavation of material by front-end loader, dozer, or excavator; and,
2. Load the material directly onto trucks for offsite transport or process the material through the grizzly screen prior to being transported off of the Site.

As the mine face is being worked towards the adjacent permit term excavation boundary, the proposed overburden removal will begin in the next phase Excavation Area.

5.1 STRUCTURES

Currently there are no structures onsite (e.g. processing facilities, buildings, permanent utilities, etc.) and no permanent building construction will occur onsite; all required support facilities will be "mobile" or "temporary" features whose location (by definition) will vary as site development progresses.

A front-end loader, dozer, or excavator will be used for the active mine operations. A basic dump sieve is proposed for making material 2 inches in size and smaller. The sieve has no engine and does not vibrate. A water truck will be used for onsite dust control. Equipment fueling is anticipated to be provided by an

offsite fueling contractor, such that onsite bulk storage of diesel fuel will not be required. Routine equipment maintenance will be conducted onsite; major equipment repairs will be provided offsite, using a lowboy for offsite equipment transfer.

A trailer may be staged onsite if warranted by business demands, within the affected area, for use as an office and site control center. No permanent utilities will be extended to the site. A two-way radio system will be used for onsite communications and mobile telephones will be used for offsite communication, including emergency response notifications. An electric generator will be utilized for power for the office trailer, as necessary.

5.2 SITE ACCESS

Site access is via an unpaved road that extends off of County Route 40. A locking gate will be installed across the access road. This gate will be used to control unauthorized vehicle access to the site; the gate will be closed and locked when site personnel are not in attendance at the site. Appropriate signage will be posted at this gate providing information regarding hours of operation, the NYSDEC Mined Land Reclamation Permit Number and emergency contact information.

6.0 RECLAMATION

6.1 RECLAMATION METHOD AND CURRENT RECLAMATION ACTIVITY

The reclamation objective is intended to return the property to open pasture containing native grasses. To achieve this, the perimeter slopes will be graded to 1 vertical to 2 horizontal and the final floor of the mine will be smooth graded to avoid local ponding. The final mine floor will be scarified to promote infiltration. A minimum of three feet of permeable soil will be below the final mine floor elevation to promote long-term infiltration. 8,065 cubic yards of subsoil and 32,265 cubic yards of topsoil will be graded over the entire site and Native Steep Slope Seed Mix with Annual Ryegrass seed mixture will be spread at a rate of approximately 30 pounds per acre, with the exception of the primary access road area. Upon application of the seed mix, the area will be stabilized utilizing erosion control matting as necessary. The Reclamation Map (Figure 3) illustrates the proposed grading plan.

Reclamation of the excavation area will first take place in the Phase 1 Excavation Area after the excavation of sand and gravel in that phase is complete. During the initial permit term, as mining progresses through the Phase 1 Excavation Area, it may be feasible to begin reclamation activities concurrent with mining operations.

6.2 FINAL RECLAMATION

The site will be reclaimed to NYSDEC standards. Where possible, reclamation will be done concurrently with ongoing mining operations. The perimeter slopes will be graded to 1 vertical to 2 horizontal and the final floor of the mine will be smooth graded to prevent localized ponding (Figure 3). A minimum of 6 inches of topsoil will be spread prior to planting the approved seed mixture. Within two years upon completion of mining, final reclamation of the site will be completed.

7.0 COMPLAINTS, ENFORCEMENTS, AND OTHER IMPACTS

There have been no complaints issued by the Town or neighbors regarding the Site.

FIGURES

P:\2012\Roger Vincent\NYSDEC Permit\CADD DRAWINGS\2013 permit revisions\SITE-LOC-MAP 2.dwg, 4/24/2013 3:16:49 PM, mvanflue

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SITE LOCATION MAP

ROGER VINCENT CONSTRUCTION

TOWN OF BERLIN — RENSSELEAR COUNTY, NY

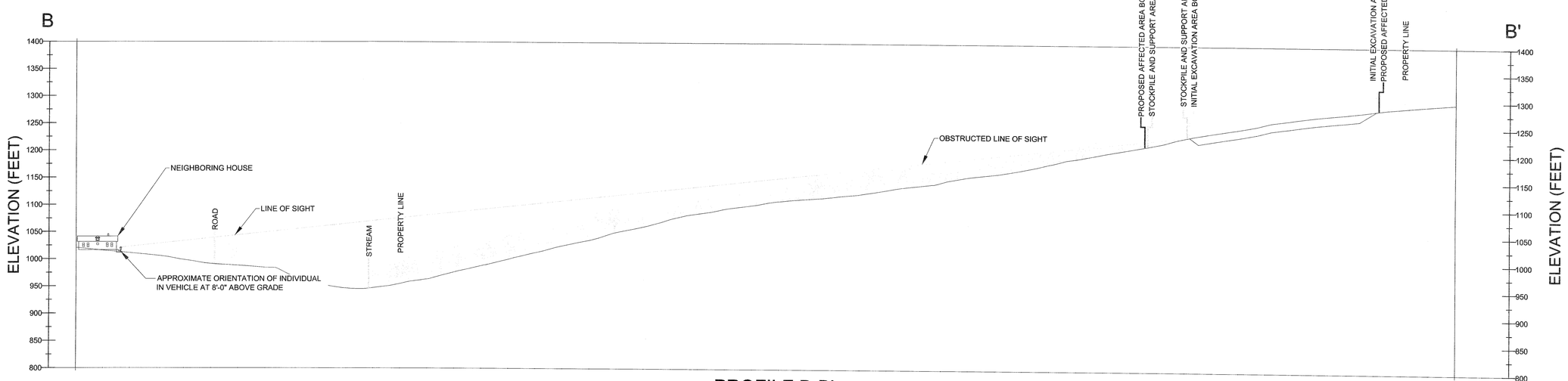
H2H ASSOCIATES, LLC
179 RIVER STREET, TROY, NY 12180, 518.270.1020

FIGURE 1

SHEET 1 OF 5

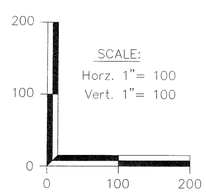
PROFILE A-A'

LOOKING NORTH



PROFILE B-B'

LOOKING NORTHWEST



MAP REFERENCES:

1. TOPOGRAPHY TAKEN FROM USGS NATIONAL ELEVATION DATASET (NED) UPDATED FEBRUARY 2012.
2. PROPERTY LINES WERE OBTAINED FROM THE RENSSELAER COUNTY GIS INTERACTICVE WEBSITE AND ARE APPROXIMATE WHERE SHOWN.
3. HORIZONTAL DATUM = NAD 1983.

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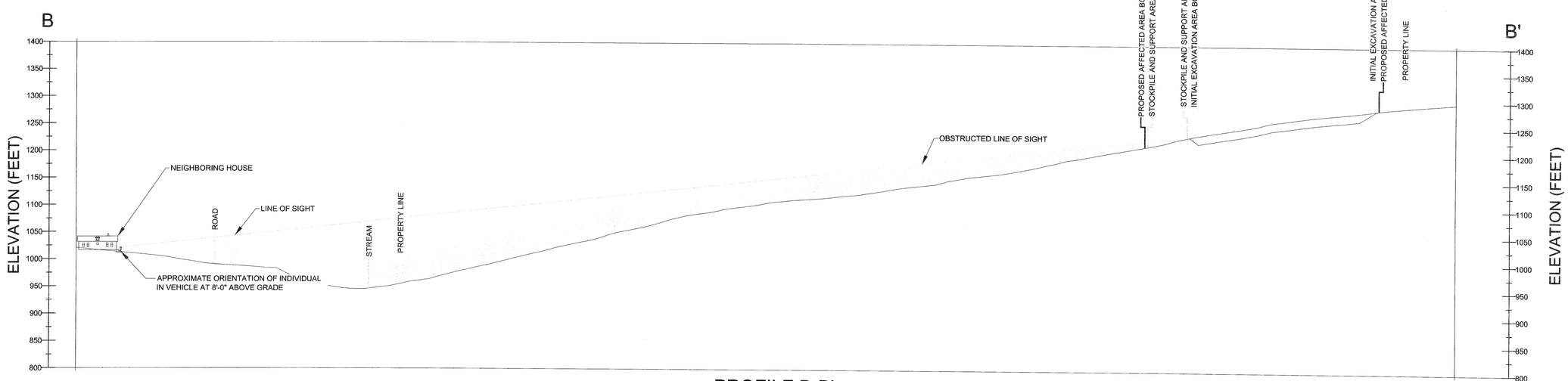
MINE PLAN - LINE OF SIGHT PROFILES
MLF #40912
ROGER VINCENT CONSTRUCTION
VINCENT MINE
TOWN OF BERLIN
RENSSELAER COUNTY, NY

H2H ASSOCIATES, LLC
179 RIVER STREET, TROY, NY 12180
518.270.1620

FIGURE 3

PROFILE A-A'

LOOKING NORTH



PROFILE B-B'

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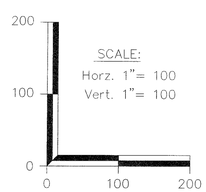

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MINE PLAN - LINE OF SIGHT PROFILES
MLF #40912
ROGER VINCENT CONSTRUCTION
VINCENT MINE
TOWN OF BERLIN
RENSSELAER COUNTY, NY

H2H ASSOCIATES, LLC
179 RIVER STREET, TROY, NY 12180
518.270.1620

FIGURE 3

LEGEND

PROPERTY LINE	87.0 ACRES
PROPOSED AFFECTED AREA	10.0 ACRES
EXCAVATION AREA	
EXISTING MAJOR CONTOUR	
EXISTING MINOR CONTOUR	
RECLAMATION MAJOR CONTOUR	
RECLAMATION MINOR CONTOUR	
ACCESS ROAD (MULTIPLE USE)	
CREEK OR STREAM (DASHED IF INTERMITTENT)	

MAP REFERENCES:

1. TOPOGRAPHY TAKEN FROM USGS NATIONAL ELEVATION DATASET (NED) UPDATED FEBRUARY 2012.
2. AERIAL PHOTOGRAPH WAS OBTAINED FROM THE NYSGIS CLEARINGHOUSE-STATEWIDE ORTHOIMAGERY,. RENSSELAER COUNTY (2011), TOWN OF BERLIN, NEW YORK STATE PLANE, EAST ZONE, NAD 83, US SURVEY FEET ORTHOIMAGERY TYPE: 24 - INCH RESOLUTION 4 BAND DIGITA.
3. PROPERTY LINES WERE OBTAINED FROM THE RENSSELAER COUNTY GIS INTERACTICVE WEBSITE AND ARE APPROXIMATE WHERE SHOWN.
4. CONTOUR LINES SHOWN AT 5 FOOT INTERVALS.
5. HORIZONTAL DATUM = NAD 1983.

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RECLAMATION PLAN MAP
MLF #40912

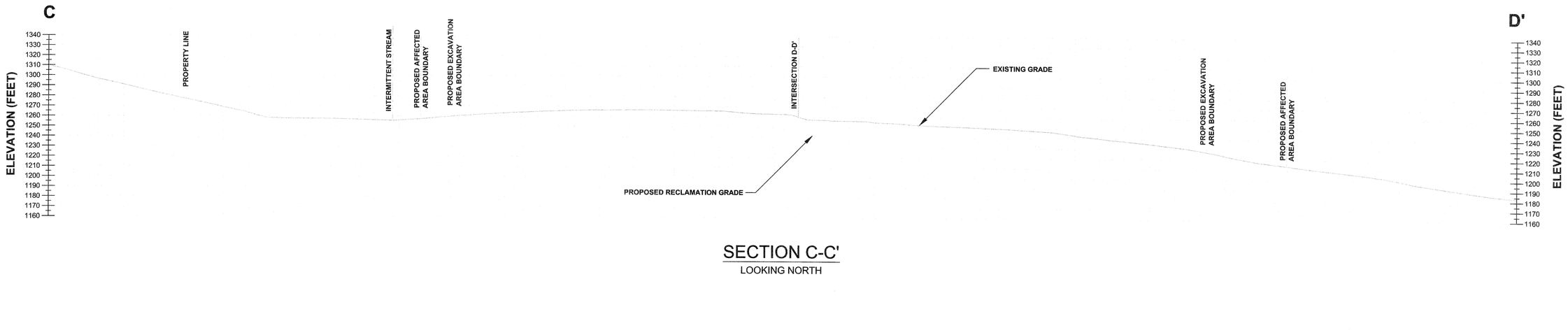
ROGER VINCENT CONSTRUCTION
VINCENT MINE

TOWN OF BERLIN — RENSSELAER COUNTY, NY

H2H ASSOCIATES, LLC
179 RIVER STREET, TROY, NY 12180 518.270.1620

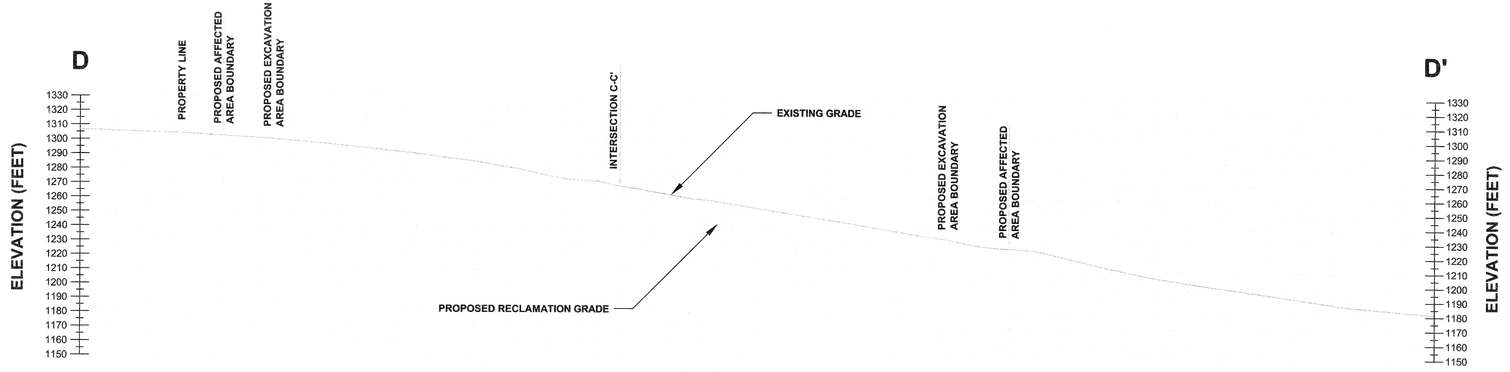
FIGURE 4

SHEET 4 OF 5



SECTION C-C'

LOOKING NORTH



SECTION D-D'

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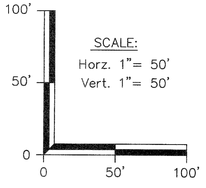

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RECLAMATION SECTIONS

MLF# 40912

ROGER VINCENT CONSTRUCTION

VINCENT MINE

TOWN OF BERLIN — RENSSELAER COUNTY, NY

H2H ASSOCIATES, LLC
179 RIVER STREET, TROY, NY 12180 518.276.1620

FIGURE 5

SHEET 5 OF 5

APPENDICES

APPENDIX A

MINE PERMIT APPLICATION

85-19-2(01-07)-10d

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MINERAL RESOURCES

MINING PERMIT APPLICATION

FOR OFFICIAL DEC USE ONLY
EMIS NUMBER:

1. MINE ID NUMBER: 40812	2. TELEPHONE NUMBER: (518) 658-3703
3. NAME OF APPLICANT: Roger Vincent Construction	
4. PERMANENT ADDRESS: 2671 Plank Road, PO Box 401	
CITY: Berlin	STATE: NY / ZIP CODE: 12022
5. CONTACT PERSON: Roger Vincent	6. TELEPHONE NUMBER: (518) 658-3703

7. MINED LAND PROJECT

		Yes	No
a.	Will the total acreage by mining for the entire mining site exceed 5 acres?	☑	☐
b.	Will the vertical depth from the top of the mine face to the floor exceed 20 feet?	☐	☑
c.	Will there be on-site processing of mining products (eg. crushing, screening, washing)?	☐	☑
d.	Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area?	☑	☐
e.	Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)?	☐	☑
f.	Will mining occur within 500' of any dwelling?	☐	☑
g.	Will mining ever occur at or below the mean high water table?	☐	☑

8. TAXPAYER ID
If other than individual, provide Federal Taxpayer ID Number

9. APPLICATION TYPE: ☑ New ☐ Renewal ☐ Modification

10. a. PRESENT PERMIT TERM — Expiration Date / /
b. COMING PERMIT TERM: ☐ 5 years ☐ Other _____ years

11. COMMON GEOLOGIC NAME OF MINERAL TO BE MINED: Sand & Gravel

12. LOCAL ORDINANCES
a. Is mining prohibited at this location? ☐ Yes ☑ No
b. Does the local government require any type of permit for mining at this location? ☑ Yes ☐ No

13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? ☐ Yes ☑ 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?**
☐ Yes ☑ 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	87.00 acres	_____ acres
b. Total acreage permitted by DEC prior to this application	0.00 acres	_____ acres
c. Total acreage affected since April 1, 1975	0.44 acres	_____ acres
d. Total acreage approved by DEC as reclaimed since April 1, 1975	0.00 acres	_____ acres
e. Current affected acreage (c minus d)	0.44 acres	_____ acres
f. Acreage included in this application, but not previously approved	10.00 acres	_____ acres
g. New acreage to be affected during the coming permit term	2.96 acres	_____ acres
h. Number of acres to be reclaimed during coming permit term	0.00 acres	_____ acres

16. NAME OF MINING SITE: Vincent Mine

17. MINE LOCATION
Road: Plank Road (County Route 40)
Nearest Road Intersection: NYS Route 22
Town: Berlin
County: Rensselaer

18. MAP LOCATION
a. Quadrangle Name: Taborton
b. ☐ 15 minute ☑ 7 ½ minute

FOR DEC OFFICIAL USE ONLY
LATITUDE: _____ LONGITUDE: _____ NAD 83

19. NAME AND ADDRESS OF SURFACE LANDOWNER
Roger Vincent
2671 Plank Road (County Route 40)
PO Box 401
Berlin, NY 12022

20. NAME AND ADDRESS OF MINERAL OWNER
Roger Vincent
2671 Plank Road (County Route 40)
PO Box 401
Berlin, NY 12022

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	DATE	SIGNATURE OF MINERAL OWNER	DATE
Roger Vincent	4/24/13		

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	DATE
Roger Vincent, Owner Roger Vincent	4/24/13

APPENDIX B

ORGANIZATIONAL REPORT

85-15-12 (6/07)–28b

OFFICE FILE NUMBER

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MINERAL RESOURCES
625 BROADWAY - 3RD FLOOR, ALBANY, NEW YORK 12233-6500

ORGANIZATIONAL REPORT

INCOMPLETE FORMS ARE NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY, INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.

Roger Vincent, Owner
2671 Plank Road (County Route 40)
PO Box 401
Berlin, NY 12022

TELEPHONE (518) 658-3703

FAX NUMBER ( ) None

2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.

Roger Vincent
2671 Plank Road (County Route 40)
PO Box 401
Berlin, NY 12022

TELEPHONE (518) 658-3703

3. TYPE OF ACTIVITY (Check those that apply)

- ☐ PRODUCTION–Oil, Gas, Injection or Geothermal Well(s)
- ☐ STORAGE–Underground Gas or LPG Facility
- ☐ PURCHASING–Of Oil or Gas from Others
- ☐ TRANSPORTATION–By Truck or Pipeline for Others
- ☐ SALVAGE–Plug and Abandon Wells for Others
- ☐ DRILLING–Drill Wells for Others
- ☐ SOLUTION MINING–Own/Operate Facility
- ☐ BRINE DISPOSAL–Own/Operate Facility
- ☐ STRATIGRAPHIC–Own Well or Hole
- ☑ SURFACE MINING–Own/Operate Facility
- ☐ UNDERGROUND MINING–Own/Operate Facility

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.

Individual

5. IF A NAME CHANGE, GIVE COMPLETE NAME AND ADDRESS OF PREVIOUS ENTITY.

N/A

6. IF ENTITY IS A CORPORATION OR ASSOCIATION, LIST **ALL** DIRECTORS **AND ALL** OFFICERS. IF PARTNERSHIP, LIST **ALL** GENERAL **AND ALL** LIMITED PARTNERS. ATTACH ADDITIONAL SHEETS IF NECESSARY.

NAME	TITLE
N/A	

7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT.

NAME	TITLE
Roger Vincent	Owner

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 false statements made in this report are punishable as a Class A misdemeanor under Section 210.45 of the Penal Law.

TYPE OR PRINT NAME OF AUTHORIZED PERSON

Roger Vincent

SIGNATURE Roger Vincent

DATE 4/27/13

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 27th DAY OF April 20 13

NOTARY PUBLIC Anne M. Maxon

ANNE M. MAXON
Notary Public - State of New York
No. 01MA4913254
Qualified in Rensselaer County
My Commission Expires Nov. 15, 2013

APPENDIX C

FULL ENVIRONMENTAL ASSESSMENT FORM

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

entify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

gnature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action: Proposed Vincent Mine

Location of Action (include Street Address, Municipality and County)

2671 Plank Road (County Route 40)
Town of Berlin, Rensselaer County

Name of Applicant/Sponsor: Roger Vincent

Address: 2671 Plank Road (County Route 40)

City / PO: Berlin / PO Box 401 State: NY Zip Code: 12022

Business Telephone: 518-658-3703

Name of Owner (if different)

Address

City / PO State Zip Code

Business Telephone

Description of Action:

The applicant is proposing to mine sand and gravel from an approximate 10 acre area located entirely within an 87 acre property owned by the applicant, Roger Vincent. The property is located at 2671 Plank Road (County Route 40), Town of Berlin, Rensselaer County.

Sand and gravel is to be mined from the Site and sold into the open market on an on-demand basis. The sand and gravel extraction process consists of a single-person operating a front-end loader and/or a single person operating an excavator. The loader/excavator operator services customers as they drive into the operation. Material is loaded into haul trucks either directly from active faces or from stockpiles located on the mine floor. There will be no permanent on-site structures at the Site. The proposed hours of operation are Monday through Friday 6 AM to 5 PM and Saturdays 6AM to 3 PM.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☑ Rural (non-farm)
   ☑ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: 10 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	10 acres
Forested	10 acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? Buckland very stony loam (BuD)
   a. Soil drainage: ☑ Well drained 100 % of site ☐ Moderately well drained _____% of site.
   ☐ Poorly drained _____% of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No
   a. What is depth to bedrock >20 (in feet)

5. Approximate percentage of proposed project site with slopes:
   ☐ 0-10% _____% ☐ 10- 15%_____% ☑ 15% or greater 100 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

What is the depth of the water table? >20 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Richard A. Hisert, Ph.D.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

4. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

A stream flowing south-southeast is located approximately 25 feet west of the proposed Life of Mine Boundary.

a. Name of Stream and name of River to which it is tributary

Unnamed tributary to the Liitle Hoosic River.

16. Lakes, ponds, wetland areas within or contiguous to project area:

None.

b. Size (in acres):

17. Is the site served by existing public utilities? ☐ Yes ☒ No

a. If **YES**, does sufficient capacity exist to allow connection? ☐ Yes ☐ No

b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ☐ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 87 acres.

b. Project acreage to be developed: 3 acres initially; 10 acres ultimately.

c. Project acreage to remain undeveloped: 0 acres.

d. Length of project, in miles: _____ (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. _____ %

f. Number of off-street parking spaces existing NA ; proposed _____

g. Maximum vehicular trips generated per hour: 8 (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially				
Ultimately				

i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 75,000 tons/cubic yards.

3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ N/A

a. If yes, for what intended purpose is the site being reclaimed?

Grassland/Meadow

b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 10 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

If single phase project: Anticipated period of construction: NA months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction NA ; after project is complete 2

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☒ No

c. If yes, give name _____ ; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ■ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ■ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ■ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ■ No

21. Will project result in an increase in energy use? ■ Yes ☐ No

If yes, indicate type(s)

Diesel fuel is required to operate the front end loader.

22. If water supply is from wells, indicate pumping capacity 7 gallons/minute.

23. Total anticipated water usage per day 0 - 800 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ■ No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	☐ Yes	☒ No		
City, Town, Village Planning Board	☐ Yes	☒ No		
City, Town Zoning Board	☒ Yes	☐ No	Special Use Permit	
City, County Health Department	☐ Yes	☒ No		
Other Local Agencies	☐ Yes	☒ No		
Other Regional Agencies	☐ Yes	☒ No		
State Agencies	☒ Yes	☐ No	Mined Land Reclamation Permit	September 2012
Federal Agencies	☐ Yes	☒ No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment	☐ Zoning variance	☐ New/revision of master plan	☐ Subdivision
☐ Site plan	☒ Special use permit	☐ Resource management plan	☐ Other

2. What is the zoning classification(s) of the site?

RU - Rural

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Residential. Site plan review required for all proposed commercial and industrial uses

4. What is the proposed zoning of the site?

RU - Rural

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Residential. Site plan review required for all proposed commercial and industrial uses

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Rural (RU) and Residential (R-2).

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ■ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☐ Yes ■ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ■ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

Verification

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

Applicant/Sponsor Name Paul Sleasman Date 4/19/13

Signature

Title Geologist

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

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.

! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.

! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.

! The number of examples per question does not indicate the importance of each question.

! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.

b. **Maybe** answers should be considered as **Yes** answers.

c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Impact on Land			
1. Will the Proposed Action result in a physical change to the project site? NO ☐ YES ☐			
Examples that would apply to column 2			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☐	☐ Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☐	☐ Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐ Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☐	☐ Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☐	☐	☐ Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a santary landfill.	☐	☐	☐ Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
☐ NO ☐ YES

• Specific land forms:	☐	☐	☐ Yes ☐ No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
☐ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	☐	☐	☐ Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐ Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐ Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?
☐ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	☐	☐	☐ Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?
   ☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action will require a discharge permit.	☐	☐	☐ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐ Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐ Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐ Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐ Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	☐	☐	☐ Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐ Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐ Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would change flood water flows	☐	☐	☐ Yes	☐ No
• Proposed Action may cause substantial erosion.	☐	☐	☐ Yes	☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐ Yes	☐ No
• Other impacts:	☐	☐	☐ Yes	☐ No

IMPACT ON AIR

7. Will Proposed Action affect air quality?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐ Yes	☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐ Yes	☐ No
• Other impacts:	☐	☐	☐ Yes	☐ No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?
☐ NO ☐ YES

Examples that would apply to column 2

• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	☐	☐	☐ Yes	☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐ Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐ Yes ☐ No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
☐ NO ☐ YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐ Yes ☐ No
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐ Yes ☐ No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☐ NO ☐ YES

Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☐	☐	☐ Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐ Yes ☐ No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☐ NO ☐ YES

Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐ Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐ Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
☐ NO ☐ YES

Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐ Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
☐ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?
☐ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods. ☐ ☐ ☐ Yes ☐ No
- Proposed Action will result in major traffic problems. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☐ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. ☐ ☐ ☐ Yes ☐ No
- 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 major commercial or industrial use. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☐ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility. ☐ ☐ ☐ Yes ☐ No
- Odors will occur routinely (more than one hour per day). ☐ ☐ ☐ Yes ☐ No
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. ☐ ☐ ☐ Yes ☐ No
- Proposed Action will remove natural barriers that would act as a noise screen. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?
☐ NO ☐ YES

• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐ Yes	☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	☐	☐	☐ Yes	☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐ Yes	☐ No
• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐ Yes	☐ No
• Other impacts:	☐	☐	☐ Yes	☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?
☐ NO ☐ YES

Examples that would apply to column 2

• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐ Yes	☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐ Yes	☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐ Yes	☐ No
• Proposed Action will cause a change in the density of land use.	☐	☐	☐ Yes	☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐ Yes	☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	☐	☐	☐ Yes	☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	☐	☐	☐ Yes ☐ No
• Proposed Action will create or eliminate employment.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.

2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).

3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

   To answer the question of importance, consider:

   - The probability of the impact occurring
   - The duration of the impact
   - Its irreversibility, including permanently lost resources of value
   - Whether the impact can or will be controlled
   - The regional consequence of the impact
   - Its potential divergence from local needs and goals
   - Whether known objections to the project relate to this impact.

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