

Village of Brockport
Planning Board
6 pm Monday, June 12, 2023

MEETING AGENDA

CALL TO ORDER / PLEDGE / ROLL CALL

APPROVAL OF MINUTES: April 10, 2023

CORRESPONDENCE: Zoning Board of Appeals report to the Planning Board

OLD BUSINESS APPLICATIONS:

NEW BUSINESS APPLICATIONS:

1. Name: Gregory Bell, BME Associates, as agent for South Avenue Properties LLC
Address: 180 and 230 South Ave
Tax Map#: 069.17-2-9.1 and 069.17-2-11.1
Zoning: Limited Industrial Use District
Parcel Size: 1893ft x 1013ft and 516ft x 1013ft
Prop. Class: 447 – Truck Terminal
Purpose: Reconfigure the property line between 180 and 230 South Avenue

ADJOURNMENT:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

Meeting: Monday, July 10, 2023 – 6 pm Deadline: June 27, 2023 - Noon
Meeting: Monday, August 14, 2023 – 6 pm Deadline: August 1, 2023 – Noon

--UnApproved--

**Regular meeting of the Village of Brockport Planning Board
Held in the Conference Room, Municipal Building, 49 State Street, Brockport, NY
Monday, April 10, 2023, at 6:00pm**

PRESENT: Chair Charles Switzer, Vice Chair Lyle Stirk, Member Brandon St. John, Member Kevin McCarthy, Clerk Theresa Weed.

EXCUSED: Assistant CEO Carol McNees

ABSENT:

ALSO PRESENT: CEO Chad Fabry, Village Board Liaison Annette Crane, Patrick Laber - Schultz Associates

CALL TO ORDER: Chair Switzer called the meeting to order and led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve minutes of meeting of December 12, 2022.

→ Member St John moved, Member McCarthy seconded, unanimously carried to approve the minutes as written.

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve minutes of meeting of February 13, 2023.

→ Member Stirk moved, Member St. John seconded, unanimously carried to approve the minutes as written.

CORRESPONDENCE: Chair Switzer made reference to an email received regarding two public hearings for code revisions on the next two Tuesdays, April 11th and 18th from 6:30pm to 7:30pm at the Village Court House.

OLD BUSINESS:

NEW BUSINESS:

1. Name: Carolyn Orr
Address: 24 East Ave
Tax Map#: 069.37-1-2
Zoning: Business
Parcel Size: 120.78f x 269.28d x 0.75ac
Prop. Class: 472 – Kennel/Vet
Purpose: Driveway Expansion

PLANNING BOARD MEETING MINUTES – April 10, 2023

Presentation/discussion:

Chair Switzer invited Mr. Laber, who is representing the Applicant, Carolyn Orr, to address the Board. Mr. Laber indicated the applicant is proposing to add 1100 sq ft of additional asphalt to the existing parking lot on the south side of the building. This would add 4 more spaces for her employees.

A brief discussion took place regarding stormwater flow, the stormwater detention area, dimensions of the area to be added, restriping of the parking lot, and the relocation of the dumpster enclosure.

MOTION: Chair Switzer called for a motion:

- ➔ Member Stirk moved, Member St. John seconded, unanimously carried to approve the application as designed.

Chair Switzer congratulated Mr. Laber.

OTHER BUSINESS - DISCUSSION:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

Meeting: Monday, May 8, 2023 – 6 pm	Deadline: April 25, 2023 - Noon
Meeting: Monday, June 12, 2023 – 6 pm	Deadline: May 30, 2023 - Noon

ADJOURNMENT:

1. Member McCarthy moved, Member Stirk seconded, unanimously carried that the meeting be adjourned at 6:09 pm.

Theresa Weed, Clerk

May 31, 2023

Chairman Charles Switzer
Village of Brockport Planning Board
127 Main Street
Brockport, NY 14420

Re: Area Variance application of
Earthborn Materials, LLC 180 South Ave.

Chairman Switzer,

The Zoning Board of appeals was presented with a request for an Area Variance submitted by Earthborn Materials, LLC. which is described as a joint venture between Aaron Bower (Earthtech Developers LLC), Nate Crofoot (Residential Excavating LLC) and Ryan Diehl (a commercial site work company) to process green waste and excess dirt for sale to commercial customers. Raw material will be brought to the South Ave. in 45 foot trailers in 100 yard quantities per load. The purpose of this application is to allow the outdoors processing and storage of those materials and finished products during their “down-time” from primary business activities. They have been a tenant at 180 South Ave. for the past six months.

This report elaborates upon the findings and decision of the ZBA hearing on April 6, 2023 for that application and is provided for information and consideration for the Planning Board’s site plan review, particularly the relationship between Earthborn’s proposed operations and the surrounding area.

Additionally please find supporting documents which include:

- Criteria/tests for Area Variance
- Excerpts from “The SEQR Handbook” describing the requirements and factors that a zoning board must consider in making a legally sound determinations
- Application submitted by Aaron Bower / Earthtech Developers LLC {begins on p23 of: zba 2023-4-6 meeting.pdf}
- Applicant supporting document.pdf
- Site map.jpg
- Comments for 4-6-23 ZBA Public hearing.doc
- {typed} Findings & conditions.doc
- Three photographs at 180 South Ave dated 5-29-23

Guidelines provided for use by zoning boards when making findings and decisions establish that ‘harm’ cannot be speculative and that general community opposition is not enough to constitute an undesirable change. See attachment. The ZBA’s Findings and Decision on the area variance for this application address the restrictions of Section 58-12 E (2) & (3) of the Zoning Code which requires material processing and finished product storage to be done indoors.

The granted variance will allow out-of-doors processing of wood ‘green waste’ material and the screening of soil as opposed to such processes conducted in an enclosed building. Finished material may also be stored outside until its sale and removal. In reaching our conclusions we

took into consideration the balance between the benefit to the applicant vs. the harm to the neighborhood and community and is elaborated upon as follows.

Permitted uses in the Light Industrial Use District governed by Ch 58-12 B (3) sub (L) include the manufacture, processing and assembly of previously refined materials in the following industrial categories; (l) Wood. During his comments to the ZBA the Code Enforcement Officer (Chad Fabry) expressed the opinion that screening soil is not separate and distinct material processing from grinding of tree by-products resulting from land clearing; both items are products of the earth. He further explained that the wood material brought to 180 South Ave. will have been previously processed during land clearing into chunks of trees or the branches and brush to be converted into mulch. No tree trunks will be brought there.

We concurred with that opinion that soil and tree by products are both from the earth.

Non-permitted uses are found in Ch 58-12 sec. D (3) describe uses “which would create, in any manner: noxious (*physically harmful*) or offensive noise (*a painful sensation; causing displeasure. Ex: a Long Range Acoustical Device*), or dust or odor. The concern for noise from the grinding and sifting processes described by the applicants is the basis of Condition I described below as is the suggestion of measuring decibel levels during the process of grinding and sifting.

The ZBA after taking into consideration the following five criteria finds that the benefit to the applicant does outweigh the detriment to the neighborhood or community and approved the area variance as submitted with restrictions imposed upon the applicant as described below.

The criteria considered by the ZBA include:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; NO

- We find that the area of 180 South Ave. has been in use as permitted for decades and the processing of material into mulch or screening of soil does not change the character of this area of the Village.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; NO

- We find it unfeasible to impose a requirement to contain such material processing and storage of finished products within an enclosed commercial building after considering the scale of operation as proposed in the application.
- Additionally no evidence was presented showing a mulch-processing of this description is being conducted in an enclosed building.

3. Whether the requested area variance is substantial; NO

- The proposed use is not determined from the evidence presented to the ZBA to be separate and distinct in character from the site’s current permitted work. The size of the operation proposed, based on the application’s footprint, is not considered substantial considering the overall size of the property.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO

- During public comments the concern for hearing unwanted noise anticipated from operating a grinding machine was raised. The distinction between noise decibels being harmful, requiring hearing protection, and the reduced decibels from noise dissipation over distance, as was described during public comments, was made. Noise can go from harmful to annoying to some.
- Multiple citizens spoke about odors and grinding noise. The ZBA addressed these concerns and felt that the 20 day maximum limit of ‘green waste’ grinding and 30 day maximum of soil screening would not be a significant neighborhood impact.
- Our conditions imposed (listed below) reflect concerns voiced by the public and shared by the ZBA.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance; YES

- We find that it’s not feasible to construct a commercial building to house grinding and screening equipment and storage of finished product as described in the application. This was taken into consideration by the ZBA while coming to our decision.

The ZBA found that an area variance from requirements of the Zoning Code Ch. 58-12 E. sub (2) and (3) is the minimum variance to grant in order to preserve and protect the character of the neighborhood and the safety and welfare of the community. Reasonable conditions imposed by the ZBA on this application will tend to achieve those goals.

Conditions:

The ZBA finds that the following restrictions are necessary in order to minimize adverse impacts upon the neighborhood or community as described below:

- I. Noise generated by grinding raw “green waste” material shall be limited to 20 calendar days a year of 8 hours per day or any lesser part thereof. Screening soil will be limited to a maximum of 30 days calendar year of 8 hours per day or any lesser part thereof.

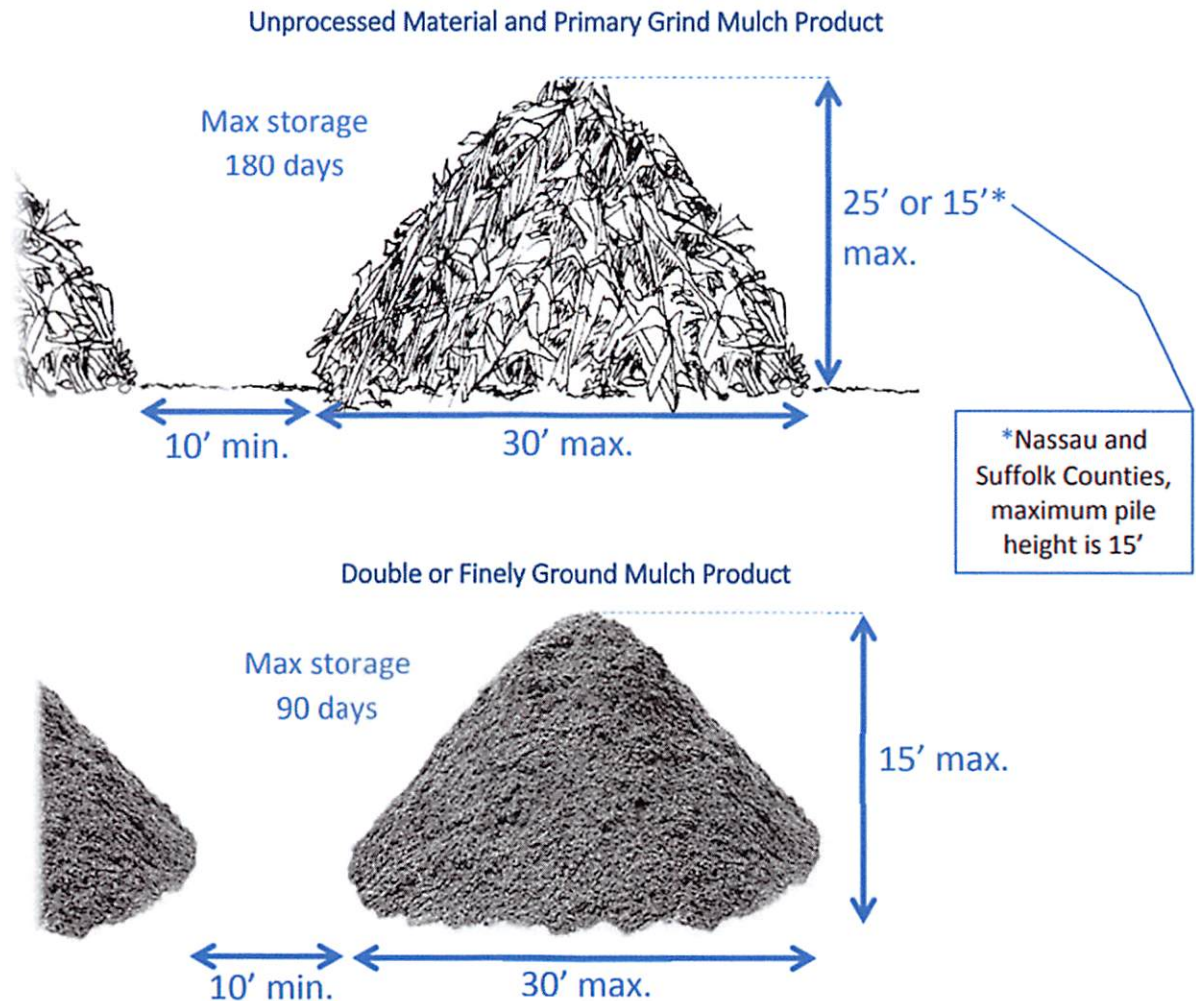
Note: their Business Plan and submitted Memorandum establishes hours of operation from 9:00 am to 4:00 pm for processing material and not to be done on weekends. During their presentation the ZBA was informed that cleaning up the site of neglected trees allowed to grow on-site was done. Further, approximately 5,000 yards of grindings has been completed without any noise complaints received.

Note: During the presentation by the applicant’s legal representative (Daniel Schum Esq.) Mr. Schum explained the operation of machines will be limited to 8 hours a ‘day’ even if split between two calendar days for 20 days per year (160 total hours) of grinding and 30 days per year (240 total hour) of screening. The condition imposed by the ZBA was clear that any day the machines are put into

use constitutes a calendar day whether the machine is operated for 8 hours or any lesser part thereof. If there is any confusion on the part of Earthborn Material, LLC it should be rectified.

- II. Berms are to be constructed as proposed in the application as soon as practicable and before this coming winter season begins. Further, the Applicant's website and instructions given to drivers of dump trucks and tractor trailers are mandated to use Owens Rd. to access South Ave. No such traffic loaded or empty is to use any other Village street. In addition, a sign noting that trucks shall not turn left onto South Avenue should be considered for installation on the property at 180 South Ave.
- III. No retail sales are to be conducted at 180 South Ave. for mulch, soil or other material.
- IV. No more than eight piles of material; *finished or raw* shall be stored and all such piles to be contained within the area shown on the site map submitted in this application. In addition pile heights and widths shall be maintained per DEC Mulch Processing Facilities.

Guidelines as noted in 6 NYCRR Part 361-4 depicted below.



The applicants were also advised that regulations exist limiting the number of days unprocessed material and re-ground material may be stored as described in the above chart.

- V. The applicant will submit to the Village of Brockport Planning Board odor control techniques available for commercial mulch production if any such technique is currently utilized by mulch processing of the applicant's proposed scale.

A list of topics that were the public's comments for this application are provide as an attachment for your consideration.

Condition III limits the applicant to wholesale bulk order customer; no retail sales shall be conducted at 180 South Ave. The business plan contains descriptions of retail sales. When asked about this by the ZBA their reply was that the business plan should have been modified before the hearing to delete any reference to 'retail sales'.

No mention was made by applicant for compost piles there; there is no intent to allow composting by ZBA subsequent to this application. The scope of the application was for grinding and screening of raw materials.

During their presentation applicants advised the ZBA that no tree trunks would be brought to 180 South Ave. It would not be practical because they have no log trucks and tree trunks are too hard to move. However, mature tree trunks are observed stockpiled at 180 South Ave. There was no mention of this stockpile of tree trunks by anyone present for this hearing to describe how these trunks got there or how long they have been there. If there is a plausible explanation, it should be offered. No provisions for stock piling tree trunks were part of the Earthborn Materials LLC application nor contemplated by the ZBA during its deliberations. See the attached photos.

When asked by the ZBA, the applicants explained that debris from demolished buildings would be hauled to a landfill; bringing such material to South Ave. then to a landfill later would cause 180 South Ave. to be considered a "transfer station". Construction debris that will be brought to 180 South Ave. would be suitable for re-use as "hard fill" such as broken concrete pieces, remnants of removed driveways or excess dirt. (Any long term storage of construction debris would be seasonal during winter months.) An unexpectedly large pile of asphalt is present at 180 South Ave. which should be explained in detail for the same reasons given regarding the tree trunks.

Stockpiles of raw or finished material are now subject to the conditions imposed by the Zoning Board of Appeals.

The Applicant's business plan and Memorandum both note that decibel readings during the operation of the grinder were not available when the business plan and memorandum were made part of the application for an area variance. Item 2) on page 7 of the Memorandum provided by the Applicant to the ZBA describes "the nearest residential structure is 750 feet or more from the property". Item 5) describes "that all equipment operation will be such that all sound will be 75db or less as measured at ground level at a distance of 30 feet from the operating equipment".

We recommend that an independent lab, the cost for testing borne by the Applicant, be used to measure the decibel level when the grinder is in use at 30 feet distance from that operating

equipment, and from 750 feet or the nearest residence if it is closer than 750 feet. The results of such testing should be presented to the Planning Board for verification of their claims as no such test result verification was presented to the ZBA.

A method should be required of Earthborn Materials, LLC to record the dates and hours of operation of the grinder and the soil screener to demonstrate compliance with condition #1.

If I can be of any assistance clarifying the content of this report to you or the Planning Board Members please do not hesitate to contact me.

Cordially,

Bob Duff
Chairman Zoning Board of Appeals

Cc: Annette Crane
Chad Fabry
Theresa Weed
Zoning Board of Appeals

ZONING BOARD OF APPEALS

Variance tests

Note: The decision must contain a finding of facts or testimony which must be placed into the record to adequately support the decision. (*The reasons why the decision was made must be part of the decision.*)

A. INTERPRETATION – A request is submitted to ZBA when applicant believes the Code Enforcement Officer made an error applying the code or when disagreements over dimensional requirements or when taking measurements occur for example.

ZBA's decision is made based on the facts known to the Code Enforcement Officer and is rendered when interpreting the uniform application of the words of the zoning law or map. Refer to minutes & hearing comments to determine the Village Board's intention when the zoning was adopted. (*NOTE: ZBA's decision must conform with the intent of the law and master plan*)

B. AREA VARIANCE is an authorization from ZBA to use property in a manner contrary to dimensional or physical requirements of zoning code requirements; it is a 'balancing test'.

ZBA balances the applicant's benefit vs. the health, safety and general welfare of the community; how much would this variance undermine the zoning code? After hearing the applicant and any public comments the decision rendered in granting or denying of an area variance and conditions (*e.g., why physical lot restrictions hinder the intended use, size of variance, etc.*) after considering each of the following criteria:

1. ZBA member describes whether an undesirable change in the neighborhood character will be created, and the reason why or why not:
(Would undesirable changes be eliminated by the imposition of conditions?)
2. ZBA member describes whether there is an alternative method to achieve what the applicant desires, and reason why or why not:
(Ask questions to see if there is a solution that the applicant has not thought of to comply with code requirements.)
3. ZBA member decides whether the requested area variance is 'substantial' (ex: a request the change a set-back from 60' to 5') and why or why not:
4. ZBA member described whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why or why not:
(ex: Blocked view of vehicle or pedestrian traffic? Sufficient Emergency vehicle access?)
5. ZBA member describes whether the alleged difficulty was self-created, and reason why or why not:
(ex: sub-standard lot does not allow for the construction of garage)

Conditions prescribed by the Zoning Board of Appeals in granting this variance must be reasonably related to the impact of the application being considered.

Remember, the decision must contain a finding of facts or testimony which must be placed into the record to adequately support the decision. (*The reasons why the decision was made must be part of the decision.*)

C. USE VARIANCE is permission given to the property owner in a manner prohibited by the Zoning Code.

The objective of this variance being approved is “where no valid general objection to the application may be made”. After hearing the applicant and any public comments the decision rendered in granting or denying of a use variance (*e.g., a use that is not permitted under the law*) requires the applicant to overcome each of the following criteria.

All 4 tests must be passed & the burden is on the applicant.

1. ZBA member describes why the uses allowed in the district will not allow the applicant a reasonable return.

It must be demonstrated that the code is so restrictive that it amounts to a ‘confiscation’ of property. The owner must show “competent financial evidence” (Bill of sale, Present value of property, Leases, rental agreement tax bill, maintenance costs Realtor’s statement: inability to sell or rent) by dollars and cents that no reasonable return is possible for each and every permitted use. (Financial records can be requested by ZBA)

2. ZBA member describes what unique conditions exist that makes the applicant’s land difficult to use.

It must be shown that the property has a “singular disadvantage” not in common with the other area properties. (ex: physical features preventing development for a permitted use; Why would the proposed project be possible, but not any permitted uses? Ex: a single vacant lot in an area zoned for single family dwelling but is encroached upon by commercial development.)

3. ZBA member describes whether the proposed use will alter the essential character of the neighborhood or be disruptive.

Would the variance create conditions distinctly different from those characteristics presently existing? Might this project stimulate a process which in time would alter the neighborhood (Expected effect of the proposal on neighborhood. Ex: change in lighting, noise levels, parking pattern?)

4. ZBA member describes if the alleged hardship self-created?

Examples: when the applicant acquired the property What were the permitted and did the applicant know of its existing zoning code restrictions. Or, was it acquired through inheritance, Court Order or divorce? (*If it was self-created the variance should not be granted.*)

- I. Activities that are classified as Type II actions do not require SEQR review. Type II actions include some typical local government activities such as:
 - Construction or expansion of a single-two-, or three-family residence on an approved lot and conveyances of land in connection therewith;
 - **Granting of individual setback, lot line variances and adjustments, granting of area variance(s) for a single-, two-, or three-family residence**

- II. What Is the Concept of “Reasonableness” as It Applies to SEQR?

The range of decision making by agencies require judgment to apply SEQR. For instance, SEQR asks the lead agency to decide how many alternatives should be reviewed, how much information is enough, and if the proposed action is really “significant.” While there cannot be black-and-white answers to such matters, there is one basic principle or rule that can be used: the rule of reason.

The principle of reasonableness in SEQR decision making, has been upheld by the courts. In addressing the review of impacts, the courts have limited the consideration of impacts to reasonably related potential impacts. **The court decisions have also stated that not every conceivable impact needs to be considered—speculative impacts may be ignored.**

The Environmental Assessment Form and the Concept of Reasonableness

There are aspects of a project that are subjective and unmeasurable, and that the people who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis.

Given these practical limitations, SEQR asks that these decision-makers identify and consider, in an orderly manner, the relevant potential impacts of an action. The EAF Part 1 (Project Information) instructions to the project sponsor recognize that Part 1 is based upon currently available information. However, **if an impact is judged relevant and significant**, a subsequent EIS may require new studies, research, or investigation.

The initial instruction to the lead agency in Part 2 (Analysis) of the full EAF reminds the lead agency that it should answer the questions in a reasonable manner *while considering the scale and context of the project*, and recognizes that the reviewer is not expected to be an expert in environmental analysis.

In Part 3 (Evaluation) of the EAF, the agency decides if it is reasonable to conclude that this impact is important. Following that instruction, a series of questions tests the reasonableness of the decision.

*The regulations ask that the lead agency identify and address relevant areas of environmental concern. **If a potential impact is too speculative, it should not be addressed. The agency’s responsibility is to deal with impacts that are reasonably foreseeable.***

Environmental Assessments: What is an environmental assessment?

An environmental assessment is an evaluation of the known or potential environmental consequences of a proposed action. During an environmental assessment, involved and interested agencies can identify their concerns about an action, provide guidance to the lead agency in making its determination of significance, and help determine whether additional relevant information about potential impacts is needed.

2. What is an environmental assessment form (EAF)?

An environmental assessment form (EAF) is a document developed specifically for SEQR that provides an organized approach to identifying and assessing the information needed by the lead agency as it makes its determination of significance. A properly completed EAF describes the proposed action, its location, its purpose, and its potential impacts on the environment. The EAFs are electronic documents and are available on DEC's SEQR website and are supported by the EAF Mapper and EAF workbook resources.

3. Who prepares an EAF?

Agencies undertaking direct actions and applicants for funding or approval complete Part 1 of the EAF. The lead agency is responsible for completion of Parts 2 and 3 of the EAF.

Part 2 examines the range of possible impacts and their magnitude to assess their significance.

Part 3 evaluates the importance of such impact(s). Instructions included on each form should be read and carefully followed.

5. What is the short environmental assessment form (short EAF)?

The short EAF is intended exclusively for use in evaluating Unlisted actions. Unlisted actions may require a less detailed level of review before a determination of significance is made.

Determining Significance

What is a determination of significance?

A determination of significance is the most critical step in the SEQR process. This is the step in which the lead agency must **decide whether an action is likely to have a significant adverse impact upon the environment**. If the lead agency finds one or more significant adverse environmental impacts, it must prepare a positive declaration identifying the significant adverse impact(s) and requiring the preparation of an Environmental Impact Statement (EIS). If the lead agency finds that the action will have no significant adverse impacts on the environment, no EIS is necessary, and the lead agency must prepare a negative declaration.

2. What is "significance"?

The SEQR regulations recognize the subjectivity of the term "significance." Two key characteristics of possible impacts that should be considered in determining significance are "magnitude" and "importance." Magnitude assesses factors such as severity, size, or extent of

an impact. Importance relates to how many people are going to be impacted or affected by the project; the geographic scope of the project; duration and probability of occurrence of each impact; and any additional social or environmental consequences if the project proceeds (or doesn't proceed). Each impact of an action must be judged by these two characteristics. Generally, larger impact (larger magnitude) projects are more likely to need more detailed analysis. The characteristic of "importance" requires us to look at an impact in relation to the whole action. The short- or long- term or cumulative nature of the impacts also needs to be considered.

Which factors must a lead agency consider in making a legally sound determination of significance?

In making a legally sound determination regarding significance, the lead agency must:

- Identify all relevant environmental impacts,
- thoroughly analyze these potential impacts, and
- Provide a written explanation of its reasoning in concluding that the proposed action may cause, or will not cause, significant adverse environmental impacts

The information and reasoning in a determination of significance should be presented in a logical, comprehensive, and understandable manner. A legally sound determination of significance means that a lead agency can demonstrate that it has considered at least the following:

- the entire action
- The EAF;
- any other information provided by the applicant, including the underlying application;
- the criteria for determining significance found in 617.7(c);

As early as possible in an agency's formulation of an action it proposes to undertake, it must do the following:

- Determine whether the action is subject to SEQR.
- Make a preliminary classification of an action as Type I or Unlisted; such preliminary classification will assist in determining whether a full EAF and coordinated review is necessary.
- For Unlisted actions, the short EAF must be used to determine the significance of such actions. The lead agency is responsible for preparing Parts 2 and 3

And

- any input from involved and interested agencies, interested organizations, or other groups of people and the public.

Furthermore, **the reasoning used** by the lead agency in concluding that no significant adverse impacts will be caused is essential in justifying a negative declaration.

What is a negative declaration?

A negative declaration is a determination by the lead agency that an action will not result in a significant adverse environmental impact, and consequently, no Environmental Impact Statement is required. For a lead agency to issue a negative declaration, **it must be able to demonstrate that the action will not have a significant adverse environmental impact.** In making decisions on significance, the lead agency must take hard look at all relevant impacts of

the whole action, not just those within its immediate jurisdiction, and document its reasoning in writing will be prepared.



Review submission requirements & deadlines prior to submitting

VILLAGE OF BROCKPORT

127 Main St, Brockport, New York 14420

Phone: (585)637-5300 ext 114 Fax: (585)637-1045

Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

Area Variance: <input checked="" type="checkbox"/>	Use Variance: _____
Interpretation: _____	Special Permit: _____
Other: _____	

Meeting Date: 4/6/2023

Date Submitted: _____

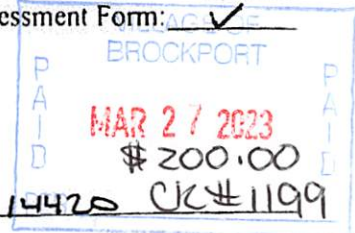
Application Fee: \$ _____

Plans/Supporting Documents(10 sets): _____

Environmental Assessment Form:

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.



PROPERTY ADDRESS: 180 SOUTH AVE BROCKPORT NY 14420 CL# 1199

Tax Map Parcel #: 069.17-2-9.1 Parcel Size: _____ width _____ depth

Property Zoning District: LIMITED INDUSTRIAL Property Class: UNSURE 447

Present Use of Property: CONSTRUCTION COMPANY Proposed Use of Property: ACCESSORY USE OF MATERIAL PROCESSING (MULCH + TOPSOIL)

Flood Zone: Yes No Historical designations? Yes No

Provision of Code Appealed (section and subsection): 58-12 (E-2) & (E-3)

Previous applications that pertain to this application? Planning Board Zoning Board of Appeals

Description of Proposal / Detail of Request:
SEE ATTACHED

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

[Signature]
 Applicant Signature
AARON BOWER
EARTHTECH DEVELOPERS, LLC
 Applicant Name Printed/Typed

[Signature]
 Owner Signature
Kenneth Marvald, Manager
South Avenue Properties, LLC
 Owner Name Printed/Typed

Street _____ City _____ State _____ Zip _____

Street _____ City _____ State _____ Zip _____

Phone # _____ E-mail _____

Phone # _____ E-mail _____

Updated 6/6/19 bk

Short Environmental Assessment Form

Part 1 - Project Information

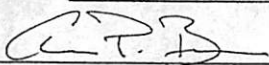
Instructions for Completing

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: Earthborn Materials Mulch Processing Yard			
Project Location (describe, and attach a location map): 180 South Ave Brockport NY, 14420 (Map Attached)			
Brief Description of Proposed Action: Earthborn Materials is a newly formed bulk mulch wholesaler. We are leasing space at 180 South Ave Brockport NY 14420 and would like to begin grinding, screening, and coloring mulch. We are pro-actively submitting this short form to ensure there is no environmental impact. All staging and processing areas do not exceed a 2% slope and the yard is relatively flat and will not discharge surface runoff into any tributary.			
Name of Applicant or Sponsor: Earthborn Materials, LLC		Telephone	E-Mail:
Address: 180 South Ave			
City/PO: Brockport		State: NY	Zip Code: 14420
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"/>	YES <input 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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 2.25 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 41.5 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<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: _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input type="checkbox"/>	<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: _____ _____	<input type="checkbox"/>	<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: _____ Existing topography will not be compromised	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input 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: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> Forest <input 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: Decommissioned sewage treatment plant was noted on an environmental study on the property. The location of that area is approx. 1000 feet from the proposed mulch yard	<input type="checkbox"/>	<input checked="" 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: Unsure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Aaron Bower</u> Date: <u>2/22/2023</u>		
Signature: <u></u> Title: <u>Member</u>		



Earthborn Materials, LLC

Cultivating Truly Recycled Materials.
Landscape and Construction Products From The Earth.

BUSINESS PLAN 2023

EXECUTIVE SUMMARY

Earthborn Materials, LLC is a landscape and construction material processing company specializing in turning previously refined materials such as green waste and excess topsoil into mulch and screened topsoil. By turning recycled construction waste into usable products we can limit the amount of material that will enter a landfill.



COMPANY OVERVIEW

- **Company Summary:**

Our mission is simple. Together we will change the way construction spoils and green wastes are disposed of. By re-using these products, we can help eliminate unnecessary trips to the landfill and undesirable bury pits.

- **Vision Statement:**

Our vision is to find a use for green waste products and be able to save local businesses and homeowners money while providing them a product that is more sustainably created.

- **Company Description and History:**

Earthborn Materials, LLC is a joint venture company created to solve a problem of where construction spoils ended up at the end of a commercial project. There are two companies who will collaborate on this venture: Residential Excavating, LLC, and Earthtech Developers, LLC. Residential Excavating is an excavation, and land clearing company who has a need to get rid of green waste especially tree grindings and topsoil. Earthtech Developers, LLC a commercial sitework company who had a need to get rid of construction spoils and topsoil. In late 2022 the two companies came together to figure out if they could solve this problem. The solution was a material processing yard located at Earthtech Developers shop in Brockport NY. By utilizing specialized shredding, and screening equipment to turn construction waste into usable products to

be resold in both retail and wholesale markets. These products will include landscape mulch, screened topsoil, and structural fill.

- **Management Team:**

Nate Crofoot- 33.33% General Partner of Earthborn Materials

Ryan Diehl- 33.33% General Partner of Earthborn Materials

Aaron Bower- 33.33% General Partner of Earthborn Materials

Earthtech Developers, LLC will have 66.66% vested interest in Earthborn Materials, LLC (Owned by Aaron Bower and Ryan Diehl, both 50% owners)

Residential Excavating, LLC will have a 33.33% vested interest in Earthborn Materials, LLC (Owned by Nate Crofoot, 100% owner)

- **Locations and Facilities:**

Our market is tailored to the Greater Rochester, NY area where the economy is strengthening, and opportunity is abundant. Earthborn Materials, LLC will be based out of 180 South Ave, Brockport NY, 14420 and will maintain a 5-acre processing yard.

The property at 180 South Ave is currently home to Earthtech Developers and will be cleared and leveled to stage the operation. Special attention will be aimed towards improving the overall appearance and cleanliness of the property. Currently there are dead trees and piles of debris that will be moved and cleaned to make way for the processing operation all the while improving the curb appeal of the property.

PRODUCT DESCRIPTION

- **Opportunity:**

By utilizing spoils that come off our projects, we will be able to decrease the cost of our raw material. After screening and processing these raw materials, we will be able to sell the products. Furthermore, with the right processing operation we will be able to produce a premium product for a premium price all while leveraging equipment and personal that already exist within Earthtech Developers and Residential Excavating's organizations. Earthborn Materials will aim to sell 80% wholesale and 20% retail, focusing on selling to businesses who resell these products. Currently

(15 days into the 2023 season) we have 2,500 CY of raw material on the ground ready to process.

- **Key Participants:**

Residential Excavating and Earthtech Developers currently employ the same CPA firm, Robert's Accountings CPA's PC. Robert's Accounting will be responsible for new business formation, sales tax returns, and income tax returns.

Residential Excavating and Earthtech Developers also currently employ the same insurance company VanParys Associates. An insurance company who is familiar with both affiliate companies is key to ensuring Earthborn Materials, LLC is properly insured.

Residential Excavating and Earthtech Developers will be keys to the success of the operation. Startup costs will be minimized by leveraging the current equipment and employee infrastructures at both businesses. Between the two companies we have access to 11 employees, 2 wheel loaders, 12 excavators, 3 bulldozers, 1- 100CY walking floor trailer, 3 dump trucks, and countless other pieces of equipment.

- **Pricing and Production:**

Production:

- 2023: Our goal is to produce and sell 10,000 CY of wholesale products
- 2024: Our goal is to produce and sell 30,000 CY of wholesale products
- 2025 and beyond: Our goal is to produce and sell 50,000 CY of wholesale products



MARKET ANALYSIS

Market Segmentation:

1. Our niche is to sell to garden centers and resellers by providing a one stop shop for mulch and topsoil, on a wholesale level.

2. By utilizing a slow speed shredder to grind miscellaneous debris, we will offer a dump site location for trees, brush, and other woody debris for local municipalities to get rid of their leaves, brush, and tree debris, and other green waste at no charge.

Competition:

Competition in our region is limited. The reason that most people cannot just open up a material processing company is because they cannot afford the outrageous start up costs required by a processing and screening operation. By leveraging our existing equipment fleet we have been able to reduce our start up costs by upwards of \$450,000.

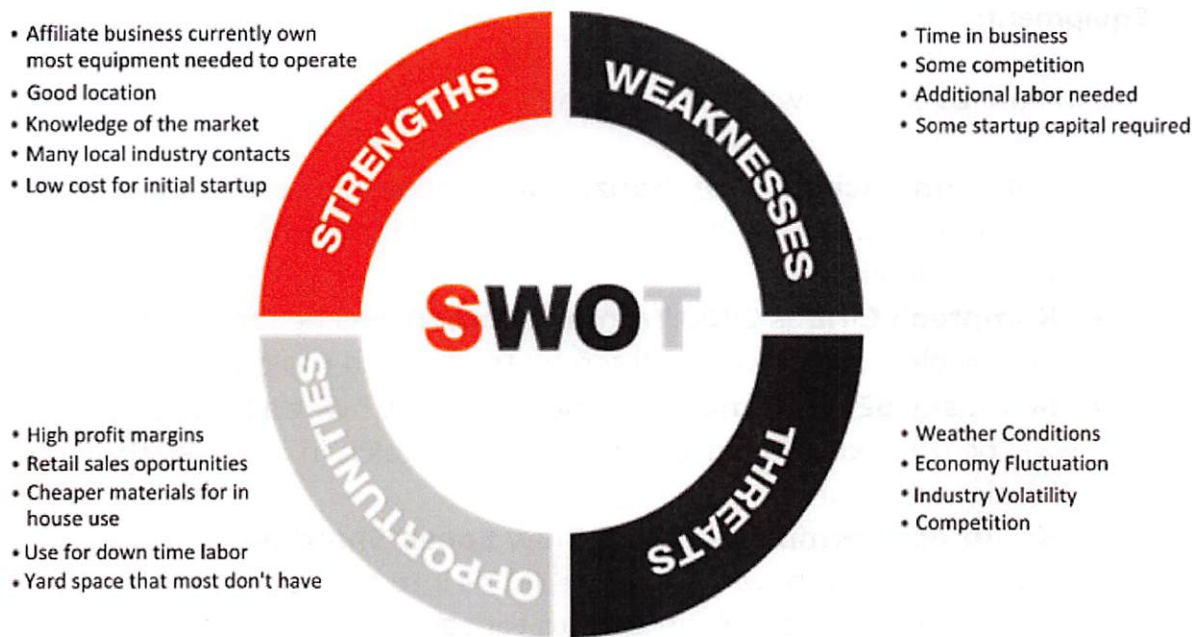
- **Topsoil:** In the greater Rochester area there are only two notable screened topsoil sources for wholesale topsoil. There are 10-12 business who resell topsoil, these companies will be our intended customers. Leveraging our industry knowledge of commercial construction, our topsoil will be tested by an independent testing laboratory to ensure that it can be used not only on residential projects but also commercial projects as well as to certify it meets the organic requirements needed to grow grass and plants.
- **Mulch:** Currently there are no notable mulch producers in the Rochester area. Most local resellers of mulch are buying their products from Buffalo, NY or the Fingerlakes Region. In addition to saving our customers money on the product, Earthborn Materials will be able to save our customers additional costs such as freight all the while providing them with better service. Garden centers such as Sarh's Garden Center, Sensing's Landscape supply, Van Putte's Garden Center, and Cardinal Lawn and Landscape will be our main target market.

SWOT Analysis:

The SWOT analysis shows that our Strengths are great, Weakness' are scarce, Opportunities are vast, are Threats are minimal.

The green waste recycling business offers many advantages to our two existing businesses which is our biggest strength. We can reduce our level of risk and reduce our initial investment because all equipment and personal needed to initially operate Earthborn Materials (EBM) are present through our current businesses, Earthtech Developers (ETD) and Residential Excavating (RE). We will leverage site construction slow seasons to keep workers at ETD and RE employed and working longer. This is attractive to employees because seasonal businesses such as sitework often come with layoffs. These layoffs for current employees can be minimized or even eliminated. In order to get EBM off the ground we will not have to hire new employees and commit to keeping them busy. We will utilize downtime that we often face in ETD and RD due to slow days and lulls that are found in between construction jobs to screen and process material. Furthermore, all the products we are going to sell at Earthborn will be products that we will utilize on our current construction jobs at ETD and RE. This will lower our costs for our respective businesses all the while guaranteeing revenue for EBM. We have countless industry relationships and contacts that we will leverage for mulch and topsoil sales. Because we do not have to hire new employees or buy the secondary equipment such as excavators, grinder, loaders, we will only have to buy screening equipment allowing us to begin to process material almost immediately.

Although the success of EBM is certain, in a worst-case scenario, ETD or RE will have an in house use for this screening equipment aside from the potential return on the Earthborn Material side. Moreover, ETD or RE could afford to buy a trommel for its own in house use regardless of external sales. In our opinion these competitive advantages make this a very low risk business venture. (Shown below is our initial SWOT analysis)



OPERATING PLAN

- **Safety:**

All Earthborn Material's employees will be at minimum OSHA 10 certified and will receive training on all equipment involved with the operation. Van Pary's Associates will be our insurance company for this operation.

- **Equipment:**

We will utilize the following equipment:

- **Peterson Pacific 4700B horizontal grinder**- currently owned by RE will used to produce 1st and 2nd grindings which will be screened to usable mulch sizes.
- **Komptech Ciribus 2800 Trommel Screen**- will be fitted with a ½" punch plate screen and will screen topsoil and mulch.
- **McClusky 621 Trommel Dye Unit**- Currently owned by ETD and RE will be utilized with a dye pump to color mulch in colors such as black, brown, and red.
- **Komptech Terminator 5000S Slow Speed Shredder**- Will be utilized to grind brush, and leafy debris into a product that can be screened for mulch or turned into topsoil.
- **3.5 CY Pay Loader** – Currently owned by ETD and RE will be used to load trommel and grinder.
- **350 Excavator (90,000 LB)** – Currently owned by ETD and RE and will be used to load and separate materials.
- **Stationary and Radial Stacker** – Currently owned by ETD and RE and will be used to stack and sort materials.
- **100 CY Tractor and Trailer** – Currently owned by RE will be used to bring in raw materials and deliver bulk products.
- **Small Dump Truck** – Currently owned by ETD will be used for local retail delivery.

- **Key Customers:**

Garden Centers and large accounts will be our primary focus during 2023/2024 seasons. We currently possess all the tools and equipment to bulk sell our products. We will have bins of products in front of our building where retail customers can purchase products. These retail customers will be a mix of homeowners and small landscape businesses.

- **Facilities:**

180 South Ave Brockport NY 14420 will be our production yard and future retail space. Accounts receivable and accounts payable will be run through Earthtech Developers within the building on the property. We will seek zone board approval for this operation



MARKETING AND SALES PLAN

Branding:

We will carefully align our brand with the advantages of a greener way of producing usable products from green waste and construction debris. We will show how waste materials can come off one job and be screened and processed to be used on another commercial or residential job. Our brand will be synonymous with premium products. We will do this by ensuring that our production assembly line will be conducive to creating premium products. This will set us apart in the marketplace. Not only do we possess the knowledge to produce these products, but our affiliated companies also have the knowledge of the final use of these products. We will leverage this knowledge to create premium products that perform exactly how they are intended to.

Marketing Activities and Sales Strategy:

When asking ourselves “what do our customers want” everything became clear. It is SIMPLE: our customers want a better product, a cheaper price, and most of all faster delivery. We offer all three. Our marketing strategy is to utilize modern social media to show our customers that we can deliver on all of their expectations and needs.

We will first market to local garden centers and landscapers. Due to our lower raw material cost our goal is to be able to sell a premium product for a few dollars less than our competition. The main advantage for these local businesses is that not only will they save money on the product, they will save

money on freight which has almost doubled over that last year and a half. This is our biggest advantage locally.

We will create price lists and brochures that we can hand deliver to these businesses on top of being branded on social media. We will be transparent on pricing on our website, and you will be able to order mulch just as you would order online clothing. By inputting your billing information and delivery address you can order mulch retail or wholesale directly online with a modern POS system. Most of our competitors do not offer this.

FINANCIAL PLAN

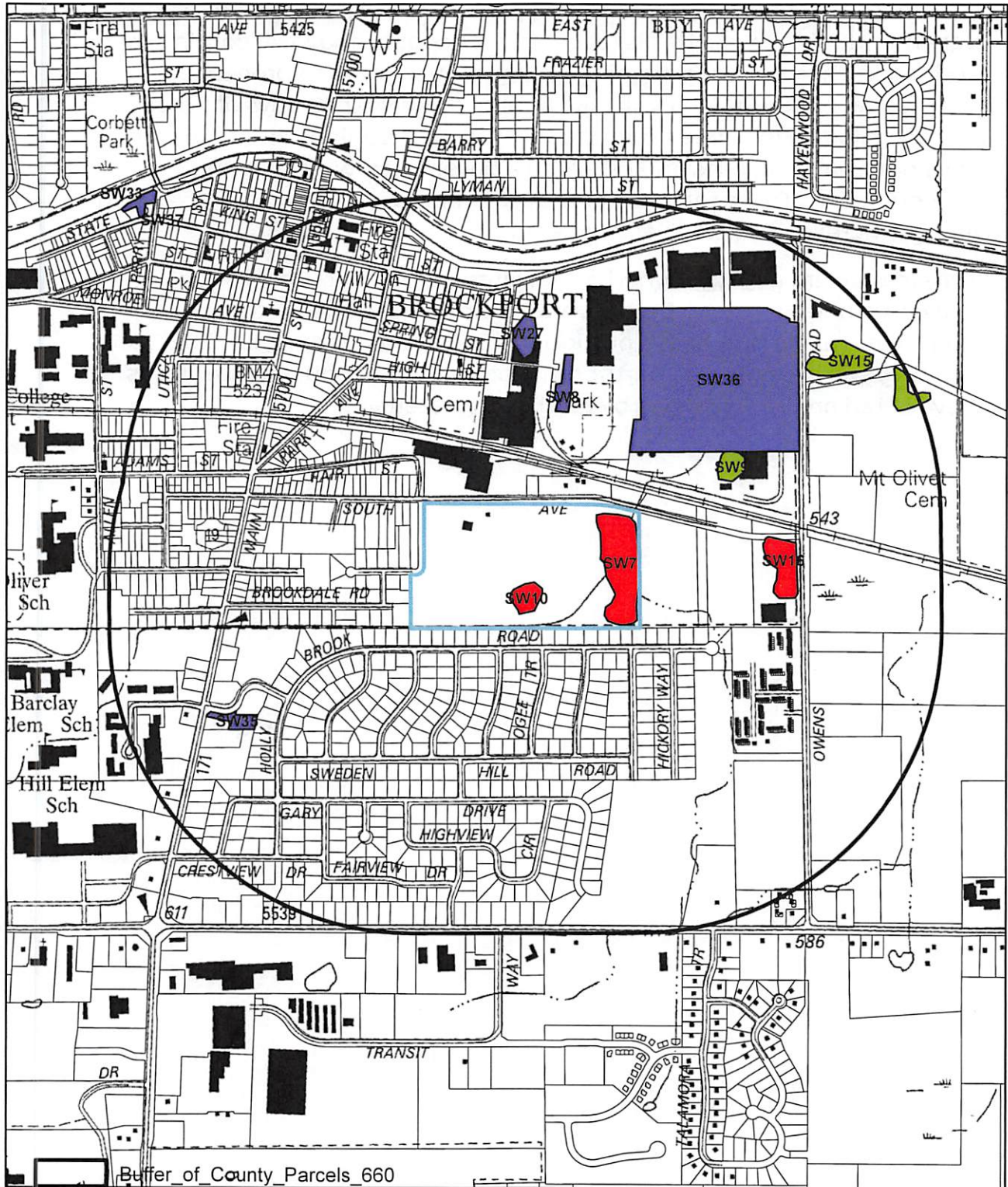
START-UP COSTS (Year)				
Earthborn Materials, LLC			1/15/2023	
<u>COST ITEMS</u>	<u>MONTHS</u>	<u>COST/MONTH</u>	<u>ONE-TIME COST</u>	<u>TOTAL COST</u>
Employee Salaries and Insurance	4	\$4,200.00	\$0.00	\$16,800.00
Processing Yard Rent (5 Acres)	12	\$500.00	\$0.00	\$6,000.00
Advertising/Marketing/Website	12	\$400.00	\$0.00	\$4,800.00
Equipment Rental <ul style="list-style-type: none"> • Payloader 3CY Bucket • Excavator for Raw Material • Peterson Grinder • Conveyor Stacker • 100 CY Trailer and Truck • Dye Trommel 	4	\$8,000.00	\$0.00	\$32,000.00
Komptech Ciribus 2800 Trommel	0	\$0.00	\$95,000.00	\$95,000.00
Komptech Slow Speed Shredder	0	\$0.00	\$55,000.00	\$55,000.00
Insurances	12	\$500.00	\$0.00	\$6,000.00
Bank, Interest, and Other Fees	12	\$200.00	\$3,500.00	\$5,900.00
Professional Services - Legal, Accounting, Payroll	12	\$150.00	\$2,500	\$4,300.00
Safety Plan and Safety Equipment	12	\$50.00	\$500.00	\$1,100.00
Cash-On-Hand (Working Capital)	12	\$0.00	\$10,000.00	\$10,000.00
Miscellaneous	12	\$650.00	\$1,000.00	\$8,800.00
ESTIMATED START-UP BUDGET		78,200.00	167,500.00	\$216,900.00

Start-Up Costs:

Above is a list of first year startup costs. Please note that employee and equipment required for screening and processing will not have to be run every month of the year, this is reflected in the table above. According to production charts of our screening equipment, in order to process our current goal of 50,000 CY it will take approximately 20-30 days of processing. We have allotted for three times that in labor and equipment in order to move material stockpiles and establish a baseline for our operating procedure. Our 2024 goal is to reduce the time involved with our operation through increased efficiencies in operation.

Items in blue are already owned by affiliated companies, Residential Excavating and Earthtech Developers. These pieces or like pieces of equipment will be purchased outright by Earthborn Materials by 2027, until then they will be rented by Earthborn Materials for a reduced rate. Items above in red are items owned by Earthborn Materials.

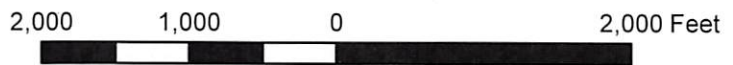
Re: 180 South Ave, Brockport, NY 14420 (Parcel ID: 069.17-2-9.1)



Site Type

- MC Suspected Site
- NYSDEC Registry Site
- MC Confirmed Site

(SEE SITE DESCRIPTION PAGE)



Note: Monroe County does not certify or warrant that this map is accurate or complete. Sites may be added or deleted or boundaries revised as more information becomes available. Site locations may not be exact.

Town Zoning Board Supporting Documents

Introduction:

We are applying for an area variance to process previously refined materials (ground mulch, topsoil, and brush) outside of an enclosed building. We are seeking this variance because it's not economically and logistically feasible to complete operations in an enclosed structure. We also do not believe it to be safe because of fumes and fire hazards.

Community Benefit

- The Village of Brockport and surrounding towns will be able to dispose of green waste produced by the community free of charge
- The proposed site available for dumping green waste will contribute to our towns and villages' cleanliness. With the site being easily available and accessible, there will be more initiative to get rid of sitting green waste piles within the communities' municipalities.
- The procedures that will be taken at Earthborn Materials, LLC will help provide fill material for jobs. Fill is the by-product of the refinement operation and is always in high demand; therefore, our operations allow us to utilize by-product as a sellable product for the community. Helping demand while ensuring every material generated from our operations is utilized.
- By processing materials that would otherwise be disposed of via land fills or bury pits we are committed to keeping more waste out of our landfills

Community Impact

- Since we will not be charging our towns and villages to dump green waste at our facility, this will help reduce costs; therefore, contributing to making funds more available for different areas of municipalities' needs
- We are aware that this type of operation does not provide the best curb appeal and having a negative curb appeal is not ideal for the community. We are prepared to set up berms to shield some of the more non-appealing parts of the operation from the road. Doing so will ensure no impact on the community from a negative curb appeal standpoint.
- There will be no need for additional curb cuts to facilitate this operation; therefore, there will be no need to block off any parts of South Avenue in

Brockport at any given time due to construction. Existing curb cuts at the entrances to 180 South Ave will be utilized.

- With our facility located on the Eastern edge of the village and with prevailing winds generally blowing out of the West, we can ensure that there will be little to no impact on the community in terms of dust or smell.
- According to cdc.gov, gas powered lawn mowers and leaf blowers record between 80-85 dB, a washing machine records at 70 dB and a normal conversation or air conditioner is 60 dB. When using a digital sound level meter, we have determined that from 30' away from the trommel, we recorded an average of 75 dB during its normal working range (grinder dB readings are not available now). Also, the operations from Earthborn Materials, LLC would be located 750ft from the nearest house. With this knowledge, we are confident there should be no concern with the noise level of our production facility on the community.
- The DEC has identified three spill areas at the location of where Earthborn Materials, LLC's operations would partake (operations will not take place on any of these sites, however). We know that the use of this location would be extremely difficult and costly due to the remediation of the contaminants that would have to happen in order for any residential or even commercial plans to take place. Given this knowledge, we feel that the operations by Earthborn Materials, LLC would help keep this lot from being vacant and help keep the use of the land alive.
- With the location of the proposed operations being on the industrial side of town and with access to Owens Road, there will be little to no disturbance to the community.
- The yearly town green waste dump is ground in about 2 days. For comparison purposes, this shows that our operation will run very infrequently; therefore, having little effect on the community.

Environmental Impact

- We are not changing the existing topography of the land with the operations set forth in these supporting documents.
- We are 730ft from the nearest stream and no water sheds towards the stream from the operation.
- We have filled out the SEQR and believe there are no environmental quality issues.

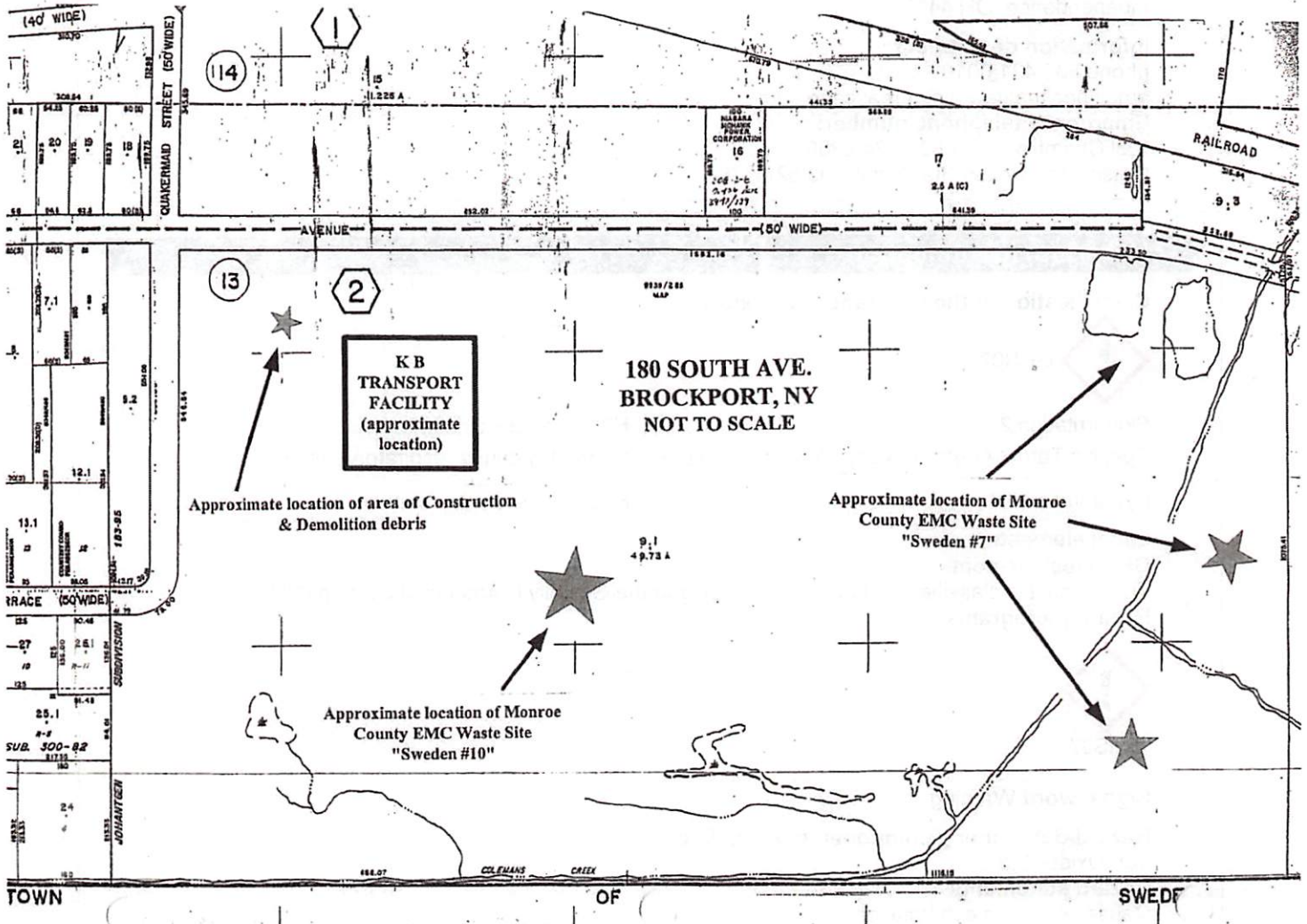
Operation's Layout

- The mulch and topsoil operation will be composed of 7 piles. 5 piles will be previously refined materials or mulch and 2 piles will be topsoil consisting of previously refined topsoil.
- A berm will be constructed for screening from the road with trees on top.

Site Logistics

- Traffic flow will be directed towards Owens road. No trucks will be allowed to the West of 180 South Ave.
- Hours of operation will be from 9:00 AM to 4:00 PM.
- Our maximum anticipated yearly production quantities are 50,000 CY of material including both mulch and topsoil. We anticipate spending no more than 20 days per year grading material and no more than 30 days screening topsoil and mulch with a trommel.
- The entire screening operation is mobile, it is not intended on staying at 180 South Ave permanently. All pieces of equipment for the mulch/topsoil operation are accessory pieces of equipment for our other businesses so they will not be made permanent to this location.

Figure 2 - Site Plan



Safety Data Sheet
acc. to OSHA HCS

Printing date 02/08/2023

Reviewed on 02/08/2023

1 Identification

- **Product identifier**
- **Trade name:** **PREMIUM WESTERN BROWN**
- **Details of the supplier of the safety data sheet**
- **Manufacturer/Supplier:**
Chromascape
7555 E Pleasant Valley Rd
Independence, OH 44131
- **Information department:**
phone 888.421.0010
email healthsafety@chromascape.com
- **Emergency telephone number:**
Call Chemtrec tel: 1 800 424 9300
Outside the United States call 703 527 3887

2 Hazard(s) identification

- **Classification of the substance or mixture**



GHS07

Skin Irritation 2 H315 Causes skin irritation.
 Specific Target Organ Toxicity - Single Exposure 3 H335 May cause respiratory irritation.
 Eye Irritation 2B H320 Causes eye irritation.

- **Label elements**
- **GHS label elements**
The product is classified and labeled according to the Globally Harmonized System (GHS).
- **Hazard pictograms**



GHS07

- **Signal word** Warning
- **Hazard-determining components of labeling:**
Iron Oxide Red
- **Hazard statements**
Causes skin and eye irritation.
May cause respiratory irritation.
- **Precautionary statements**
Avoid breathing dust/fume/gas/mist/vapors/spray
Wash thoroughly after handling.
Use only outdoors or in a well-ventilated area.
Wear protective gloves.
If on skin: Wash with plenty of water.
IF INHALED: Remove person to fresh air and keep comfortable for breathing.

(Contd. on page 2)

Safety Data Sheet
acc. to OSHA HCS

Printing date 02/08/2023

Reviewed on 02/08/2023

Trade name: **PREMIUM WESTERN BROWN**

(Contd. of page 1)

If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
 Call a poison center/doctor if you feel unwell.
 Specific treatment (see on this label).
 Take off contaminated clothing and wash it before reuse.
 If skin irritation occurs: Get medical advice/attention.
 If eye irritation persists: Get medical advice/attention.
 Store in a well-ventilated place. Keep container tightly closed.
 Store locked up.
 Dispose of contents/container in accordance with local/regional/national/international regulations.

- **Classification system:**
- **NFPA ratings (scale 0 - 4)**



- **HMIS-ratings (scale 0 - 4)**



- **Other hazards**
- **Results of PBT and vPvB assessment**
- **PBT:** Not applicable.
- **vPvB:** Not applicable.

3 Composition/information on ingredients

- **Chemical characterization: Mixtures**
- **Description:** Mixture of the substances listed below with nonhazardous additions.

· **Dangerous components:**

	ORGANIC PIGMENT	50-100%
57-55-6	Propylene glycol	≤2.5%
7664-41-7	ammonia, anhydrous	≥0-<0.25%

4 First-aid measures

- **Description of first aid measures**
- **General information:** Immediately remove any clothing soiled by the product.
- **After inhalation:** In case of unconsciousness place patient stably in side position for transportation.
- **After skin contact:** Immediately wash with water and soap and rinse thoroughly.
- **After eye contact:**
Rinse opened eye for several minutes under running water. If symptoms persist, consult a doctor.
- **After swallowing:** If symptoms persist consult doctor.
- **Information for doctor:**
- **Most important symptoms and effects, both acute and delayed**
No further relevant information available.

(Contd. on page 3)

Safety Data Sheet
acc. to OSHA HCS

Printing date 02/08/2023

Reviewed on 02/08/2023

Trade name: **PREMIUM WESTERN BROWN**

(Contd. of page 2)
· **Indication of any immediate medical attention and special treatment needed**
No further relevant information available.

5 Fire-fighting measures

- **Extinguishing media**
- **Suitable extinguishing agents:** Use fire fighting measures that suit the environment.
- **Special hazards arising from the substance or mixture** No further relevant information available.
- **Advice for firefighters**
- **Protective equipment:**
Should be equipped with self contained breathing apparatus and protective clothing.

6 Accidental release measures

- **Personal precautions, protective equipment and emergency procedures**
Wear appropriate safety equipment.
- **Environmental precautions:** Do not allow to enter sewers/ surface or ground water.
- **Methods and material for containment and cleaning up:**
Absorb with liquid-binding material (sand, diatomite, acid binders, universal binders, sawdust).
Dispose contaminated material as waste according to item 13.
Ensure adequate ventilation.
Wear appropriate safety equipment.
Contain and clean up spill immediately.
Prevent from entering floor drains.
Sweep powders carefully minimizing dusting.
Shovel all spill materials into disposal drums and follow disposal instructions.
Scrub spill area with detergent and flush with copious amount of water.
- **Reference to other sections**
See Section 7 for information on safe handling.
See Section 8 for information on personal protection equipment.
See Section 13 for disposal information.
- **Protective Action Criteria for Chemicals**

· **PAC-1:**

57-55-6	Propylene glycol	30 mg/m ³
9003-11-6	AMINO-METHYL-PROPANOL	6.9 mg/m ³
7664-41-7	ammonia, anhydrous	30 ppm
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	2.3 mg/m ³
7757-82-6	sodium sulphate	9.8 mg/m ³
1310-73-2	sodium hydroxide	0.5 mg/m ³
25322-68-3	Polyethylene glycol	30 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	61 ppm
98-83-9	2-phenylpropene	100 ppm
91-20-3	naphthalene	15 ppm
91-22-5	quinoline	0.003 ppm
100-42-5	styrene	20 ppm

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50-00-0	formaldehyde	0.90 ppm
75-21-8	ethylene oxide	5 ppm
75-56-9	propylene oxide	73 ppm
123-91-1	1,4-dioxane	17 ppm

PAC-2:

57-55-6	Propylene glycol	1,300 mg/m ³
9003-11-6	AMINO-METHYL-PROPANOL	76 mg/m ³
7664-41-7	ammonia, anhydrous	160 ppm
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	25 mg/m ³
7757-82-6	sodium sulphate	110 mg/m ³
1310-73-2	sodium hydroxide	5 mg/m ³
25322-68-3	Polyethylene glycol	1,300 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	330 ppm
98-83-9	2-phenylpropene	830 ppm
91-20-3	naphthalene	83 ppm
91-22-5	quinoline	2.9 ppm
100-42-5	styrene	130 ppm
50-00-0	formaldehyde	14 ppm
75-21-8	ethylene oxide	45 ppm
75-56-9	propylene oxide	290 ppm
123-91-1	1,4-dioxane	320 ppm

PAC-3:

57-55-6	Propylene glycol	7,900 mg/m ³
9003-11-6	AMINO-METHYL-PROPANOL	460 mg/m ³
7664-41-7	ammonia, anhydrous	1,100 ppm
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	150 mg/m ³
7757-82-6	sodium sulphate	650 mg/m ³
1310-73-2	sodium hydroxide	50 mg/m ³
25322-68-3	Polyethylene glycol	7,700 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	2,300 ppm
98-83-9	2-phenylpropene	5000* ppm
91-20-3	naphthalene	500 ppm
91-22-5	quinoline	17 ppm
100-42-5	styrene	1100* ppm
50-00-0	formaldehyde	56 ppm
75-21-8	ethylene oxide	200 ppm
75-56-9	propylene oxide	870 ppm
123-91-1	1,4-dioxane	760 ppm

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7 Handling and storage

- **Handling:**
- **Precautions for safe handling**
Ensure good ventilation/exhaustion at the workplace.
Prevent formation of aerosols.
In accordance with good industrial practices, handle with care and avoid personal contact.
Containers should be triple rinsed according to federal regulations and/or good waste management practices.
- **Information about protection against explosions and fires:** No special measures required.
- **Conditions for safe storage, including any incompatibilities**
Keep containers closed when not in use.
- **Storage:**
- **Requirements to be met by storerooms and receptacles:** No special requirements.
- **Information about storage in one common storage facility:** Not required.
- **Further information about storage conditions:** Keep receptacle tightly sealed.
- **Specific end use(s)** No further relevant information available.

8 Exposure controls/personal protection

- **Additional information about design of technical systems:** No further data; see item 7.
- **Control parameters**
- **Components with limit values that require monitoring at the workplace:**
The following constituents are the only constituents of the product which have a PEL, TLV or other recommended exposure limit.
At this time, the remaining constituent has no known exposure limits.

57-55-6 Propylene glycol	
WEEL	Long-term value: 10 mg/m ³
7664-41-7 ammonia, anhydrous	
PEL	Long-term value: 35 mg/m ³ , 50 ppm
REL	Short-term value: 27 mg/m ³ , 35 ppm Long-term value: 18 mg/m ³ , 25 ppm
TLV	Short-term value: 35 ppm Long-term value: 25 ppm

- **Exposure controls**
- **Personal protective equipment:**
- **General protective and hygienic measures:**
Keep away from foodstuffs, beverages and feed.
Immediately remove all soiled and contaminated clothing.
Wash hands before breaks and at the end of work.
Avoid contact with the eyes and skin.
- **Breathing equipment:**
Use proper ventilation. In case of poor ventilation use respiratory filter device. In case of intensive or longer exposure use respiratory protective device that is independent of circulating air.
If exposure to dust is likely, a NIOSH approved dust respirator is recommended.

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· **Protection of hands:**



Protective gloves

· **Material of gloves**

The selection of the suitable gloves does not only depend on the material, but also on further marks of quality and varies from manufacturer to manufacturer. As the product is a preparation of several substances, the resistance of the glove material can not be calculated in advance and has therefore to be checked prior to the application.

· **Penetration time of glove material**

The exact break through time has to be found out by the manufacturer of the protective gloves and has to be observed.

· **Eye protection:**

Always wear safety glasses.



Tightly sealed goggles

· **Body protection:**

· **Light weight protective clothing**

Wear apron, coveralls, boots and long sleeve shirt to prevent skin contact.

· **Limitation and supervision of exposure into the environment**

Eyewash fountains should be easily accessible.

Shower after handling this product.

Workclothes should be washed before reuse.

Before eating, drinking or smoking, wash hands and face with soap and water.

9 Physical and chemical properties

· **Information on basic physical and chemical properties**

· **General Information**

· **Appearance:**

Form:	Liquid
Color:	Brown
Odor:	Faint
Odor threshold:	Not determined.

· **pH-value:** Not determined.

· **Change in condition**

Melting point/Melting range:	Undetermined.
Boiling point/Boiling range:	100 °C (212 °F)

· **Flash point:** Not applicable.

· **Flammability (solid, gaseous):** Not applicable.

· **Decomposition temperature:** Not determined.

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· Auto igniting:	Product is not selfigniting.
· Danger of explosion:	Product does not present an explosion hazard.
· Explosion limits:	
Lower:	Not determined.
Upper:	Not determined.
· Vapor pressure at 20 °C (68 °F):	23 hPa (17.3 mm Hg)
· Density:	Not determined.
· Relative density	Not determined.
· Vapor density	Not determined.
· Evaporation rate	Not determined.
· Solubility in / Miscibility with Water:	Not miscible or difficult to mix.
· Partition coefficient (n-octanol/water):	Not determined.
· Viscosity:	
Dynamic:	Not determined.
Kinematic:	Not determined.
· Solvent content:	
Organic solvents:	1.4 %
Water:	34.9-35 %
VOC Content:	0.0 g/l / 0.00 lb/gal
· Other information	No further relevant information available.

10 Stability and reactivity

- **Reactivity** No further relevant information available.
- **Chemical stability**
- **Thermal decomposition / conditions to be avoided:**
No decomposition if used according to specifications.
- **Possibility of hazardous reactions** No dangerous reactions known.
- **Conditions to avoid** No further relevant information available.
- **Incompatible materials:** No further relevant information available.
- **Hazardous decomposition products:** Burning will produce oxides of carbon, nitrogen and sulfur.

11 Toxicological information

- **Information on toxicological effects**
- **Acute toxicity:**
- **Primary irritant effect:**
- **on the skin:** Irritant to skin and mucous membranes.
- **on the eye:** Irritating effect.
- **Sensitization:** No sensitizing effects known.

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Trade name: **PREMIUM WESTERN BROWN**

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· **Additional toxicological information:**

The product shows the following dangers according to internally approved calculation methods for preparations:
Irritant

· **Carcinogenic categories**

· **IARC (International Agency for Research on Cancer)**

Iron Oxide Red	3
Carbon Black, non activated, mineral origin	2B

· **NTP (National Toxicology Program)**

None of the ingredients is listed.

· **OSHA-Ca (Occupational Safety & Health Administration)**

None of the ingredients is listed.

12 Ecological information

· **Toxicity**

· **Aquatic toxicity:** No further relevant information available.

· **Persistence and degradability** No further relevant information available.

· **Behavior in environmental systems:**

· **Bioaccumulative potential** No further relevant information available.

· **Mobility in soil** No further relevant information available.

· **Additional ecological information:**

· **General notes:**

Water hazard class 1 (Self-assessment): slightly hazardous for water

Do not allow undiluted product or large quantities of it to reach ground water, water course or sewage system.

· **Results of PBT and vPvB assessment**

· **PBT:** Not applicable.

· **vPvB:** Not applicable.

· **Other adverse effects** No further relevant information available.

13 Disposal considerations

· **Waste treatment methods**

· **Recommendation:**

Disposal must be made according to official regulations.

Must not be disposed of together with household garbage. Do not allow product to reach sewage system.

· **Uncleaned packagings:**

Containers should be triple rinsed according to Federal Regulations and/or good waste management practice.

· **Recommendation:** Disposal must be made according to official regulations.

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14 Transport information

· UN-Number	
· DOT, IMDG, IATA	not regulated
· UN proper shipping name	
· DOT, IMDG, IATA	not regulated
· Transport hazard class(es)	
· DOT, ADN, IMDG, IATA	
· Class	not regulated
· Packing group	
· DOT, IMDG, IATA	not regulated
· Environmental hazards:	Not applicable.
· Special precautions for user	Not applicable.
· Transport in bulk according to Annex II of MARPOL73/78 and the IBC Code	Not applicable.
· UN "Model Regulation":	not regulated

15 Regulatory information

· Safety, health and environmental regulations/legislation specific for the substance or mixture	
· Sara	
· Section 355 (extremely hazardous substances):	
7664-41-7	ammonia, anhydrous
· Section 313 (Specific toxic chemical listings):	
7664-41-7	ammonia, anhydrous
· TSCA (Toxic Substances Control Act):	
All components have the value ACTIVE.	
· Hazardous Air Pollutants	
91-20-3	naphthalene
91-22-5	quinoline
100-42-5	styrene
50-00-0	formaldehyde
75-21-8	ethylene oxide
75-56-9	propylene oxide
123-91-1	1,4-dioxane
· Proposition 65	
· Chemicals known to cause cancer:	
98-83-9	2-phenylpropene
91-20-3	naphthalene
91-22-5	quinoline

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100-42-5	styrene
50-00-0	formaldehyde
75-21-8	ethylene oxide
75-56-9	propylene oxide
123-91-1	1,4-dioxane

· **Chemicals known to cause reproductive toxicity for females:**

75-21-8 | ethylene oxide

· **Chemicals known to cause reproductive toxicity for males:**

75-21-8 | ethylene oxide

· **Chemicals known to cause developmental toxicity:**

75-21-8 | ethylene oxide

· **New Jersey Right-to-Know List:**

57-55-6	Propylene glycol
7664-41-7	ammonia, anhydrous
1310-73-2	sodium hydroxide
1336-21-6	AMMONIUM HYDROXIDE 28%
98-83-9	2-phenylpropene
91-20-3	naphthalene
91-22-5	quinoline
128-37-0	Butylated hydroxytoluene
100-42-5	styrene
50-00-0	formaldehyde
75-21-8	ethylene oxide
75-56-9	propylene oxide
123-91-1	1,4-dioxane

· **Carcinogenic categories**

· **EPA (Environmental Protection Agency)**

None of the ingredients is listed.

· **TLV (Threshold Limit Value)**

Iron Oxide Red	A4
Carbon Black, non activated, mineral origin	A4

· **NIOSH-Ca (National Institute for Occupational Safety and Health)**

Carbon Black, non activated, mineral origin

· **Canadian Domestic Substances List (DSL)**

All ingredients are listed.

· **Canadian Non-Domestic Substances List (NDSL)**

None of the ingredients is listed.

· **GHS label elements**

The product is classified and labeled according to the Globally Harmonized System (GHS).

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Trade name: **PREMIUM WESTERN BROWN**

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· Hazard pictograms



GHS07

· Signal word Warning

· Hazard-determining components of labeling:

Iron Oxide Red

· Hazard statements

Causes skin and eye irritation.

May cause respiratory irritation.

· Precautionary statements

Avoid breathing dust/fume/gas/mist/vapors/spray

Wash thoroughly after handling.

Use only outdoors or in a well-ventilated area.

Wear protective gloves.

If on skin: Wash with plenty of water.

IF INHALED: Remove person to fresh air and keep comfortable for breathing.

If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.

Call a poison center/doctor if you feel unwell.

Specific treatment (see on this label).

Take off contaminated clothing and wash it before reuse.

If skin irritation occurs: Get medical advice/attention.

If eye irritation persists: Get medical advice/attention.

Store in a well-ventilated place. Keep container tightly closed.

Store locked up.

Dispose of contents/container in accordance with local/regional/national/international regulations.

· National regulations:

· Other regulations, limitations and prohibitive regulations

CA prop 65

This product contains a chemical(s) known to the state of California to cause cancer and/or birth defects or other reproductive harm. Pursuant to the California Safe Drinking Water and Toxic Enforcement Act of 1986 we are required to provide the above warning in the absence of definitive testing showing risks from long-term exposure to chemicals present in our formulations do not exist. To the best of our knowledge, this product complies with all Federal and State laws and regulations governing its manufacturing, distribution and intended use.

· State - Right to know

None of the ingredients is listed.

· Chemical safety assessment: A Chemical Safety Assessment has not been carried out.

16 Other information

Disclaimer:

We believe all the information and data given is accurate as of the date of preparation and is offered in good faith.

This information is given without warranty or representation solely for your consideration, investigation and verification. Since conditions of use is beyond our control, we expressly disclaim all liability for the

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Trade name: **PREMIUM WESTERN BROWN**

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use or handling of this product.

- **Department issuing SDS:** Environment protection department.
- **Contact:** Carlo Benedetti
- **Date of preparation / last revision** 02/08/2023

· **Abbreviations and acronyms:**

IMDG: International Maritime Code for Dangerous Goods

DOT: US Department of Transportation

IATA: International Air Transport Association

EINECS: European Inventory of Existing Commercial Chemical Substances

ELINCS: European List of Notified Chemical Substances

CAS: Chemical Abstracts Service (division of the American Chemical Society)

NFPA: National Fire Protection Association (USA)

HMIS: Hazardous Materials Identification System (USA)

PBT: Persistent, Bioaccumulative and Toxic

vPvB: very Persistent and very Bioaccumulative

NIOSH: National Institute for Occupational Safety

OSHA: Occupational Safety & Health

TLV: Threshold Limit Value

PEL: Permissible Exposure Limit

REL: Recommended Exposure Limit

Skin Irritation 2: Skin corrosion/irritation – Category 2

Eye Irritation 2B: Serious eye damage/eye irritation – Category 2B

Specific Target Organ Toxicity - Single Exposure 3: Specific target organ toxicity (single exposure) – Category 3

US

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1 Identification

- **Product identifier**
- **Trade name:** **ULTRA VIVID RED**
- **Details of the supplier of the safety data sheet**
- **Manufacturer/Supplier:**
Chromascape
7555 E Pleasant Valley Rd
Independence, OH 44131
- **Information department:**
phone 888.421.0010
email healthsafety@chromascape.com
- **Emergency telephone number:**
Call Chemtrec tel: 1 800 424 9300
Outside the United States call 703 527 3887

2 Hazard(s) identification

- **Classification of the substance or mixture**



GHS07

Skin Irritation 2	H315 Causes skin irritation.
Specific Target Organ Toxicity - Single Exposure 3	H335 May cause respiratory irritation.
Eye Irritation 2B	H320 Causes eye irritation.

- **Label elements**
- **GHS label elements**
The product is classified and labeled according to the Globally Harmonized System (GHS).
- **Hazard pictograms**



GHS07

- **Signal word** Warning
- **Hazard-determining components of labeling:**
Iron Oxide Red
- **Hazard statements**
Causes skin and eye irritation.
May cause respiratory irritation.
- **Precautionary statements**
Avoid breathing dust/fume/gas/mist/vapors/spray
Wash thoroughly after handling.
Use only outdoors or in a well-ventilated area.
If on skin: Wash with plenty of water.
IF INHALED: Remove person to fresh air and keep comfortable for breathing.
If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.

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Trade name: **ULTRA VIVID RED**

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Call a poison center/doctor if you feel unwell.
 Specific treatment (see on this label).
 Take off contaminated clothing and wash it before reuse.
 If skin irritation occurs: Get medical advice/attention.
 If eye irritation persists: Get medical help.
 Store in a well-ventilated place. Keep container tightly closed.
 Store locked up.
 Dispose of contents/container in accordance with local/regional/national/international regulations.

· **Classification system:**

· **NFPA ratings (scale 0 - 4)**



· **HMIS-ratings (scale 0 - 4)**



- **Other hazards**
- **Results of PBT and vPvB assessment**
- **PBT:** Not applicable.
- **vPvB:** Not applicable.

3 Composition/information on ingredients

- **Chemical characterization: Mixtures**
- **Description:** Mixture of the substances listed below with nonhazardous additions.

· **Dangerous components:**

	ORGANIC PIGMENT	25-50%
57-55-6	Propylene glycol	≤2.5%

4 First-aid measures

- **Description of first aid measures**
- **General information:** Immediately remove any clothing soiled by the product.
- **After inhalation:** In case of unconsciousness place patient stably in side position for transportation.
- **After skin contact:** Immediately wash with water and soap and rinse thoroughly.
- **After eye contact:**
Rinse opened eye for several minutes under running water. If symptoms persist, consult a doctor.
- **After swallowing:** If symptoms persist consult doctor.
- **Information for doctor:**
- **Most important symptoms and effects, both acute and delayed**
No further relevant information available.

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- **Indication of any immediate medical attention and special treatment needed**
No further relevant information available.

5 Fire-fighting measures

- **Extinguishing media**
- **Suitable extinguishing agents:** Use fire fighting measures that suit the environment.
- **Special hazards arising from the substance or mixture** No further relevant information available.
- **Advice for firefighters**
- **Protective equipment:**
Should be equipped with self contained breathing apparatus and protective clothing.

6 Accidental release measures

- **Personal precautions, protective equipment and emergency procedures**
Wear appropriate safety equipment.
- **Environmental precautions:** Do not allow to enter sewers/ surface or ground water.
- **Methods and material for containment and cleaning up:**
Absorb with liquid-binding material (sand, diatomite, acid binders, universal binders, sawdust).
Dispose contaminated material as waste according to item 13.
Ensure adequate ventilation.
Wear appropriate safety equipment.
Contain and clean up spill immediately.
Prevent from entering floor drains.
Sweep powders carefully minimizing dusting.
Shovel all spill materials into disposal drums and follow disposal instructions.
Scrub spill area with detergent and flush with copious amount of water.
- **Reference to other sections**
See Section 7 for information on safe handling.
See Section 8 for information on personal protection equipment.
See Section 13 for disposal information.
- **Protective Action Criteria for Chemicals**

· **PAC-1:**

57-55-6	Propylene glycol	30 mg/m ³
7664-41-7	ammonia, anhydrous	30 ppm
25322-68-3	Polyethylene glycol	30 mg/m ³
14808-60-7	Quartz (SiO ₂)	0.075 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	61 ppm

· **PAC-2:**

57-55-6	Propylene glycol	1,300 mg/m ³
7664-41-7	ammonia, anhydrous	160 ppm
25322-68-3	Polyethylene glycol	1,300 mg/m ³
14808-60-7	Quartz (SiO ₂)	33 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	330 ppm

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Trade name: **ULTRA VIVID RED**

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· PAC-3:		
57-55-6	Propylene glycol	7,900 mg/m ³
7664-41-7	ammonia, anhydrous	1,100 ppm
25322-68-3	Polyethylene glycol	7,700 mg/m ³
14808-60-7	Quartz (SiO ₂)	200 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	2,300 ppm

7 Handling and storage

- **Handling:**
- **Precautions for safe handling**
Ensure good ventilation/exhaustion at the workplace.
Prevent formation of aerosols.
In accordance with good industrial practices, handle with care and avoid personal contact.
Containers should be triple rinsed according to federal regulations and/or good waste management practices.
- **Information about protection against explosions and fires:** No special measures required.
- **Conditions for safe storage, including any incompatibilities**
Keep containers closed when not in use.
- **Storage:**
- **Requirements to be met by storerooms and receptacles:** No special requirements.
- **Information about storage in one common storage facility:** Not required.
- **Further information about storage conditions:** Keep receptacle tightly sealed.
- **Specific end use(s)** No further relevant information available.

8 Exposure controls/personal protection

- **Additional information about design of technical systems:** No further data; see item 7.
- **Control parameters**
- **Components with limit values that require monitoring at the workplace:**
The following constituent is the only constituent of the product which has a PEL, TLV or other recommended exposure limit.
At this time, the remaining constituent has no known exposure limits.

57-55-6 Propylene glycol

WEEL | Long-term value: 10 mg/m³

- **Exposure controls**
- **Personal protective equipment:**
- **General protective and hygienic measures:**
Keep away from foodstuffs, beverages and feed.
Immediately remove all soiled and contaminated clothing.
Wash hands before breaks and at the end of work.
Avoid contact with the eyes and skin.
- **Breathing equipment:**
Use proper ventilation. In case of poor ventilation use respiratory filter device. In case of intensive or longer exposure use respiratory protective device that is independent of circulating air.

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Trade name: **ULTRA VIVID RED**

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If exposure to dust is likely, a NIOSH approved dust respirator is recommended.

· **Protection of hands:**



Protective gloves

· **Material of gloves**

The selection of the suitable gloves does not only depend on the material, but also on further marks of quality and varies from manufacturer to manufacturer. As the product is a preparation of several substances, the resistance of the glove material can not be calculated in advance and has therefore to be checked prior to the application.

· **Penetration time of glove material**

The exact break through time has to be found out by the manufacturer of the protective gloves and has to be observed.

· **Eye protection:**

Always wear safety glasses.



Tightly sealed goggles

· **Body protection:**

· **Light weight protective clothing**

Wear apron, coveralls, boots and long sleeve shirt to prevent skin contact.

· **Limitation and supervision of exposure into the environment**

Eyewash fountains should be easily accessible.

Shower after handling this product.

Workclothes should be washed before reuse.

Before eating, drinking or smoking, wash hands and face with soap and water.

9 Physical and chemical properties

· **Information on basic physical and chemical properties**

· **General Information**

· **Appearance:**

· Form:	Liquid
· Color:	Red
· Odor:	Faint
· Odor threshold:	Not determined.

· **pH-value:** Not determined.

· **Change in condition**

· Melting point/Melting range:	Undetermined.
· Boiling point/Boiling range:	100 °C (212 °F)

· **Flash point:** Not applicable.

· **Flammability (solid, gaseous):** Not applicable.

· **Decomposition temperature:** Not determined.

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Trade name: **ULTRA VIVID RED**

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· Auto igniting:	Product is not selfigniting.
· Danger of explosion:	Product does not present an explosion hazard.
· Explosion limits:	
Lower:	Not determined.
Upper:	Not determined.
· Vapor pressure at 20 °C (68 °F):	23 hPa (17.3 mm Hg)
· Density:	Not determined.
· Relative density	Not determined.
· Vapor density	Not determined.
· Evaporation rate	Not determined.
· Solubility in / Miscibility with Water:	Not miscible or difficult to mix.
· Partition coefficient (n-octanol/water):	Not determined.
· Viscosity:	
Dynamic:	Not determined.
Kinematic:	Not determined.
· Solvent content:	
Organic solvents:	2.0 %
Water:	25.4-25.5 %
VOC Content:	0.0 g/l / 0.00 lb/gal
· Other information	No further relevant information available.

10 Stability and reactivity

- **Reactivity** No further relevant information available.
- **Chemical stability**
- **Thermal decomposition / conditions to be avoided:**
No decomposition if used according to specifications.
- **Possibility of hazardous reactions** No dangerous reactions known.
- **Conditions to avoid** No further relevant information available.
- **Incompatible materials:** No further relevant information available.
- **Hazardous decomposition products:** Burning will produce oxides of carbon, nitrogen and sulfur.

11 Toxicological information

- **Information on toxicological effects**
- **Acute toxicity:**

· **LD/LC50 values that are relevant for classification:**

Iron Oxide Red

Oral	LD50	>5,000 mg/kg (rat)
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Trade name: **ULTRA VIVID RED**

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- **Primary irritant effect:**
- **on the skin:** Irritant to skin and mucous membranes.
- **on the eye:** Irritating effect.
- **Sensitization:** No sensitizing effects known.
- **Additional toxicological information:**
The product shows the following dangers according to internally approved calculation methods for preparations:
Irritant

· **Carcinogenic categories**

· **IARC (International Agency for Research on Cancer)**

Iron Oxide Red	3
----------------	---

· **NTP (National Toxicology Program)**

None of the ingredients is listed.

· **OSHA-Ca (Occupational Safety & Health Administration)**

None of the ingredients is listed.

12 Ecological information

- **Toxicity**
- **Aquatic toxicity:** No further relevant information available.
- **Persistence and degradability** No further relevant information available.
- **Behavior in environmental systems:**
- **Bioaccumulative potential** No further relevant information available.
- **Mobility in soil** No further relevant information available.
- **Additional ecological information:**
- **General notes:**
Water hazard class 1 (Self-assessment): slightly hazardous for water
Do not allow undiluted product or large quantities of it to reach ground water, water course or sewage system.
- **Results of PBT and vPvB assessment**
- **PBT:** Not applicable.
- **vPvB:** Not applicable.
- **Other adverse effects** No further relevant information available.

13 Disposal considerations

- **Waste treatment methods**
- **Recommendation:**
Disposal must be made according to official regulations.
Must not be disposed of together with household garbage. Do not allow product to reach sewage system.
- **Uncleaned packagings:**
Containers should be triple rinsed according to Federal Regulations and/or good waste management practice.

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· **Recommendation:** Disposal must be made according to official regulations.

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14 Transport information

· UN-Number	
· DOT, IMDG, IATA	not regulated
· UN proper shipping name	
· DOT, IMDG, IATA	not regulated
· Transport hazard class(es)	
· DOT, ADN, IMDG, IATA	
· Class	not regulated
· Packing group	
· DOT, IMDG, IATA	not regulated
· Environmental hazards:	Not applicable.
· Special precautions for user	Not applicable.
· Transport in bulk according to Annex II of MARPOL73/78 and the IBC Code	Not applicable.
· UN "Model Regulation":	not regulated

15 Regulatory information

· Safety, health and environmental regulations/legislation specific for the substance or mixture	
· Sara	
· Section 355 (extremely hazardous substances):	
None of the ingredients is listed.	
· Section 313 (Specific toxic chemical listings):	
None of the ingredients is listed.	
· TSCA (Toxic Substances Control Act):	
All components have the value ACTIVE.	
· Hazardous Air Pollutants	
None of the ingredients is listed.	
· Proposition 65	
· Chemicals known to cause cancer:	
14808-60-7 Quartz (SiO ₂)	
· Chemicals known to cause reproductive toxicity for females:	
None of the ingredients is listed.	
· Chemicals known to cause reproductive toxicity for males:	
None of the ingredients is listed.	

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Trade name: **ULTRA VIVID RED**

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· **Chemicals known to cause developmental toxicity:**
None of the ingredients is listed.

· **New Jersey Right-to-Know List:**

1317-65-3	LIMESTONE
57-55-6	Propylene glycol
7664-41-7	ammonia, anhydrous
14808-60-7	Quartz (SiO2)
1336-21-6	AMMONIUM HYDROXIDE 28%

· **Carcinogenic categories**

· **EPA (Environmental Protection Agency)**
None of the ingredients is listed.

· **TLV (Threshold Limit Value)**
Iron Oxide Red A4

· **NIOSH-Ca (National Institute for Occupational Safety and Health)**
None of the ingredients is listed.

· **Canadian Domestic Substances List (DSL)**
All ingredients are listed.

· **Canadian Non-Domestic Substances List (NDSL)**
1317-65-3 | LIMESTONE

· **GHS label elements**
The product is classified and labeled according to the Globally Harmonized System (GHS).

· **Hazard pictograms**



GHS07

· **Signal word** Warning

· **Hazard-determining components of labeling:**

Iron Oxide Red

· **Hazard statements**

Causes skin and eye irritation.
May cause respiratory irritation.

· **Precautionary statements**

Avoid breathing dust/fume/gas/mist/vapors/spray
Wash thoroughly after handling.
Use only outdoors or in a well-ventilated area.
If on skin: Wash with plenty of water.
IF INHALED: Remove person to fresh air and keep comfortable for breathing.
If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
Call a poison center/doctor if you feel unwell.
Specific treatment (see on this label).
Take off contaminated clothing and wash it before reuse.

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Trade name: **ULTRA VIVID RED**

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If skin irritation occurs: Get medical advice/attention.
 If eye irritation persists: Get medical help.
 Store in a well-ventilated place. Keep container tightly closed.
 Store locked up.
 Dispose of contents/container in accordance with local/regional/national/international regulations.

- **National regulations:**
- **Other regulations, limitations and prohibitive regulations**

CA prop 65
 This product contains a chemical(s) known to the state of California to cause cancer and/or birth defects or other reproductive harm. Pursuant to the California Safe Drinking Water and Toxic Enforcement Act of 1986 we are required to provide the above warning in the absence of definitive testing showing risks from long-term exposure to chemicals present in our formulations do not exist. To the best of our knowledge, this product complies with all Federal and State laws and regulations governing its manufacturing, distribution and intended use.

- **State - Right to know**

None of the ingredients is listed.

- **Chemical safety assessment:** A Chemical Safety Assessment has not been carried out.

16 Other information

Disclaimer:
 We believe all the information and data given is accurate as of the date of preparation and is offered in good faith.
 This information is given without warranty or representation solely for your consideration, investigation and verification. Since conditions of use is beyond our control, we expressly disclaim all liability for the use or handling of this product.

- **Department issuing SDS:** Environment protection department.
- **Contact:** Carlo Benedetti
- **Date of preparation / last revision** 02/14/2023
- **Abbreviations and acronyms:**

IMDG: International Maritime Code for Dangerous Goods
 DOT: US Department of Transportation
 IATA: International Air Transport Association
 EINECS: European Inventory of Existing Commercial Chemical Substances
 ELINCS: European List of Notified Chemical Substances
 CAS: Chemical Abstracts Service (division of the American Chemical Society)
 NFPA: National Fire Protection Association (USA)
 HMIS: Hazardous Materials Identification System (USA)
 LC50: Lethal concentration, 50 percent
 LD50: Lethal dose, 50 percent
 PBT: Persistent, Bioaccumulative and Toxic
 vPvB: very Persistent and very Bioaccumulative
 NIOSH: National Institute for Occupational Safety
 OSHA: Occupational Safety & Health
 TLV: Threshold Limit Value
 PEL: Permissible Exposure Limit
 REL: Recommended Exposure Limit
 Skin Irritation 2: Skin corrosion/irritation – Category 2
 Eye Irritation 2B: Serious eye damage/eye irritation – Category 2B
 Specific Target Organ Toxicity - Single Exposure 3: Specific target organ toxicity (single exposure) – Category 3

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1 Identification

- **Product identifier**
- **Trade name:** **ULTRA TRIPLE BLACK**
- **Details of the supplier of the safety data sheet**
- **Manufacturer/Supplier:**
Chromascape
7555 E Pleasant Valley Rd
Independence, OH 44131
- **Information department:**
phone 888.421.0010
email healthsafety@chromascape.com
- **Emergency telephone number:**
Call Chemtrec tel: 1 800 424 9300
Outside the United States call 703 527 3887

2 Hazard(s) identification

- **Classification of the substance or mixture**



Skin Irritation 2 H315 Causes skin irritation.

- **Label elements**
- **GHS label elements**
The product is classified and labeled according to the Globally Harmonized System (GHS).
- **Hazard pictograms**



- **Signal word** Warning
- **Hazard statements**
Causes skin irritation.
- **Precautionary statements**
Wash thoroughly after handling.
If on skin: Wash with plenty of water.
Specific treatment (see on this label).
If skin irritation occurs: Get medical advice/attention.
Take off contaminated clothing and wash it before reuse.
- **Classification system:**
- **NFPA ratings (scale 0 - 4)**



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US

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(Contd. of page 1)

· **HMIS-ratings (scale 0 - 4)**

HEALTH	1	Health = 1
FIRE	0	Fire = 0
REACTIVITY	0	Reactivity = 0

- Other hazards
- Results of PBT and vPvB assessment
- PBT: Not applicable.
- vPvB: Not applicable.

3 Composition/information on ingredients

- **Chemical characterization: Mixtures**
- **Description:** Mixture of the substances listed below with nonhazardous additions.

· **Dangerous components:**

	ORGANIC PIGMENT	25-50%
	modified acrylic copolymers	≥0-≤2.5%
7664-41-7	ammonia, anhydrous	≥0-<0.25%
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	≥0.1-<1%

4 First-aid measures

- **Description of first aid measures**
- **General information:** Immediately remove any clothing soiled by the product.
- **After inhalation:** In case of unconsciousness place patient stably in side position for transportation.
- **After skin contact:** Immediately wash with water and soap and rinse thoroughly.
- **After eye contact:** Rinse opened eye for several minutes under running water.
- **After swallowing:** If symptoms persist consult doctor.
- **Information for doctor:**
- **Most important symptoms and effects, both acute and delayed**
No further relevant information available.
- **Indication of any immediate medical attention and special treatment needed**
No further relevant information available.

5 Fire-fighting measures

- **Extinguishing media**
- **Suitable extinguishing agents:** Use fire fighting measures that suit the environment.
- **Special hazards arising from the substance or mixture** No further relevant information available.
- **Advice for firefighters**
- **Protective equipment:**
Should be equipped with self contained breathing apparatus and protective clothing.

US
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Trade name: **ULTRA TRIPLE BLACK**

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6 Accidental release measures

- **Personal precautions, protective equipment and emergency procedures**
Wear appropriate safety equipment.
- **Environmental precautions:** Do not allow to enter sewers/ surface or ground water.
- **Methods and material for containment and cleaning up:**
Absorb with liquid-binding material (sand, diatomite, acid binders, universal binders, sawdust).
Wear appropriate safety equipment.
Contain and clean up spill immediately.
Prevent from entering floor drains.
Sweep powders carefully minimizing dusting.
Shovel all spill materials into disposal drums and follow disposal instructions.
Scrub spill area with detergent and flush with copious amount of water.
- **Reference to other sections**
See Section 7 for information on safe handling.
See Section 8 for information on personal protection equipment.
See Section 13 for disposal information.
- **Protective Action Criteria for Chemicals**

· **PAC-1:**

7664-41-7	ammonia, anhydrous	30 ppm
7757-82-6	sodium sulphate	9.8 mg/m ³
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	2.3 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	61 ppm
1310-73-2	sodium hydroxide	0.5 mg/m ³
98-83-9	2-phenylpropene	100 ppm
100-42-5	styrene	20 ppm
91-20-3	naphthalene	15 ppm
91-22-5	quinoline	0.003 ppm
50-00-0	formaldehyde	0.90 ppm

· **PAC-2:**

7664-41-7	ammonia, anhydrous	160 ppm
7757-82-6	sodium sulphate	110 mg/m ³
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	25 mg/m ³
1336-21-6	AMMONIUM HYDROXIDE 28%	330 ppm
1310-73-2	sodium hydroxide	5 mg/m ³
98-83-9	2-phenylpropene	830 ppm
100-42-5	styrene	130 ppm
91-20-3	naphthalene	83 ppm
91-22-5	quinoline	2.9 ppm
50-00-0	formaldehyde	14 ppm

· **PAC-3:**

7664-41-7	ammonia, anhydrous	1,100 ppm
7757-82-6	sodium sulphate	650 mg/m ³
4719-04-4	2,2',2''-(hexahydro-1,3,5-triazine-1,3,5-triyl)triethanol	150 mg/m ³

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		(Contd. of page 3)
1336-21-6	AMMONIUM HYDROXIDE 28%	2,300 ppm
1310-73-2	sodium hydroxide	50 mg/m ³
98-83-9	2-phenylpropene	5000* ppm
100-42-5	styrene	1100* ppm
91-20-3	naphthalene	500 ppm
91-22-5	quinoline	17 ppm
50-00-0	formaldehyde	56 ppm

7 Handling and storage

- **Handling:**
- **Precautions for safe handling**
In accordance with good industrial practices, handle with care and avoid personal contact. Containers should be triple rinsed according to federal regulations and/or good waste management practices.
- **Information about protection against explosions and fires:** No special measures required.
- **Conditions for safe storage, including any incompatibilities**
Keep containers closed when not in use.
- **Storage:**
- **Requirements to be met by storerooms and receptacles:** No special requirements.
- **Information about storage in one common storage facility:** Not required.
- **Further information about storage conditions:** None.
- **Specific end use(s)** No further relevant information available.

8 Exposure controls/personal protection

- **Additional information about design of technical systems:** No further data; see item 7.
- **Control parameters**
- **Components with limit values that require monitoring at the workplace:**
The following constituent is the only constituent of the product which has a PEL, TLV or other recommended exposure limit.
At this time, the other constituents have no known exposure limits.

7664-41-7 ammonia, anhydrous	
PEL	Long-term value: 35 mg/m ³ , 50 ppm
REL	Short-term value: 27 mg/m ³ , 35 ppm Long-term value: 18 mg/m ³ , 25 ppm
TLV	Short-term value: 35 ppm Long-term value: 25 ppm

- **Exposure controls**
- **Personal protective equipment:**
- **General protective and hygienic measures:**
Keep away from foodstuffs, beverages and feed.
Immediately remove all soiled and contaminated clothing.
Wash hands before breaks and at the end of work.
Avoid contact with the skin.

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Trade name: **ULTRA TRIPLE BLACK**

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Avoid contact with the eyes and skin.

· **Breathing equipment:**

If exposure to dust is likely, a NIOSH approved dust respirator is recommended.

· **Protection of hands:**



Protective gloves

· **Material of gloves**

The selection of the suitable gloves does not only depend on the material, but also on further marks of quality and varies from manufacturer to manufacturer. As the product is a preparation of several substances, the resistance of the glove material can not be calculated in advance and has therefore to be checked prior to the application.

· **Penetration time of glove material**

The exact break through time has to be found out by the manufacturer of the protective gloves and has to be observed.

· **Eye protection:** Always wear safety glasses.

· **Body protection:**

· **Light weight protective clothing**

Wear apron, coveralls, boots and long sleeve shirt to prevent skin contact.

· **Limitation and supervision of exposure into the environment**

Eyewash fountains should be easily accessible.

Shower after handling this product.

Workclothes should be washed before reuse.

Before eating, drinking or smoking, wash hands and face with soap and water.

9 Physical and chemical properties

· **Information on basic physical and chemical properties**

· **General Information**

· **Appearance:**

Form: Liquid

Color: Black

· **Odor:** Light

· **Odor threshold:** Not determined.

· **pH-value:** Not determined.

· **Change in condition**

Melting point/Melting range: Undetermined.

Boiling point/Boiling range: 100 °C (212 °F)

· **Flash point:** Not applicable.

· **Flammability (solid, gaseous):** Not applicable.

· **Ignition temperature:** >140 °C (>284 °F)

· **Decomposition temperature:** Not determined.

· **Auto igniting:** Product is not selfigniting.

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Trade name: **ULTRA TRIPLE BLACK**

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· Danger of explosion:	Product does not present an explosion hazard.
· Explosion limits:	
Lower:	Not determined.
Upper:	Not determined.
· Vapor pressure at 20 °C (68 °F):	23 hPa (17.3 mm Hg)
· Density:	Not determined.
· Relative density	Not determined.
· Vapor density	Not determined.
· Evaporation rate	Not determined.
· Solubility in / Miscibility with Water:	Not miscible or difficult to mix.
· Partition coefficient (n-octanol/water):	Not determined.
· Viscosity:	
Dynamic:	Not determined.
Kinematic:	Not determined.
· Solvent content:	
Organic solvents:	0.0 %
Water:	50.4-51 %
VOC Content:	0.0 g/l / 0.00 lb/gal
· Other information	No further relevant information available.

10 Stability and reactivity

- **Reactivity** No further relevant information available.
- **Chemical stability**
- **Thermal decomposition / conditions to be avoided:**
No decomposition if used according to specifications.
- **Possibility of hazardous reactions** No dangerous reactions known.
- **Conditions to avoid** No further relevant information available.
- **Incompatible materials:** No further relevant information available.
- **Hazardous decomposition products:** Burning will produce oxides of carbon, nitrogen and sulfur.

11 Toxicological information

- **Information on toxicological effects**
- **Acute toxicity:**
- **Primary irritant effect:**
- **on the skin:** Irritant to skin and mucous membranes.
- **on the eye:** May be irritant.
- **Sensitization:** No sensitizing effects known.
- **Additional toxicological information:**
The product shows the following dangers according to internally approved calculation methods for preparations:

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Irritant

· **Carcinogenic categories**

· **IARC (International Agency for Research on Cancer)**

Carbon Black, non activated, mineral origin

2B

· **NTP (National Toxicology Program)**

None of the ingredients is listed.

· **OSHA-Ca (Occupational Safety & Health Administration)**

None of the ingredients is listed.

12 Ecological information

· **Toxicity**

· **Aquatic toxicity:** No further relevant information available.

· **Persistence and degradability** No further relevant information available.

· **Behavior in environmental systems:**

· **Bioaccumulative potential** No further relevant information available.

· **Mobility in soil** No further relevant information available.

· **Additional ecological information:**

· **General notes:**

Water hazard class 1 (Self-assessment): slightly hazardous for water

Do not allow undiluted product or large quantities of it to reach ground water, water course or sewage system.

· **Results of PBT and vPvB assessment**

· **PBT:** Not applicable.

· **vPvB:** Not applicable.

· **Other adverse effects** No further relevant information available.

13 Disposal considerations

· **Waste treatment methods**

· **Recommendation:**

Disposal must be made according to official regulations.

Must not be disposed of together with household garbage. Do not allow product to reach sewage system.

· **Uncleaned packagings:**

Containers should be triple rinsed according to Federal Regulations and/or good waste management practice.

· **Recommendation:** Disposal must be made according to official regulations.

14 Transport information

· **UN-Number**

· **DOT, IMDG, IATA**

not regulated

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Trade name: **ULTRA TRIPLE BLACK**

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· UN proper shipping name	
· DOT, IMDG, IATA	not regulated
· Transport hazard class(es)	
· DOT, ADN, IMDG, IATA	
· Class	not regulated
· Packing group	
· DOT, IMDG, IATA	not regulated
· Environmental hazards:	Not applicable.
· Special precautions for user	Not applicable.
· Transport in bulk according to Annex II of MARPOL73/78 and the IBC Code	Not applicable.
· UN "Model Regulation":	not regulated

15 Regulatory information

- Safety, health and environmental regulations/legislation specific for the substance or mixture
- Sara

· **Section 355 (extremely hazardous substances):**

7664-41-7 ammonia, anhydrous

· **Section 313 (Specific toxic chemical listings):**

7664-41-7 ammonia, anhydrous

· **TSCA (Toxic Substances Control Act):**

All components have the value ACTIVE.

· **Hazardous Air Pollutants**

100-42-5 styrene

91-20-3 naphthalene

91-22-5 quinoline

50-00-0 formaldehyde

· **Proposition 65**

· **Chemicals known to cause cancer:**

98-83-9 2-phenylpropene

100-42-5 styrene

91-20-3 naphthalene

91-22-5 quinoline

50-00-0 formaldehyde

· **Chemicals known to cause reproductive toxicity for females:**

None of the ingredients is listed.

· **Chemicals known to cause reproductive toxicity for males:**

None of the ingredients is listed.

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Trade name: **ULTRA TRIPLE BLACK**

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· **Chemicals known to cause developmental toxicity:**
None of the ingredients is listed.

· **New Jersey Right-to-Know List:**

7664-41-7	ammonia, anhydrous
1336-21-6	AMMONIUM HYDROXIDE 28%
1310-73-2	sodium hydroxide
98-83-9	2-phenylpropene
100-42-5	styrene
91-20-3	naphthalene
91-22-5	quinoline
50-00-0	formaldehyde

· **Carcinogenic categories**
· **EPA (Environmental Protection Agency)**
None of the ingredients is listed.

· **TLV (Threshold Limit Value)**
Carbon Black, non activated, mineral origin A4

· **NIOSH-Ca (National Institute for Occupational Safety and Health)**
Carbon Black, non activated, mineral origin

· **Canadian Domestic Substances List (DSL)**
All ingredients are listed.

· **Canadian Non-Domestic Substances List (NDSL)**
None of the ingredients is listed.

· **GHS label elements**
The product is classified and labeled according to the Globally Harmonized System (GHS).

· **Hazard pictograms**

GHS07

· **Signal word** Warning
· **Hazard statements**
Causes skin irritation.
· **Precautionary statements**
Wash thoroughly after handling.
If on skin: Wash with plenty of water.
Specific treatment (see on this label).
If skin irritation occurs: Get medical advice/attention.
Take off contaminated clothing and wash it before reuse.

· **National regulations:**
· **Other regulations, limitations and prohibitive regulations**
CA prop 65
This product contains a chemical(s) known to the state of California to cause cancer and/or birth defects or other reproductive harm. Pursuant to the California Safe Drinking Water and Toxic

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Trade name: **ULTRA TRIPLE BLACK**

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Enforcement Act of 1986 we are required to provide the above warning in the absence of definitive testing showing risks from long-term exposure to chemicals present in our formulations do not exist. To the best of our knowledge, this product complies with all Federal and State laws and regulations governing its manufacturing, distribution and intended use.

· **State - Right to know**

None of the ingredients is listed.

· **Chemical safety assessment:** A Chemical Safety Assessment has not been carried out.

16 Other information

Disclaimer:

We believe all the information and data given is accurate as of the date of preparation and is offered in good faith.

This information is given without warranty or representation solely for your consideration, investigation and verification. Since conditions of use is beyond our control, we expressly disclaim all liability for the use or handling of this product.

· **Department issuing SDS:** Environment protection department.

· **Contact:** Carlo Benedetti

· **Date of preparation / last revision** 02/14/2023

· **Abbreviations and acronyms:**

IMDG: International Maritime Code for Dangerous Goods

DOT: US Department of Transportation

IATA: International Air Transport Association

EINECS: European Inventory of Existing Commercial Chemical Substances

ELINCS: European List of Notified Chemical Substances

CAS: Chemical Abstracts Service (division of the American Chemical Society)

NFPA: National Fire Protection Association (USA)

HMIS: Hazardous Materials Identification System (USA)

PBT: Persistent, Bioaccumulative and Toxic

vPvB: very Persistent and very Bioaccumulative

NIOSH: National Institute for Occupational Safety

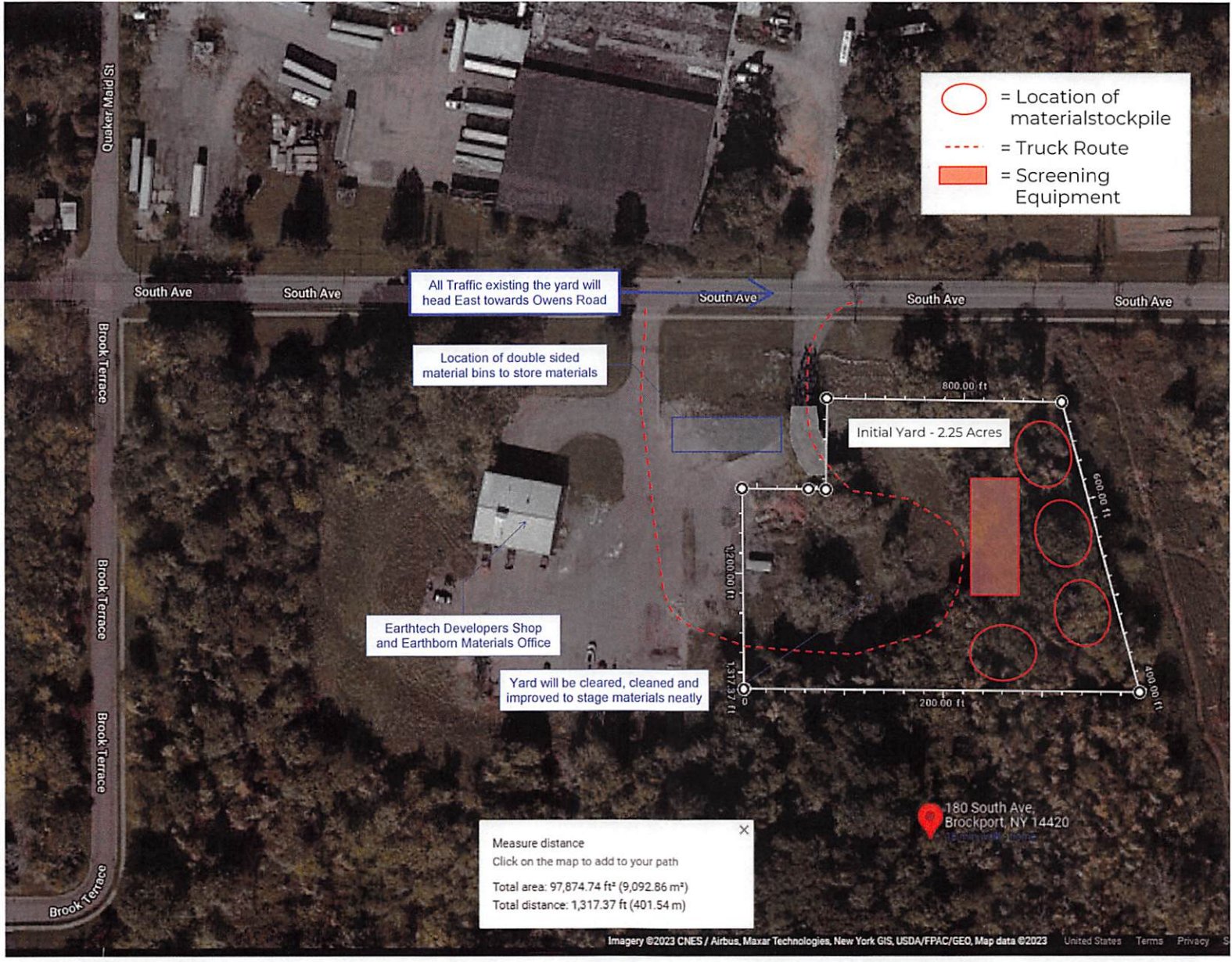
OSHA: Occupational Safety & Health

TLV: Threshold Limit Value

PEL: Permissible Exposure Limit

REL: Recommended Exposure Limit

Skin Irritation 2: Skin corrosion/irritation – Category 2



- = Location of material stockpile
- = Truck Route
- = Screening Equipment

All Traffic existing the yard will head East towards Owens Road

Location of double sided material bins to store materials

Initial Yard - 2.25 Acres

Earthtech Developers Shop and Earthborn Materials Office

Yard will be cleared, cleaned and improved to stage materials neatly

Measure distance ✕
 Click on the map to add to your path
 Total area: 97,874.74 ft² (9,092.86 m²)
 Total distance: 1,317.37 ft (401.54 m)

180 South Ave,
 Brockport, NY 14420

Summary of Input Received by Brockport ZBA at Public Hearing on April 6, 2023 in Response to Area Variance Request by Earthtech Developers

- East Avenue – currently the Village pays \$10-20,000 per year to mulch tree debris. Having this service done for free as well as making mulch available for taxpayers is a valuable asset.
- Timber Trail – has heard noise from the site. Concerned about odors. Hours? Run-off? Where is the topsoil coming from?
- Brook Terrace – Who to contact if there is a problem? Where is the dye stored?
- Timber Trail – Wants the business but has concerns about the storage of dye. Wants independent consultant regarding sound.
- Brookdale Road – witnessed removed asphalt on site.
- Hollybrook Road – Asked about lighting. Concerned about site being an attractive nuisance.
- South Avenue - Site now looks worse than before. Can hear it! Has photos to share.
- Brook Terrace – It's an active walking area, so concerned about the view.
- ? address – a professional landscaper who has not observed an color runoff from piles of mulch.
- ? address – wants more trees
- Hollybrook Road - read part of statement. This is not a research and development usage. Noted impact on Town residents.
- Hollybrook Road (probable) – worried about expansion beyond initial 5 acre site. Concerned about whole logs.
- Hollybrook Road – magnitude of the project
- Hollybrook Road – Asked whether the Option to Buy was for 5 acres or 50? Questioned monitoring and enforcement.
- ? address – OK with new business but concerned about traffic, noting school buses, college students, existence of potholes and heavy trucks. Notice had no map. Needs more time but hope it goes through.
- Hollybrook Road – Hears the noise. Concerned about the creek and cancer. Why this spot? Damage to road.
- Hollybrook Road - surrounded by taxpayers that are concerned their property values will go down. Neighbors need to be respected. This does not serve the community. Concerned about runoff to creek.
- Hollybrook Road – area is used. Disputes noise measurements. Wants information about number of trucks and hours.
- Hollybrook Road – Concerned about scale. Outside quality of life will decrease. Concerned about sporadic noise and smell.
- South Avenue – Seems like a Use Variance. Should be in an industrial area. An inappropriate use.
- Hickory Way – wrong spot. Already hears noises from industry on Owens Road.

- Adams Street – What is Limited Industrial use? What is construction waste? How is it converted? How about an environmental study? Concerned about chemicals. Gave ZBA a handout on silica.
- South Avenue – everything echoes in that area. When South Avenue extension went in was told there would be no truck traffic. Concerned about the expansion.
- Comment received by ZBA member the next day by resident on Hollybrook Road – Better clarity about area versus use variance would be helpful. Applicants shared noise data on sifting equipment but did not on noisier grinding equipment. This is needed.

The Village of Brockport ZBA's Findings and Decision for the area variance application for Section 58-12 E (2&3) by Earthborn... 180 South Ave. are described as follows.

This variance would allow out-of-doors processing of wood material and the screening of soil. We took into consideration the balance between the benefit to the applicant vs the harm to the neighborhood and community. Guidelines provided for use by zoning boards when making findings and decisions establish that 'harm' cannot be speculative and that general community opposition is not enough to constitute an undesirable change.

This report is provided for the consideration of the Planning Board.

Permitted uses in the Light Industrial Use District subsection (3) include the manufacture, processing and assembly of previously refined materials in the following industrial categories; (l) Wood. We determined that screening soil is not separate and distinct material processing from grinding of tree by-products resulting from land clearing.

Non-permitted uses involve that "which would create, in any manner, noxious (*physically harmful*) or offensive noise (*painful sensation; causing displeasure*).

The ZBA after taking into consideration the following five criteria finds that the benefit to the applicant does outweigh the detriment to the neighborhood or community and approved the area variance as submitted with restrictions imposed upon the applicant described below.

The criteria considered by the ZBA include:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; NO

- We find that the area of 180 South Ave has been in continued use as permitted for decades, and the processing of material into mulch or screening of soil does not change the character of this area of the Village.
- Additionally ...blight still from abandoned Quaker Maid versus clean-up of debris at 180 South Ave by applicant as presented during this hearing tend to demonstrate...
- Additionally

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; NO

- We find it unfeasible to impose a requirement to contain such material processing within a commercial building
- Additionally no evidence was presented showing a mulch processing of this proposed scale is being conducted in an enclosed building. Any such evidence would have been a factor considered....
- Additionally

3. Whether the requested area variance is substantial; NO

- The proposed use is not determined from the evidence presented to the ZBA to be separate and distinct from the site's current permitted work
- Additionally

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO

- During public comments the concern for hearing unwanted noise anticipated from operating a grinding machine was raised as being similar to the un-desirability of hearing loudspeakers from football games currently experienced. The distinction between noise decibels being harmful, requiring hearing protection, and the reduced decibels from noise dissipation over distance, such as was described during public comments, was made. Noise can go from harmful to annoyance.
- We do not find a significant adverse impact upon the environment as its size is not shown (*from the public comments*)
- Additionally

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance; YES

- The unfeasibility of constructing a commercial building to house grinding and screening equipment and storage of finished product was taken into consideration by the ZBA while coming to a decision on this application.

The ZBA further found that an area variance from Section 58-12 (2 & 3) of the Zoning Code is the minimum variance to grant in order to preserve and protect the character of the neighborhood and the safety and welfare of the community. Reasonable restrictions imposed by the ZBA on this application will tend to achieve those goals.

Conditions:

The ZBA finds that the following restrictions are necessary in order to minimize adverse impacts upon the neighborhood or community as described below:

- I. That noise generated by grinding material, {and while screening soil?} (both processes or just grinding?) shall be limited to 20 calendar days a year for a period of no more than eight hours per day. Operating such machinery for less than eight hours will still be considered a calendar day's use.
- II. Beams are to be constructed as proposed in the application as soon as practicable and before this coming winter season begins. Further, the Applicant's website and instructions given to drivers of dump trucks and tractor trailers are mandated to use Owens Rd. to access South Ave. No such traffic loaded or empty are to use any other Village street.
- III. No retail sales are to be conducted at 180 South Ave for mulch, soil or other material.
- IV. No more than eight piles of material; finished or raw, shall be stored and all such piles will be contained within the area shown on the site map submitted in this application.
- V. The applicant will submit to the Village of Brockport Planning Board odor control techniques available for commercial mulch production if any such technique is currently utilized by mulch processing of the proposed scale



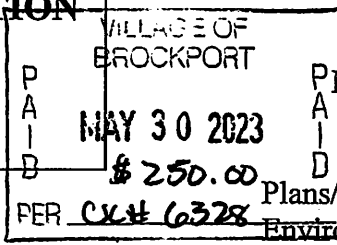
-Review submission requirements & deadlines prior to submitting-

VILLAGE OF BROCKPORT

127 Main St., Brockport, NY 14420
Phone:(585)637-5300 ext. 114 Fax:(585) 637-1045
Website: www.brockportny.org

PLANNING BOARD APPLICATION

Change of Use: _____ Fence: _____
 Subdivision: _____ Site Plan: _____
 Other: _____



Meeting Date: 6/12/23 @ 6:00 p.m.
 Date Submitted: 5-30-23
 Application Fee: \$ 250.00
 Plans/Supporting Documents(10 sets):
 Environmental Assessment Form:

Please Note:

- Applicant (or representative) must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of the application.
- The Planning Board will determine the need for a public hearing. If so, a separate fee will be billed.

PROPERTY ADDRESS: 180 & 230 South Ave. Flood Zone: Yes No

Tax Map Parcel #: 69.17-2-9.1 & 69.17-2-11.1 Parcel Size: 1893' width 1013' depth

Property Zoning District: Limited Development District Property Class: 447 (turcking terminal)

Present Use of Property: Diesel Mechanic Shop Proposed Use of Property: N/A

Description of Proposal: _____
Reconfigure the common property line between 180 and 230 South Avenue.

Description of any planned remodeling: N/A

Building permit required? Yes No Historical designations? Yes No

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

Applicant Signature

Gregory Bell, BME Associates, as agent
 Applicant Name Printed/Typed

Street _____ City _____ State _____ Zip _____

Phone # _____ E-mail _____

I/We hereby certify that I/We are title owner(s) of the property property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

Owner Signature

KEN MARVALD
 Owner Name Printed/Typed

Street _____ City _____ State _____ Zip _____

Phone # _____ E-mail _____

Short Environmental Assessment Form

Part 1 - Project Information

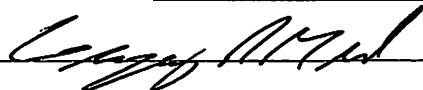
Instructions for Completing

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: South Avenue Properties			
Project Location (describe, and attach a location map): 180 and 230 South Ave.			
Brief Description of Proposed Action: Adjust the common property line between 180 and 230 South Avenue.			
Name of Applicant or Sponsor: South Avenue Properties LLC		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
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"/>
			YES <input 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:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		59.1 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		59.1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: N/A as only property resubdivision is proposed. _____	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: _____ N/A - There is no proposed improvements for this subdivision application.	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: _____ N/A - There is no proposed improvements for this subdivision application.	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"/>	
	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	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:		
N/A - No physical alteration to property is proposed.		
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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<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? If Yes, describe:	NO	YES
	<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? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A - No physical disturbance of the property is proposed.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Gregory Bell, BME Associates, as agent for South Ave. Properties LLC</u> Date: <u>5/30/23</u>		
Signature: <u></u> Title: <u>Survey Dept. Manager</u>		