

**PERMIT WRITING FORM – P2022-0037**

Assigned EPS: BHH Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

**APPLICANT**

Project Sponsor(s): Carver Sand & Gravel, LLC

Landowner(s): Carver Sand & Gravel, LLC

Authorized Representative: Dave Ingalls, Ingalls & Associates, LLP

**PROJECT SITE**

Town/Village: Ephratah County: Fulton

Road and/or Water Body: NYS Route 10 & 29

Tax Map #(s): 130.-1-8.1, 130.-1-72, and 130.-1-8.2

Deed Ref: Book 1073 Page 221, Instrument Number 2020-63924

Land Use Area(s): H MIU LIU RU RM IU

Project Site Size: 321.25± acres

Same as Tax Map #(s) identified above

Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above

Other (describe): [Click or tap here to enter text.](#)

Lawfully Created? Y N

Pre-existing subdivision: [Click or tap here to enter text.](#)

River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: [Click or tap here to enter text.](#)

CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

**PROJECT DESCRIPTION**

The continued operation of an existing commercial sand and gravel extraction and mineral extraction, as well as expansion of mine operations on Parcels 72 and 8.1 and expansion of mine related activities onto a recently acquired adjoining lot (Parcel 8.2).

The mine will increase Monday through Friday trucking and loadout hours from the current hours of 7 am to 5 pm to new hours of 6 am to 6 pm, with no change to Saturday trucking and loadout hours of 8 am to 2 pm. The mine will increase blasting from twice a month, not to exceed 18 blasts a year with a seasonal restriction, to up to three times per month, not to exceed 30 blasts a year with no seasonal restriction. The mine will increase the possible number of truck trips from the current maximum of 75 trips per day and up to 100 trips per day for 10 days a year, to a maximum of 200 trips per day. Maintenance of equipment and vehicles will continue to occur between the hours of 6 am to 9 pm Monday through Saturday.

On Parcel 8.2, stormwater controls and mitigation measures for visual and sound screening will be expanded in the form of a berm with tree plantings and stormwater retention basins. A portion of Parcel 8.2 will be used for equipment storage and material stockpiling. The existing single family dwelling will remain and be used as a dwelling.

The area to be affected during the term authorized by this permit is 100.5±acres. The life of mine set by this permit will be 166.7±acres. No changes are proposed to the hours for excavation, grading, stockpiling, crushing, and other reclamation activities (7 am to 5 pm Monday through Friday and 8 am to 2 pm on Saturdays).

**JURISDICTION (including legal citation)**

APA Act 810(1)(e)(10) Commercial sand and gravel extractions; 810(1)(e)(12) Mineral extractions; 810(1)(e)(17) greater than 25% expansions of commercial sand and gravel extractions and/or mineral extractions; P2008-0246C permit conditions

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

P2008-0246C

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

**Lakes, Ponds, Navigable Rivers and Streams**

Check if none

Water Body Name: [Click or tap here to enter text.](#)

Length of Existing Shoreline (feet): [Click or tap here to enter text.](#)

MHWM determ: Y N

Minimum Lot Width: [Click or tap here to enter text.](#)

Meets standard: Y N

Structure Setback (APA Act): [Click or tap here to enter text.](#)

Meets standard: Y N

Structure Setback (River Regs): [Click or tap here to enter text.](#)

Meets standard: Y N

Y N Cutting proposed within 6 ft of MHWM?

If Yes, < 30% vegetation? Y N

Y N Cutting proposed within 35 ft of MHWM?

If Yes, < 30% trees 6" dbh? Y N

Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

**Non-Navigable Streams in proximity to development**

Check if none

Permanent Stream

Intermittent Stream

Classified? Y

N

[DEC Environmental Resource Mapper](#) stream classification: C(TS) and C(T)

**Wetlands**

Y N Jurisdictional wetland on property, or

Y N Wetlands are a basis of development jurisdiction  If Yes, RASS biologist consulted

→ If Y, covertype: [Click or tap here to enter text.](#)

→ If Y, value rating: [Click or tap here to enter text.](#)

Y N Draining, dredging, excavation of wetland

Area of wetland loss: [Click or tap here to enter text.](#) Permanent? Y N

Y N Fill/structure in wetlands

Fill/structure area: [Click or tap here to enter text.](#)

Y N Shading of wetland

Area of shading: [Click or tap here to enter text.](#)

Y N Clearcutting >3 acres of wetland \*RASS forester consulted

Clearcut area: [Click or tap here to enter text.](#)

Y N Untreated stormwater discharge into wetland

Y N Pollution discharge into wetland

Pollution type: [Click or tap here to enter text.](#)

Y N Pesticide/Herbicide application in wetland

Pollution type: [Click or tap here to enter text.](#)

## Ecological / Wildlife

- Y N Natural Heritage Sites/listed species or habitat present, including bat  
Y N Forest management plan existing or proposed  If Yes, RASS forestry analyst consulted  
Y N Biological Survey required by RASS Biologist 2 or Supervisor  If Yes, completed

## Special Districts

- Y N Agricultural District

## Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0-60% Building area(s) if authorizing development: no new buildings

## Soils

- Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A   
 If Yes, soil data information determined or approved by RASS soil analyst?  
NRCS Mapped Soil Series or Other Comments: [Click or tap here to enter text.](#)

## Stormwater

- Y N Greater than 1 acre disturbance, or  
Y N Proposed ground disturbance < 100 feet from wetlands  
 If Yes, stormwater management reviewed and approved by RASS engineer  
Setback to wetlands: [Click or tap here to enter text.](#)

## Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: [Resource Management, Hamlet, Park boundary](#)

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: [NYS Route 10 and 29, Residential homes.](#)

**Additional Existing Development** (ex: dam on site, etc.): [Crusher, Maintenance garage and office, check in office and scale, and single family dwelling.](#)

**\*\*\* Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

## FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP  If Yes, APA APO consulted  
Y N Structures > 50 years old on or visible from site  If Yes, APA AHPO consulted  
Y N Within Lake George Park  If Yes, LGPC consulted / application submitted  
Y N Public water supply  If Yes, DEC / DOH application submitted  
Y N Greater than 1,000 gpd wastewater  If Yes, DEC application submitted  
Y N Disturbing bed or bank of water body  If Yes, DEC application submitted  
Y N Creating 5 or more lots less than 5 acres each  If Yes, DOH application submitted  
Y N Army Corps involvement  If Yes, ACOE consulted  
Y N Agency-approved Local Land Use Program  If Yes, Town/Village consulted

## PERMIT CONDITIONS AND IMPACT ANALYSIS

### Merger

N/A

Justification if merger required: [Click or tap here to enter text.](#)

### Deed Covenant

Non-building lot being created?  Y  N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: [Click or tap here to enter text.](#)

### Easement

Easement proposed or required?  Y  N

If Y, consult with Legal for conditions. Justification: [Click or tap here to enter text.](#)

### Construction Location and Size (may be different for each subdivision lot) N/A

Is new development (other than oswts) being authorized without further Agency review?  Y  N

→ If Y: Structure height limit and justification: [Click or tap here to enter text.](#)

Structure footprint limit and justification: [Click or tap here to enter text.](#)

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation?  Y  N

→ Review of future development required?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

### Guest Cottages (if authorizing a dwelling)

N/A

Proposed and reviewed?  Y  N

If N, guest cottages potentially allowed?  Y  N

→ Justification for any conditions: [Click or tap here to enter text.](#)

### Boathouses (if project site contains shoreline)

N/A

Proposed and reviewed?  Y  N

If N, boathouses potentially allowed?  Y  N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

### Docks (if project site contains shoreline)

N/A

Proposed and reviewed?  Y  N

If N, docks potentially allowed?  Y  N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

### Outdoor Lighting (if authorizing development)

Plan proposed and reviewed?  Y  N

**Building Color (if authorizing development)**

N/A

If color condition required, justification: [Click or tap here to enter text.](#)

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within [Click or tap here to enter text.](#) feet of limits of clearing

within [Click or tap here to enter text.](#) feet of road

within [Click or tap here to enter text.](#) feet of river/lake/etc

within [Click or tap here to enter text.](#) feet of wetlands

Other: [Click or tap here to enter text.](#)

OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited

Cutting of trees of [Click or tap here to enter text.](#) diameter dbh prohibited

Other: [Click or tap here to enter text.](#)

Justification: [To limit visual impacts, and to mitigate potential noise and air quality \(dust\) impacts](#)

**Plantings**

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: [White Pine, planted every ten feet across berm, planted spring and fall until established.](#)

Justification: [To provide additional screening and sound buffers to adjoining landowners from the mine.](#)

**Density (may be different for each subdivision lot)**

Located in Town with ALLUP? Y N

(If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: [Single family dwelling constructed in 2000](#)

Mathematically available # of new PBs (in addition to existing or replacement): [no change](#)

Extinguishing PBs? Y N If Y, number: [Click or tap here to enter text.](#)

**Wastewater (if authorizing construction of a new PB without further review)**

N/A

Municipal system connection approved? Y N

Y N

Community system connection approved by RASS? Y N

Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N

Y N

Suitable 100% replacement area confirmed for existing / proposed system? Y N

Y N

Consult with RASS for additional conditions.

**Stormwater Management (if authorizing development)**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too. Justification: **To protect water resources from mine operations and runoff, the new stormwater management plan must be followed.**

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too. Justification: **Click or tap here to enter text.**

**Infrastructure Construction (if authorizing development)**

Construction necessary before lot conveyance: **Click or tap here to enter text.**  
Justification: **Click or tap here to enter text.**

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed: **No new structures are being authorized, so no color condition is required.**

**Additional Site / Project-Specific Concerns / Conditions Needed**

**Mine hours of operation, blasting limits, and trucking limits are required.**

Justification: **These conditions help to mitigate impacts to adjoining landowners from mine operations, such as potential visual, noise, or air quality impacts.**

Y N **Public comments received** If Yes, #: **12**

Y N **Applicant submitted response (notes, if any)** **Click or tap here to enter text.**



**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2022-0037**

If a subdivision: Lot #Project Site (321.25± acres)

Assigned EPS:BHH Reviewed by: Click or tap here to enter text. Date: Click or tap to enter a date.

**Existing Development**

**PRINCIPAL BUILDINGS**

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Maintenance garage/office		N		Y
Single family dwelling		N		

**ACCESSORY STRUCTURES**

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Office		N		Y

**Proposed Development**

**PRINCIPAL BUILDINGS**

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
No structure(s) proposed				

Have necessary density? Y N **N/A**

# remaining potential principal buildings = no change from survey or estimate

**ACCESSORY STRUCTURES**

Structure	Footprint	Height	Slopes
No structure(s) proposed			

**ACCESS**

\*Consult RASS engineer for driveway > 12% slope / \*consult RASS ecologist for driveway > ¼ mile

Driveway is existing / proposed Length: 2400 ft Width: 70 ft

Sight distance evaluated? Y N Slopes: 0-15%

Need Clearing/Grading? Y N Comments: Access is existing and no changes are proposed.

Length of road measured from NYS Route 10 to the maintenance garage. Additional roadways exist on the property. (Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

**VISUAL / AESTHETIC**

- Y  N Proposed development visible from public areas (list) [Click or tap here to enter text.](#)
- Y  N Existing topography / vegetation will screen, if retained
- Y  N Planting plan proposed  If Yes, RASS forestry analyst consulted

**WASTEWATER TREATMENT (WWTS) \*Consult RASS engineer for engineered plans**

- Individual on-site  Municipal  Community
- Y  N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y  N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y  N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y  N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y  N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y  N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

**WATER SUPPLY**

- Individual on-site  Municipal
- Y  N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

**STORMWATER / EROSION & SEDIMENT CONTROL \*Consult RASS engineer**

- Y  N Does proposed development maintain existing drainage patterns?
- Y  N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y  N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

The area to be affected during the term authorized by this permit is 100.5± acres.  
 The life of mine set by this permit will be 166.7± acres.  
 Reclamation is an on-going process.

**UTILITIES**

- Available on site?  Y  N  Overhead  Underground
- Available at road?  Y  N  Overhead  Underground
- Proposed for site?  Y  N  Overhead  Underground