

KEELER

CONSTRUCTION CO., INC.



13519 WEST LEE ROAD ALBION, NEW YORK 14411 (585) 589-4481 FAX: (585) 589-1160

November 27, 2023

Ms. Shellye Dale-Hall,
Code Compliance Official
Town of Barre
14317 West Barre Road
Albion, NY 14411

**RE: Barre Stone Products, Inc
14120 West Lee Road
Special Use Permit Modification Application - Revised Application**

Dear Shellye,

As a follow-up to your email of November 15, 2023, Barre Stone Products/Keeler Construction respectfully submits our request to modify our current Special use permit. Please replace our prior submission in its entirety with this new application.

Our modification request #1 is to construct a screening berm outside the life of mine at:

Parcel 95.-1-35.11, 4412 Oak Orchard Road (Route 98) 81.3 acres total.

This parcel is contiguous to existing properties owned, and included in our current Special Use Permit, by Barre Stone Products & Keeler Construction. The current NYSDEC Life of Mine boundaries are overlain for reference as well as the proposed screening berm.

The berm proposed is approximately 12-feet high with a base width of 112-feet to allow for a 1:3 slope that is easily maintained, consisting of a mowable grass cover. The shape is proposed to be approximately 525-feet long.

The current watershed on the property will continue along the same pattern currently established and indicated in the accompanying plan sketch. No increase in runoff is anticipated as there are no impervious surfaces being added to the site by the construction of this berm.

The material will be provided by overburden materials from our current mining practices.

A satellite overview plan is provided, as well as guidance from the NYSDEC regarding use of overburden. Please see an attached email confirming our proposed activity.

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Our modification request #2 is to add parcels to our special use permit at:

Parcel 94.-1-24.1 1.50 Acres, Address; 14058 West Lee Road, AG/Residential
Parcel 94.-1-25 0.17 Acres, Address; 14056 West Lee Road, AG/Residential
Parcel 95.-1-44.1 113.0 Acres, Address Maple Street, AG Industrial
Parcel 95.-1-45 52.0 Acres, Address; 4552 Oak Orchard Road, Ag Industrial
Parcel 95.-1-47.221 18.01 Acres, Address; 4430 Oak Orchard Road, Ag Industrial

Our modification request #3 is to correct what we believe is an incorrect parcel identification at:

Parcel 95.-1-46.11, believe it is identified in our permit as 94.-1-46.11.

Please let us know if you have any questions or require any additional follow-up.

Very truly yours,

KEELER CONSTRUCTION CO., INC.

David L. Herring, P.E.
Chief Engineer

Attachment: Permit Applications and Drawings. Current Special Use Permit

Cc: Mark Keeler, President
Buddy Keeler, Project Mgr.
Michael Keeler, Project Mgr.
File

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Current Conservation
Easement with NRCS

Proposed Berm

Parcel current Life of Mine limits

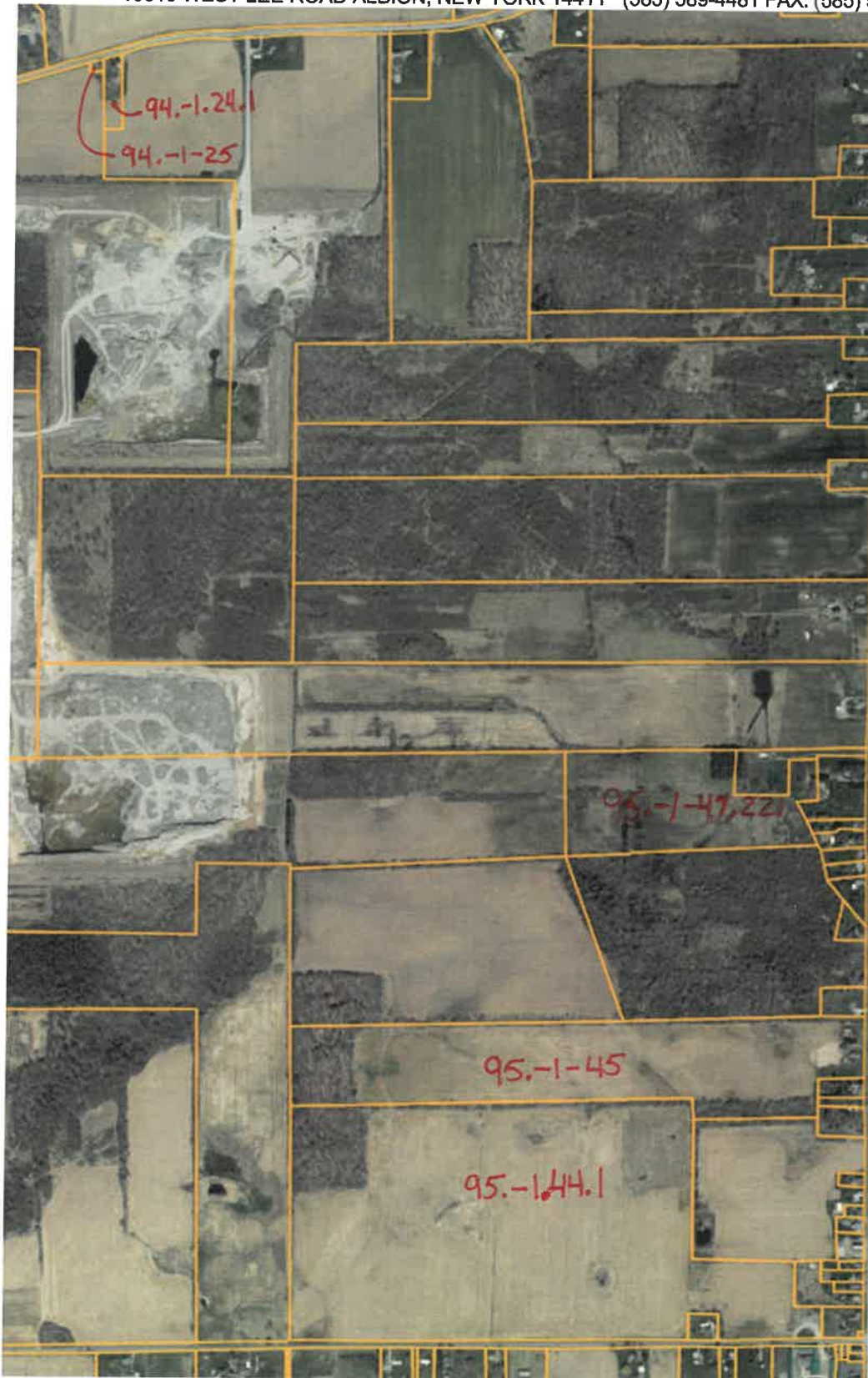


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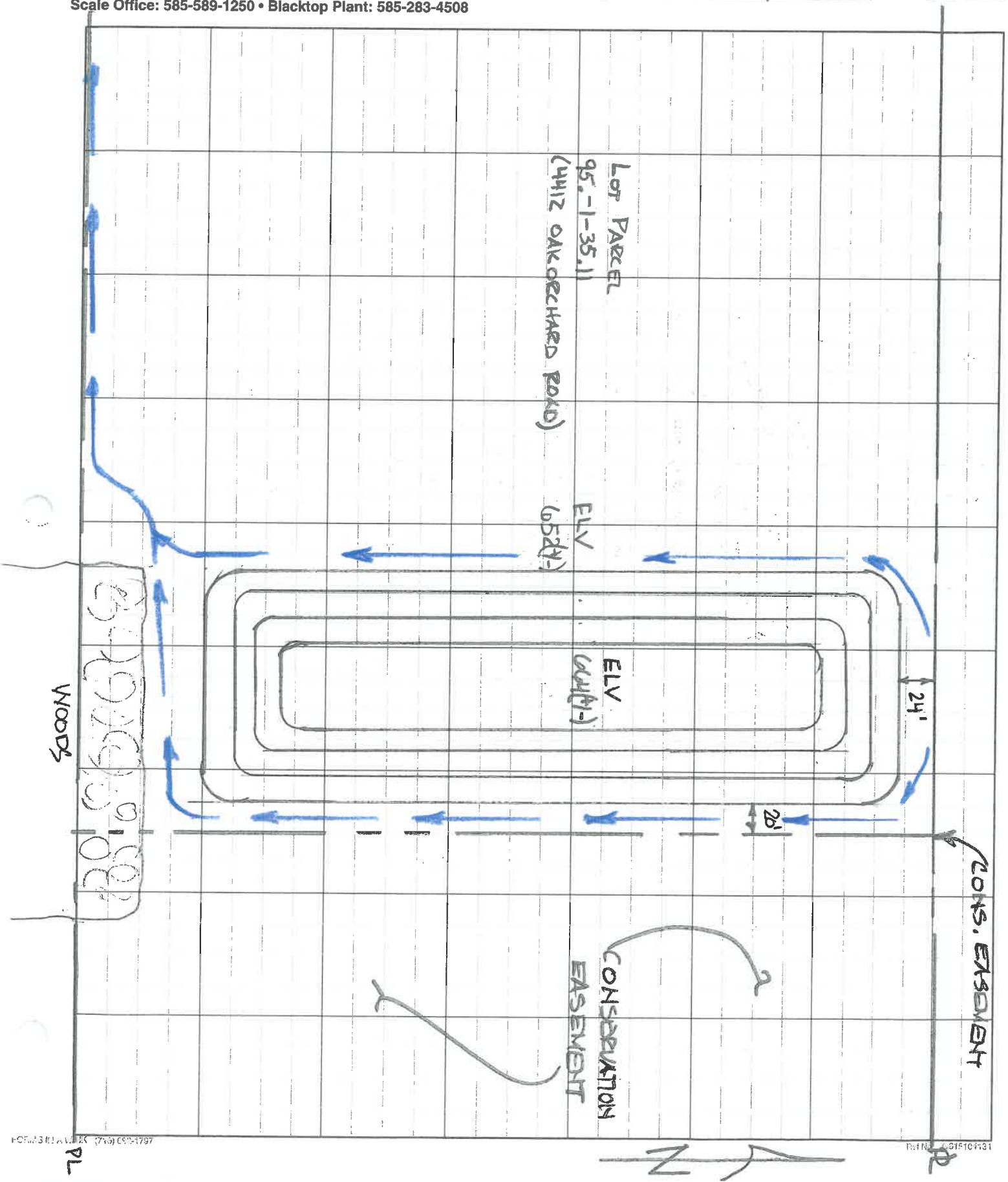
BARRE STONE PRODUCTS, INC.

www.barrestone.com

14120 West Lee Road • Albion, NY 14411

Scale Office: 585-589-1250 • Blacktop Plant: 585-283-4508

PROJECT BARRE STONE SHEET 1 OF 2
 CALC. BY DLH DATE 11/20/2021
 PROJECT NO. _____ CHECK BY _____ DATE _____
 SUBJECT PROPOSED BEEM SCALE _____



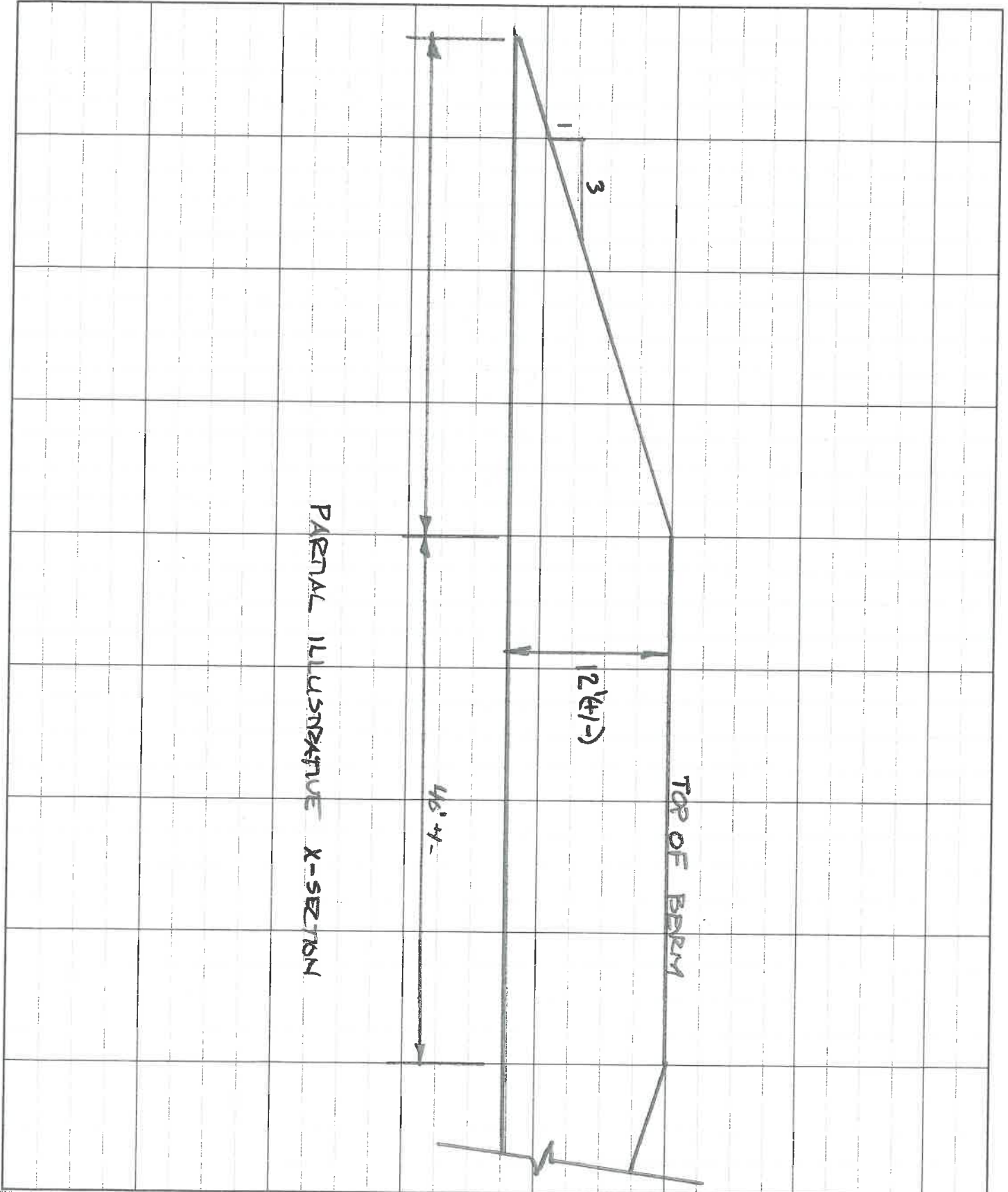


BARRE
STONE PRODUCTS, INC.

PROJECT BARRE STONE SHEET 2 OF 2
 CALC. BY DLH DATE 11/21/2023
 PROJECT NO. _____ CHECK BY _____ DATE _____
 SUBJECT PROPOSED BERM SCALE NTS/PRO

www.barrestone.com
 14120 West Lee Road • Albion, NY 14411

Scale Office: 585-589-1250 • Blacktop Plant: 585-283-4508



Dave Herring

From: Sek, Dan J (DEC) <dan.sek@dec.ny.gov>
Sent: Friday, November 17, 2023 8:20 AM
To: Dave Herring
Subject: Re: Barre Stone Wilson Quarry - Berm Construction

Yes, building a berm outside the Life of Mine on Keeler Property with the excess material from Barre Stone, is acceptable to DMN and is not in violation of any Mining Laws/regulations.

From: Dave Herring <DaveH@keelerconstruction.com>
Sent: Thursday, November 16, 2023 2:04 PM
To: Sek, Dan J (DEC) <dan.sek@dec.ny.gov>
Subject: Barre Stone Wilson Quarry - Berm Construction

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dan,
Good afternoon.

Following up our conversation last week regarding construction of a berm on a property outside the Life of Mine, owned by Keeler Construction or Barre Stone, with overburden and excess reclamation topsoil as a buffer screening to our mining practices is acceptable.

Appreciate your response.

Best,
Dave

David L. Herring, P.E
Chief Engineer

KEELER CONSTRUCTION CO., INC.
13519 WEST LEE ROAD ALBION, NEW YORK 14411
daveh@keelerconstruction.com
(585) 589-4481
FAX: (585) 589-1160
CELL (585) 734-3845



Special Use Permit

Town of Barre, County of Orleans, State of New York

Permission is hereby granted to:

Keeler Construction

Of: 13519 W. Lee Rd.

At Lot No: 104.-1-6.1, 104.-1-29.11, 94.-1-23, 94.-1-27,
94.-1-30, 94.-1-34.1, 94.-1-38, 94.-1-46.11, 95.-1-47.222,
95.-1-46.2, 93.-1-53, 95.-1-35.11, 94-1-75

To operate: Quarry and 3 Years Blasting

This Certificate signifies compliance with all applicable laws, ordinances and regulations set forth by the Town of Barre Zoning Ordinances at the time of application, renewal and inspection.

This Special Use Permit Expires on 12/31/2023
(Blasting Permit expires 12/31/2024)

**TOWN OF BARRE
PLANNING BOARD
APPLICANT ACKNOWLEDGEMENT**

Date: Nov 27, 2023

Applicant: Name: BARRE STONE PRODUCTS, INC.

Address: 14120 WEST LEE ROAD

Telephone: 585-589-4481

Subject Property: Address: 4412 OAK ORCHARD ROAD

Tax Lot No. 95.-3-35.11

Referred to Planning Board for:


Special Use Permit (MODIFICATION) Site Plan Review

Applicant shall reimburse the Town of Barre for all engineering, legal, or other extraordinary or unanticipated expenses incurred by the Town in review of the proposed action. The applicant shall reimburse the Town as expenses are incurred.

Where such expenses are estimated to be greater than \$1,000.00, the Planning Board will require an escrow account be established in an amount determined by such Board. The escrow account will be replenished as expenses are paid by the Town.

All monies due the Town of Barre shall be paid in full before issuance of any required permit OR within thirty (30) days of final action taken by the Planning Board.

I, DAVID L. HARRING have read the above statement and agree to the terms and conditions thereof.


Applicant's Signature

11/27/2023
Date

Fee's paid

**TOWN OF BARRE
PLANNING BOARD**

APPLICATION

(See Instructions and Procedures Attached)

Date Received: _____

1. I (we) hereby apply to the Town Board:

for Site Plan Review

for a Special Use Permit (MODIFICATION)

Pursuant to Section for the Town of Barre Zoning Regulations: _____

2. LOCATION: Address 4412 OAK ORCHARD ROAD Tax Lot No. 95.-1-35.11
Current Zoning: MINING

3. OWNER: BARRE STONE PRODUCTS, INC. Telephone: 585-589-4481

Address: 14120 WEST LEE ROAD, BARRE Zip: 14411

APPLICANT: _____ Telephone: _____

Address: _____ Zip: _____

AGENT: _____ Telephone: _____

Address: _____ Zip: _____

If the applicant is not the owner or if there is an applicant/agent, please explain:

4. DESCRIBE BRIEFLY THE DETAILS OF THIS REQUEST: CONSTRUCT A SCREENING
RUFFER BERM. OUTSIDE CURRENT NYSDEC
LIFE OF MINE

SIGNATURE(s): [Signature] DATE: 11/27/2023

DATE: _____

AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: BARRE STONE PRODUCTS, INC.
Mailing address: 14120 W. LEE ROAD
BARRE, NY 14411

B. Description of the proposed project: _____

C. Project site address: 4412 OAK ORCHARD ROAD Town: BARRE

D. Project site tax map number: 95.-1-35.11

E. The project is located on property:
 within an Agricultural District containing a farm operation, or
 with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: 1 ACRE

G. Is any portion of the project site currently being farmed?
 Yes. If yes, how many acres _____ or square feet _____ ?
 No.

H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

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**FARM NOTE**

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

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DAVID L. HERRING, CHIEF ENGINEER
Name and Title of Person Completing Form

11/27/2023
Date

**PLANNING BOARD APPLICATION
INSTRUCTIONS AND PROCEDURES**

- Regular meetings of the Planning Board are held on the 2nd Monday of each month at 6:30 P.M. at the Town of Barre Town Hall, or such other time or place as the Chairman of the Board may determine from time to time.
- All pertinent questions on the application must be answered, and all information required shall be concisely stated. Additional statements may be added if needed on the back of the application or on a separate sheet of paper.
- The final date for filing applications shall be ten (10) days before the date of the regular meeting.
- Applications for a Special Use Permit and/or Site Plan Review shall be accompanied by 5 copies of a proposed site plan* showing the information required for site plan approval as described in Article X of the Town of Barre Zoning Regulations (attached herein) and the appropriate fee. Checks should be made payable to *Town of Barre*.

The Code Enforcement Officer shall provide the Applicant a copy of the relevant Section of the Town of Barre Zoning Regulations, describing the standards and provisions required for the Special Use Permit requested.

*A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and to determine the information to be submitted with the site plan.

SPECIAL USE PERMIT AND SITE PLAN REVIEW INFORMATION

SPECIAL USE PERMIT

The Town of Barre Zoning Regulations uses Special Use Permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special Use Permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations

A “Special Use” is a use which is specifically permitted in a given District only when conditioning criteria enumerated in the Town of Barre Zoning Regulations are met. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

- In approving an application, the Planning Board may impose any modifications or conditions it deems necessary to conform to the goals and objectives of the Town of Barre’s Comprehensive Plan and its principles of land use and development, and to protect the health, safety or general welfare of the public.
- A Special Use Permit shall authorize only one particular special use. The Permit shall expire if the use shall cease for more than one (1) year for any reason.
- The Code Enforcement Officer shall inspect the premises of a use authorized and approved with a Special Use Permit on an annual basis. The purpose of the Inspection is to determine that the use is being operated consistent with the terms and conditions established by the Town Planning Board in approving the Permit.
- In addition, fees for a Special Use Permit are due annually.

SITE PLAN REVIEW

Applications for a Special Use Permit for any structure, building or use shall be referred to the Planning Board for Site Plan review with the following exceptions:

- One or two-family dwellings
- Permitted accessory uses for one or two-family dwellings
- Any addition to a single-family dwelling
- Ann addition to a general farming use

The intent of a Site Plan Review is to set forth additional general standards applying to certain uses and activities, the nature of which require special consideration of their impacts upon surrounding properties, the environmental, community character and the ability of the Town of Barre to accommodate development consistent with the objectives of our Zoning Regulations.

OPTIONAL PUBLIC HEARING

The Town Planning Board may conduct a Public Hearing of the Site Plan Review and Special Use Permit if considered desirable by a majority of the members.

Expiration Of a Site Plan Approval

Site Plan approval shall automatically terminate one (1) year after the same is granted unless significant work has been done on the project.

Short Environmental Assessment Form

Part 1 - Project Information

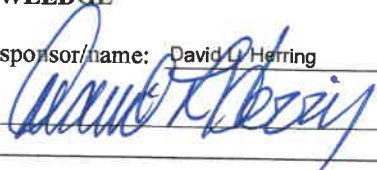
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Construct a screening buffer berm			
Project Location (describe, and attach a location map): 4412 Oak Orchard Road, Route 98, Albion, NY 14411			
Brief Description of Proposed Action: Construct a screening berm on a company owned parcel adjacent to our mining activities.			
Name of Applicant or Sponsor: Barre Stone Products, Inc., David Herring		Telephone: 585-589-4481	
Address: 14120 West Lee Road		E-Mail: daveh@keelerconstruction.com	
City/PO: Albion		State: NY	Zip Code: 14411
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of BARe, modification of special use permit			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1 acres	
b. Total acreage to be physically disturbed?		1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1,074 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>David L. Herring</u> Date: <u>11/27/2023</u>		
Signature: <u></u> Title: <u>Chief Engineer</u>		

PRINT FORM