



New York State
Adirondack
Park Agency

Carver Sand & Gravel, LLC.

P2022-0037

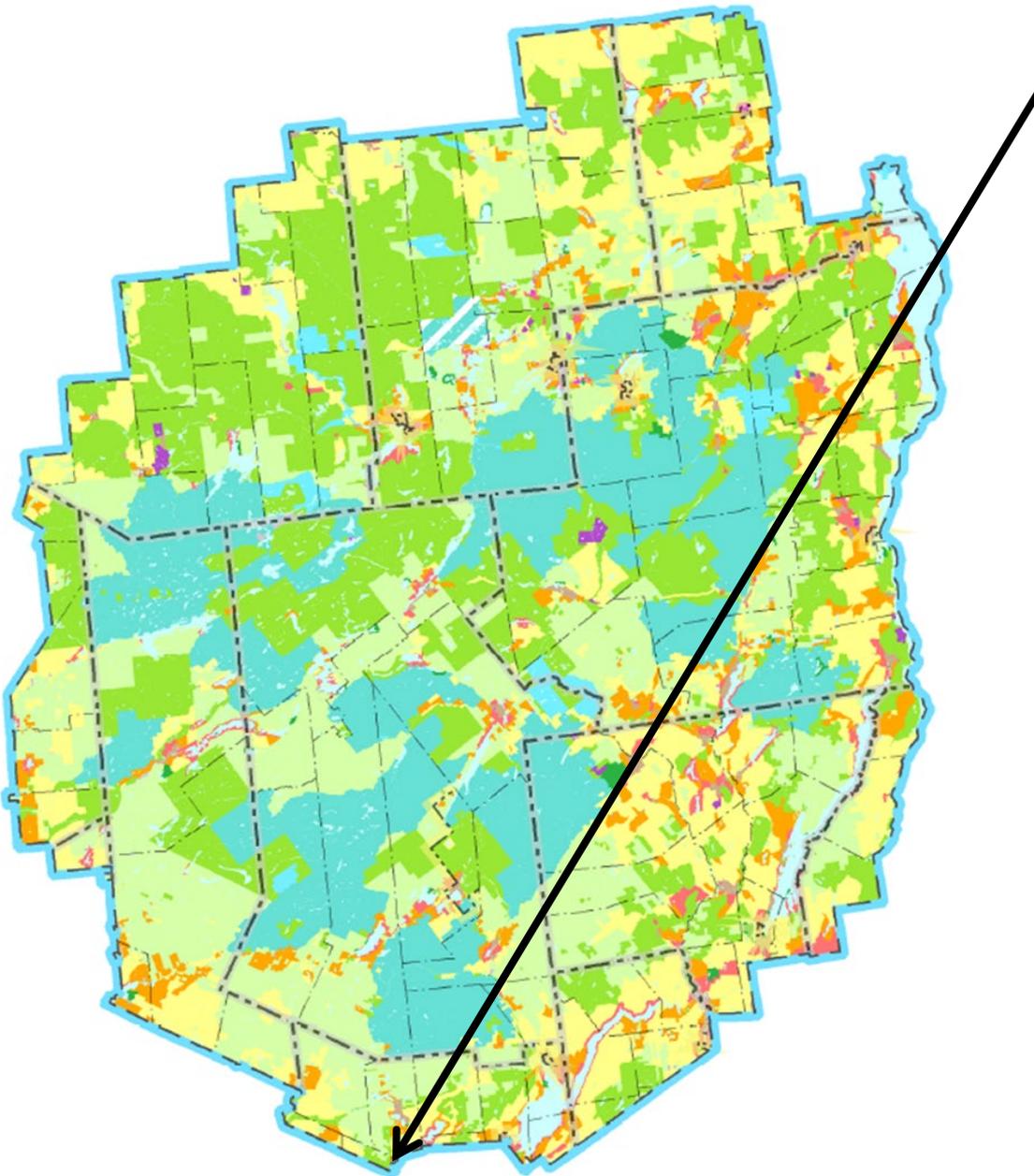
November 14, 2023

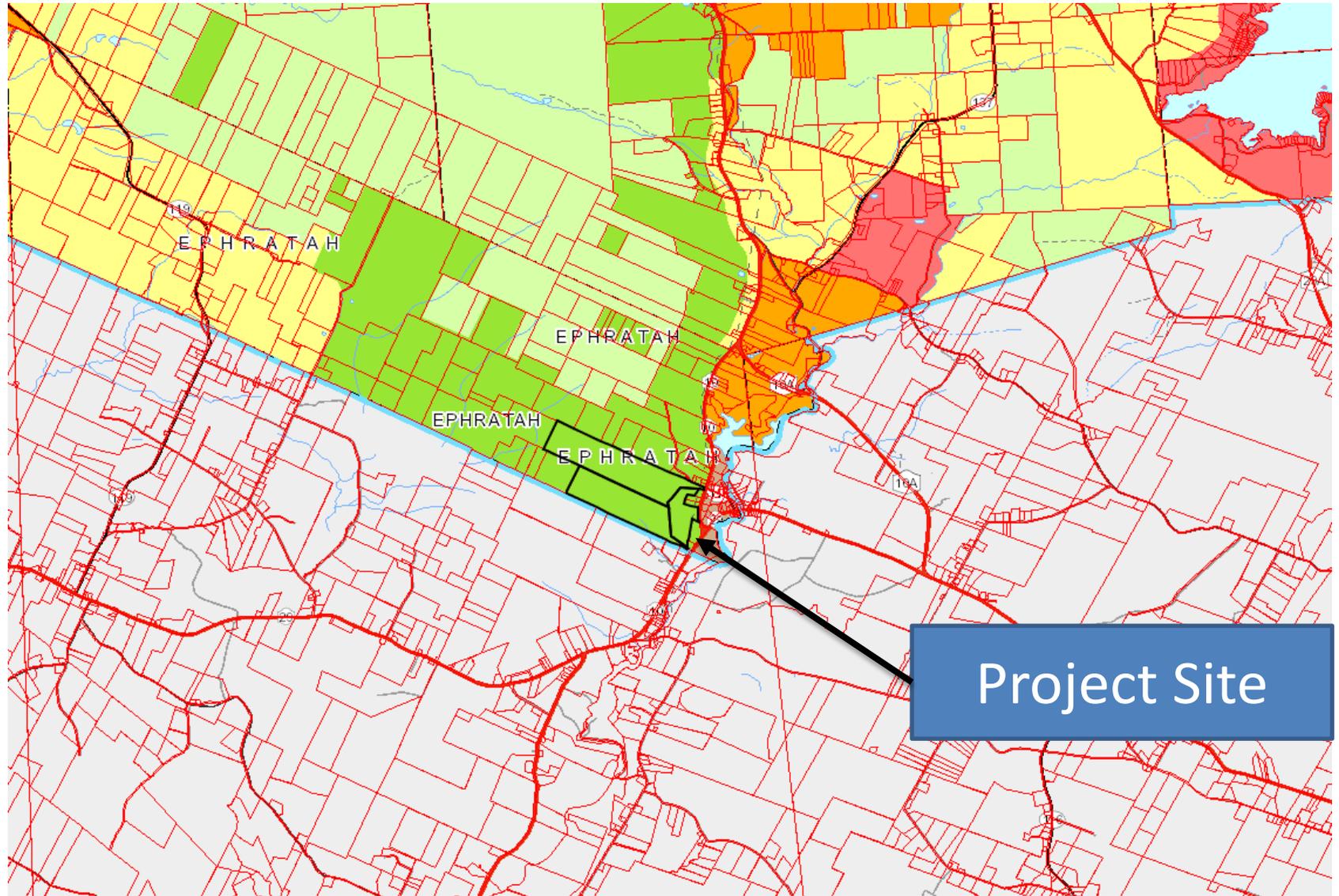
Project Location

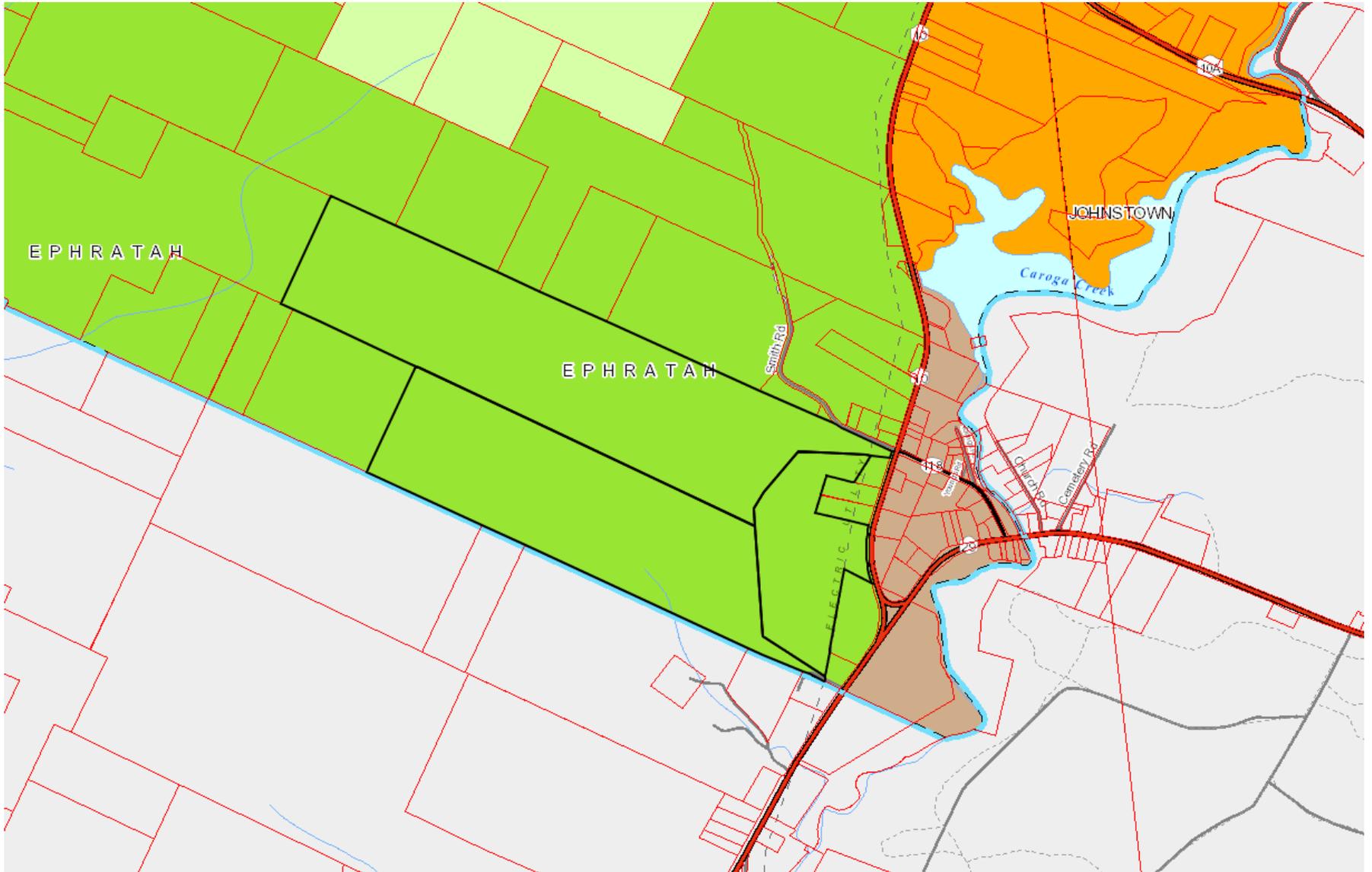


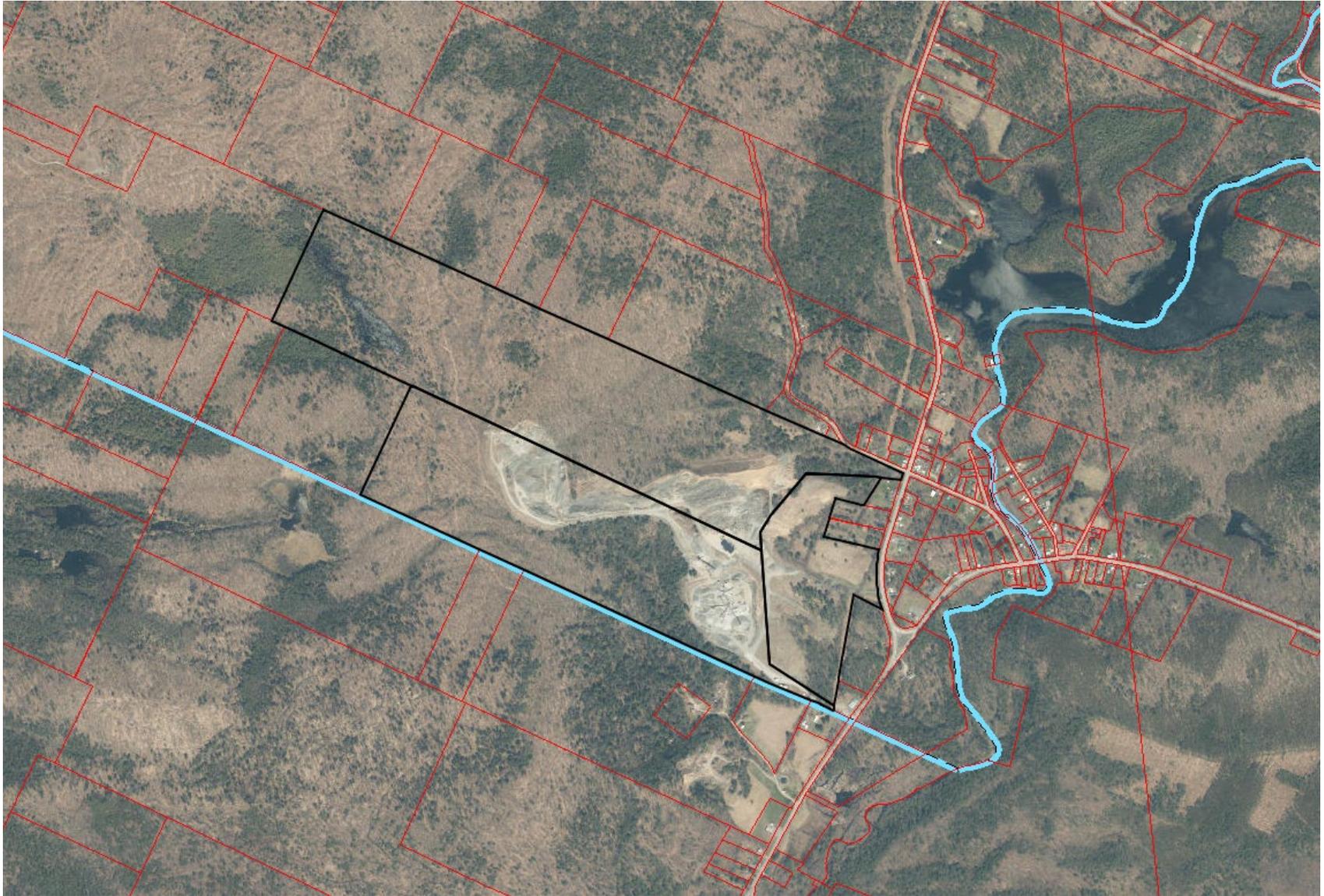
Project Location

Town of Ephratah
Fulton County









Proposed Project



Three Parts of this proposal:

- Expansion of mining support, non-extraction activities (Life of Mine) onto an adjoining lot.
- Proposed changes to conditions of the existing mine.
- Extension of the permit term for another five years.



Project History

Permit 2008-0246, issued 2009 (May 2009 Board Meeting)

- authorized a new mineral extraction and > 25% expansion of an existing sand and gravel extraction
- authorized the current life of mine

Permit 2008-0246A, issued 2011

- authorized after-the-fact changes to haul road locations within the mine

Permit 2008-0246B, issued 2015

- extended permit term for another four years

Permit 2008-0246C, issued 2021

- allowed for maximum of 75 truck trips/day, and maximum of 100 trips/day on 10 days/year
- prior to this permit, there was no condition limiting total daily truck trips



Proposed Permit Condition Changes

Hours of Operation	(Trucking)
Current:	Proposed:
M-F: 7 am to 5 pm Saturday: 8 am-2 pm	M-F: 6 am-6 pm Saturday: 8 am-2 pm
Hours of Operation	(Maintenance Operations)
Current:	Proposed:
M-F: 7 am to 5 pm Saturday: 8 am-2 pm	M-Sat: 6 am to 9 pm
Daily Truck Trips	
Current:	Proposed
Up to 75 trips per day Up to 100 per day, ten days a year	Up to 200 trips per day <u>Up to an average of 100 daily trips annually</u>
Blasting	
Current	Proposed
2 per month 18 per year March 1 – November 30	Up to 3 per month Up to 30 per year

Existing Permit Conditions Not Changing

Mine extraction, crushing, screening	
Monday through Friday	7 am to 5 pm
Saturday	8 am to 2 pm

Blasting hours	
Monday through Friday	11 am to 3 pm
Saturday	None

No operations, including those proposed to change, will occur on Sundays or certain holidays.

The areas used for mineral extraction and sand and gravel extraction will not change and remain the same as originally authorized in 2009.



6-7 AM and 5-6 PM Loading/Trucking Extension Request

- The applicant requests the extra morning hour to allow for trucks to arrive at job sites that start at 7 am, often located an hour away.
- The extra hour at the end of the day would allow for trucks to be pre-loaded to be ready to go to these job sites in the morning.
- The extra hour in the morning and evening is for trucking load out and deliveries only and would reduce delays for projects waiting for materials.



Sound Study for the Loading/Trucking 6-7 AM and 5-6 PM Extension Request

- The sound study was conducted by Ingalls and Associates and reviewed by NYSDEC Division of Minerals staff.
- Sound Study, including noise calculations follows “NYSDEC’s Program Policy Assessing and Mitigating Noise Impacts,” issued October 6, 2000 and revised February 2, 2001.
 - Existing ambient noise was measured at receptors in the AM and PM hours.
 - The noise from operations were calculated using noise values from the "Federal Highway Administration Highway Construction Noise Handbook.”



NYSDEC's Program Policy Assessing and Mitigating Noise Impacts

Provides direction for the evaluation of sound levels and characteristics (such as pitch and duration) generated from proposed or existing facilities.

Provides guidance to identify when noise levels may cause a significant environmental impact and gives methods for noise impact assessment, avoidance, and reduction measures.

Serves as a reference to applicants preparing environmental assessments

Assessing and Mitigating Noise Impacts		 New York State Department of Environmental Conservation
PROGRAM POLICY	Department ID: DEP-00-1	Program ID: n/a
Issuing Authority: Environmental Conservation Law Articles 3, 8, 23, 27 Name: Jeffrey Sama Title: Director Signature: <u> /JS/ </u> Date: 10/6/00 Issuance Date: October 6, 2000 Revised: February 2, 2001		Originating Unit: Division of Environmental Permits Office/Division: Environmental Permits Unit: Phone: (518) 402-9167 Latest Review Date (Office Use):

Abstract: Facility operations regulated by the Department of Environmental Conservation located in close proximity to other land uses can produce sound that creates significant noise impacts for proximal sound receptors. This policy and guidance presents noise impact assessment methods, examines the circumstances under which sound creates significant noise impacts, and identifies avoidance and mitigative measures to reduce or eliminate noise impacts.

Related References: See references pages 27 and 28.

I. PURPOSE¹

This policy is intended to provide direction to the staff of the Department of Environmental Conservation for the evaluation of sound levels and characteristics (such as pitch and duration) generated from proposed or existing facilities. This guidance also serves to identify when noise levels may cause a significant environmental impact and gives methods for noise impact assessment, avoidance, and reduction measures. These methods can serve as a reference to applicants preparing environmental assessments in support of an application for a permit. Additionally, this guidance explains the Department's regulatory authority for undertaking noise evaluations and for imposing conditions for noise mitigation measures in the agency's approval

¹ A Program Policy Memorandum is designed to provide guidance and clarify program issues for Division staff to ensure compliance with statutory and regulatory requirements. It provides assistance to New York State Department of Environmental Conservation (DEC) staff and the regulated community in interpreting and applying regulations and statutes to assure that program uniformity is attained throughout the State. Nothing set forth in a Program Policy Memorandum prevents DEC staff from varying from that guidance as specific circumstances may dictate, provided the staff's actions comply with applicable statutory and regulatory requirements. As this guidance document is not a fixed rule, it does not create any enforceable right by any party using the Program Policy Memorandum.



Increase at Noise Receptors

Location	AM	PM
	Increase Above Ambient	Increase Above Ambient
Receptor #1* (Gray Residence)	1.0	1.0
Receptor #2 (Route 29, 600' South of Site Entrance, Ovitt Residence)	1.0	0.0
Receptor #3 (Route 29, Site Entrance, Ovitt Residence)	0.0	0.0
Receptor #4 (Route 29, 300' North of Entrance)	0.0	0.0
Receptor #5 (Route 29 & Route 10)	0.0	0.0
Receptor #6 (Route 10)	0.0	0.0
Receptor #7 (Mosenthin & Route 10)	0.0	0.0
Receptor #8* (Smith Road @ Emergency Entrance, Mowrey/Jasewicz Residences)	0.0	0.0

Section V. B. 1. c. of NYSDEC's Noise Policy

c. Thresholds for Significant Sound Pressure Level (SPL) Increase

The goal for any permitted operation should be to minimize increases in sound pressure level above ambient levels at the chosen point of sound reception.

Increases ranging from 0-3 dB should have no appreciable effect on receptors.

Increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive of receptors are present. Sound pressure increases of more than 6 dB may require a closer analysis of impact potential depending on

“Increases ranging from 0-3 dB should have no appreciable effect on receptors.”

Daily Truck Trips

- A single truck trip is considered a truck entering and exiting the mine.
- This may be a pickup truck but is primarily flat bed trucks or dump trucks.

Daily Truck Trips—June 2021

June 2021

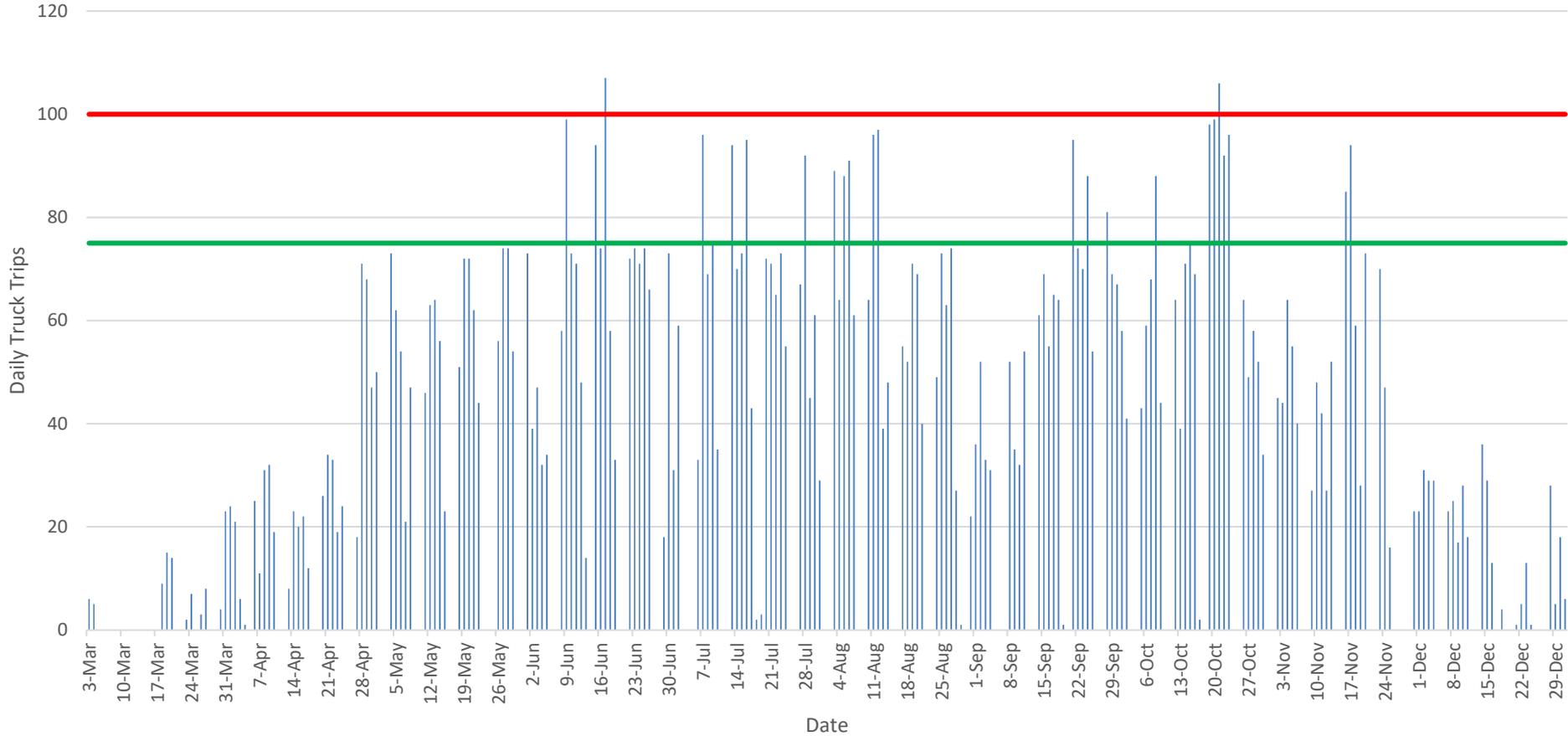


 =Truck Trips  =75  =100



Daily Truck Trips—2020

2020 Truck Trips

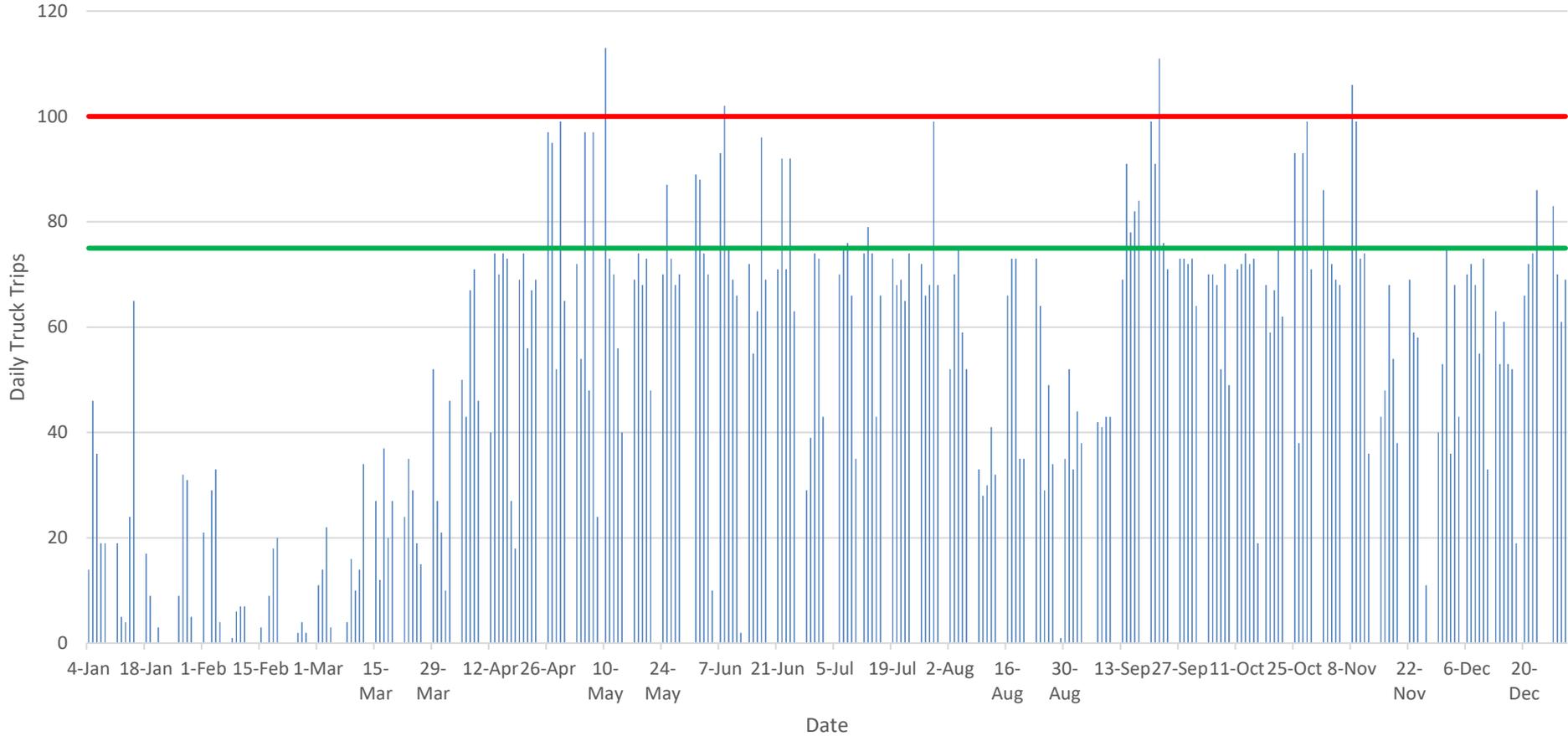


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Daily Truck Trips—2021

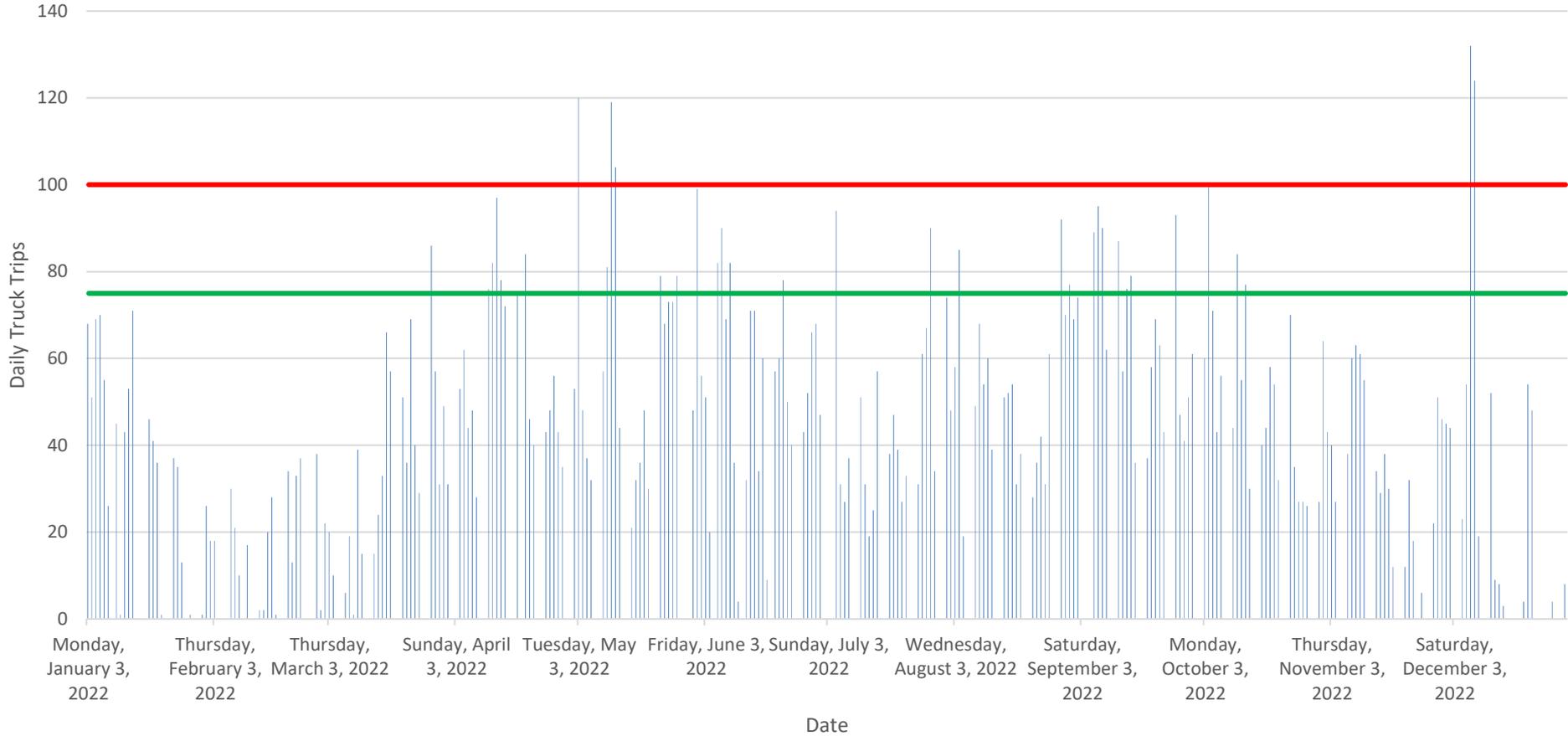
2021 Truck Trips



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Daily Truck Trips—2022

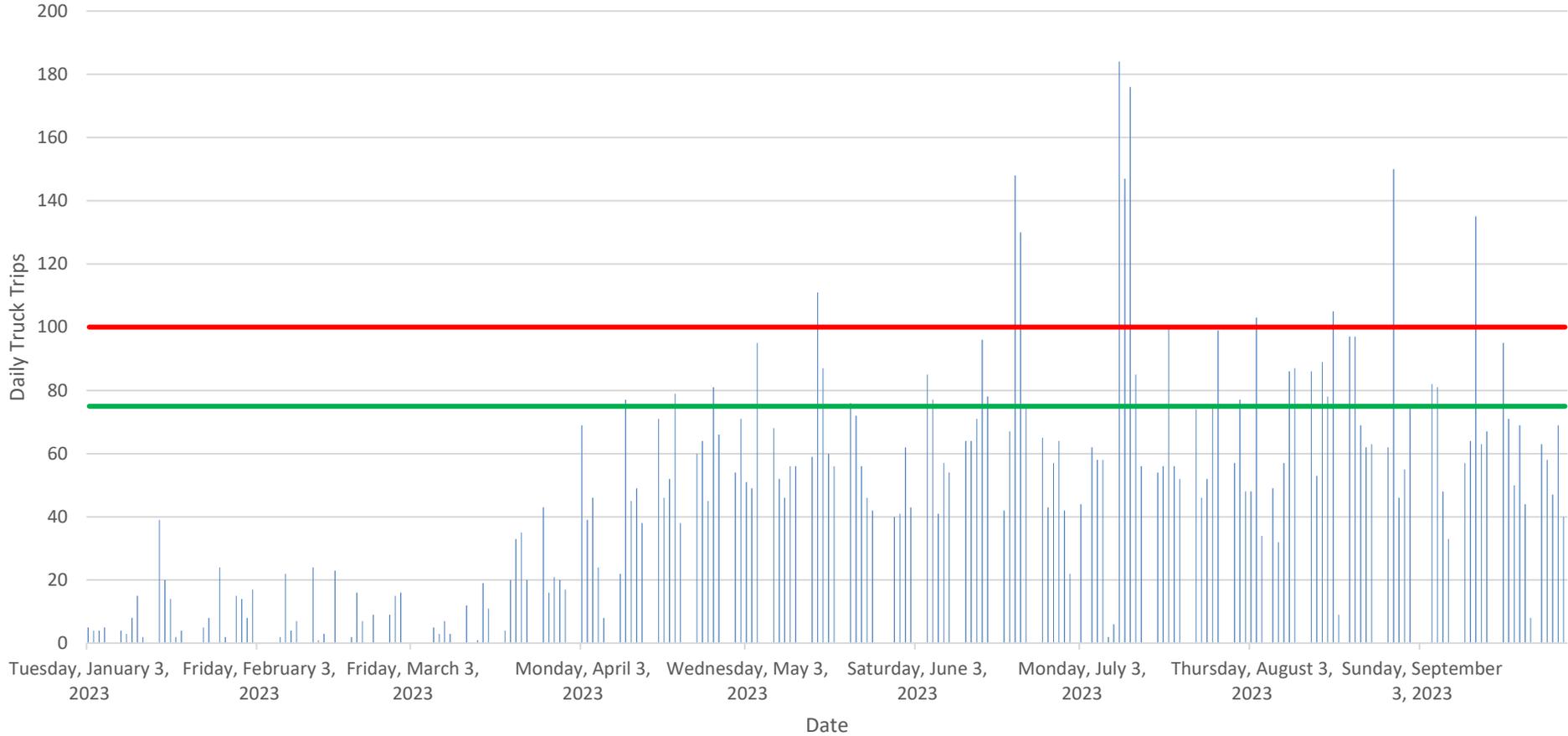
2022 Truck Trips



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Daily Truck Trips—2023

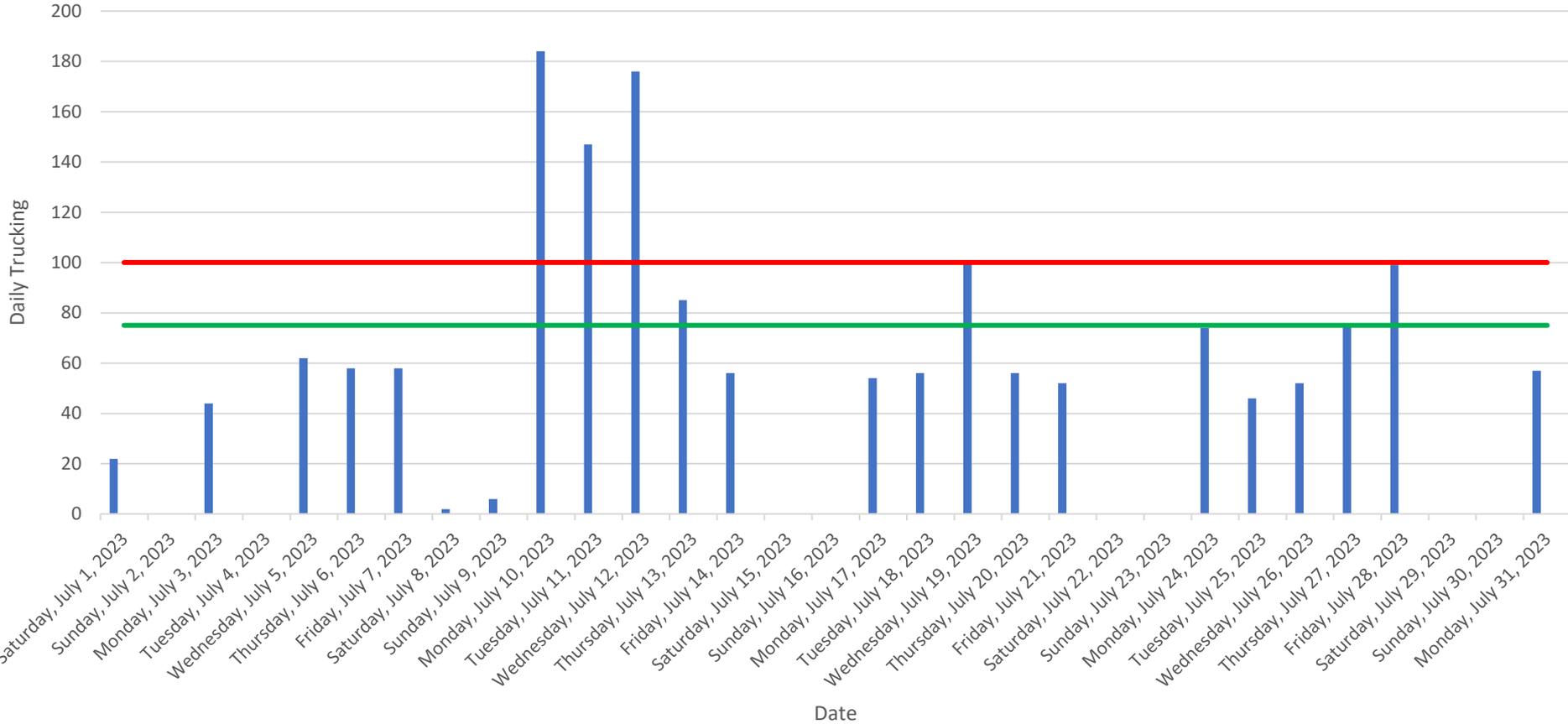
2023 Truck Trips



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Daily Truck Trips—July 2023

July 2023

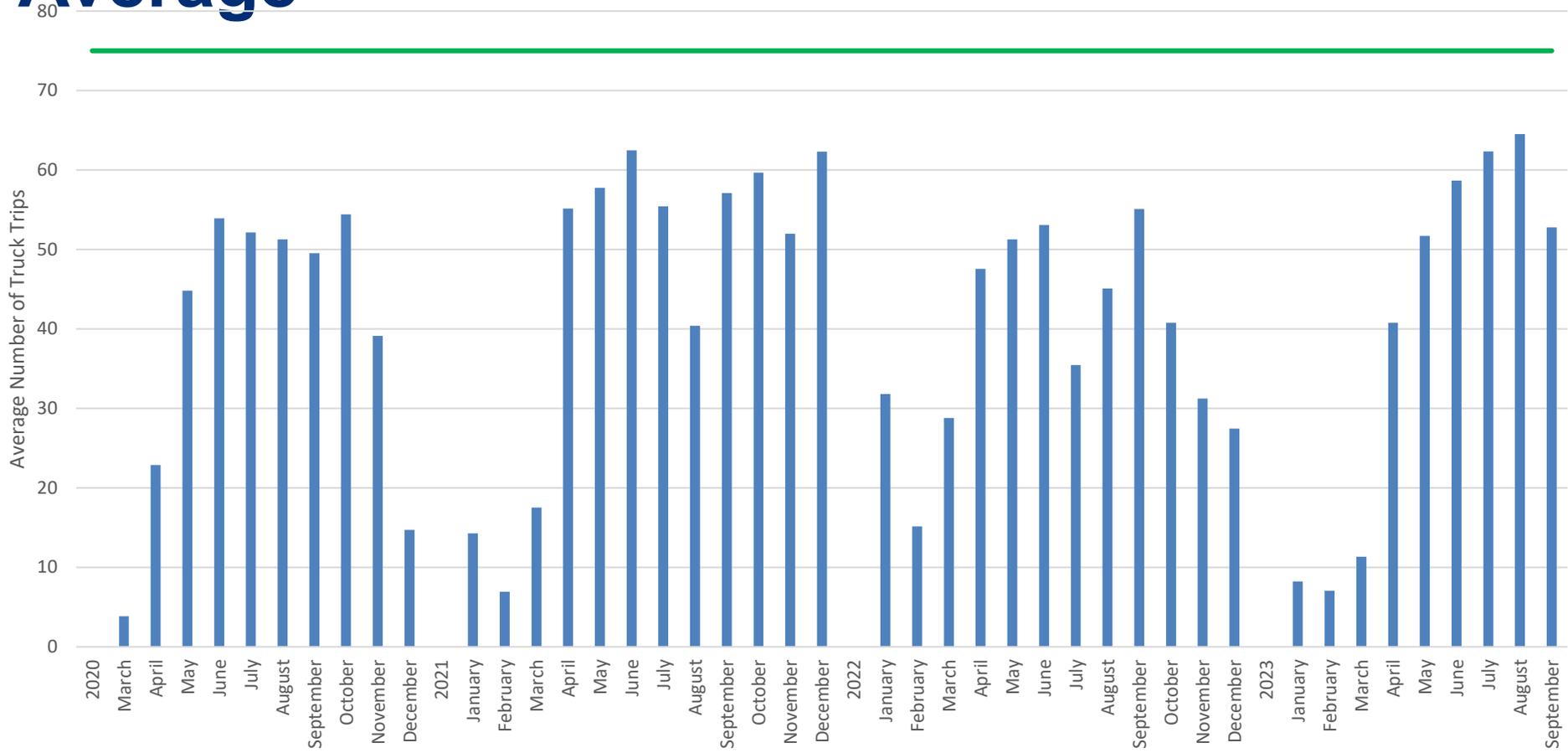


 =Truck Trips  =75  =100

Daily Truck Trips—2020-2023 Monthly

Average

Average Daily Truck Trips Per Month



 =Truck Trips  =75  =100

What projects are driving this increased demand?

- Staten Island NY Living Breakwaters – USHUD & NYSGOSR Funded
- NYC Eastside Coastal Resiliency Project, Manhattan, NY – USHUD & NYC Funded
- US Army Corps of Engineers Rockaway Projects in Long Island NY
- US Army Corps of Engineers Montauk Project at East Tip of Long Island NY
- New York State Canal Corps Projects from Albany NY to Utica NY
- Halloween Flood Recovery projects in Hamilton County NY
- New York State DOT
- CSX Railroad
- Empire Wind I and II



Project Benefits

The project sponsor employs up to 20 workers at the mine seasonally with a total on-site annual payroll of \$1.2 million.

The mine also supports workers at other locations around the region include truck drivers, shipping crews, and dock workers. Regional annual wages in these fields range between approximately \$67,133 and \$93,631.



Public Comment and Review by Others



Public Comment

- All notices are sent to adjoining landowners, Town and County officials, and the Local Government Review Board when an application is received and when complete.
- When an application is complete, notices are also posted to the Environmental Notice Bulletin and on the Agency website.
- Comment Letters
 - 8 comments received after notification was provided that an application was received.
 - 4 comments received during the comment period when the application was complete.
 - All comments are against or have concerns about the proposal.



Review by Others

- Department of Environmental Conservation
 - Mine operating under an existing DEC permit.
 - DEC is reviewing the same proposal presented here today.
 - DEC comment period ended September 15, 2023.
 - DEC time clock postponed awaiting APA Board Decision.



Staff Recommendation: Approve with Conditions



Conclusions of Law

- Development authorized:
 - Consistent with land use and development plan
 - Compatible with character description and purposes policies, and objectives of the Resource Management land use area
 - Consistent with overall intensity guidelines
 - No undue adverse impact on resources of the Park



Draft Permit Conditions

- Extraction shall continue as authorized in the Site Plan.
- No clearing outside of the limits of clearing.
- Reclamation shall be undertaken as outlined in the Reclamation Plan.
- 100-foot buffer to all streams
- Follow Stormwater and Erosion Control plan
- Trees shall be planted as shown on the Site Plan.
- Excavation, blasting, maintenance, and trucking shall be undertaken as outlined in the permit.
 - Up to 200 truck trips a day, maximum.
 - Up to an average of 100 truck trips a day, annually.
- Annual reports shall be provided to the Agency.





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