

**Village of Brockport
Zoning Board of Appeals
Meeting Agenda
Thursday, April 6, 2023, 6pm**

CALL TO ORDER / PLEDGE / ROLL CALL:

APPROVAL OF MINUTES: January 6, 2022

CORRESPONDENCE:

NEW BUSINESS APPLICATIONS: (PUBLIC HEARINGS)

1. **Applicant:** Jeremiah Thomas
 Owner: The River at Rochester Church
 Address: 96 Adams St, Brockport, NY
 Tax Map #: 068.67-1-24./A
 Property Code: 210 – Single Family Residential
 Zoning: Residential Use District
 Lot Size: 171f x 131d x 0.5ac
 Purpose: Applicant seeks an area variance to install a front-yard 4 foot high decorative/safety fence.
 Zoning Code: Chapter 6-3 (D-1) Provisions applicable to residential districts:

(D) Open decorative fences, hedges or screen plantings may be permitted within any required front yard subject to the issuance of a conditional use permit by the Planning Board. In addition to any other requirements of a conditional use permit, no such permit shall be issued where: (1) The fence exceeds a height of three feet.

2. **Applicant:** Jared Hirt
 Owner: Brockport-Market Properties, LLC
 Address: 51 Market St, Brockport, NY
 Tax Map #: 069.45-2-13
 Property Code: 421 – Restaurant
 Zoning: Business Use District
 Lot Size: 170f x 70.66d x 0.2ac
 Purpose: Applicant seeks an area variance allowing a front setback of 0 feet.
 Zoning Code: Chapter 58-11 (E) B Business Use District:

(E) Yards required. Buildings shall be set back at least 47 feet from the center of Main Street and State Street or 40 feet from the center line of any other street within a B District, at least 11 feet from the rear line, and need have no side yard if the rear portion of the building is accessible by alley, street or driveway for motor vehicle delivery and pickup. If such access is not available, a side yard or driveway of at least 11 feet in width should be furnished.

DATE: March 22, 2023
TO: Suburban News
FOR: Publication in the Sunday March 26, 2023 edition of Suburban News

**VILLAGE OF BROCKPORT
LEGAL NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Brockport will hold a PUBLIC HEARING on **Thursday, April 6, 2023 beginning at 6:00pm** in the Court Room of Brockport Village Court at 49 State Street, Brockport, NY regarding the following application(s).

This meeting is regarding the following applications:

1. Jeremiah Thomas
The River at Rochester Church
96 Adams St, Brockport, NY
068.67-1-24./A
Residential Use District
171f x 131d x 0.5ac
Applicant seeks an area variance to install a front-yard 4 foot high decorative/safety fence.
Chapter 6-3 (D-1) Provisions applicable to residential districts:
2. Jared Hirt
Brockport-Market Properties, LLC
51 Market St, Brockport, NY
069.45-2-13
Business Use District
170f x 70.66d x 0.2ac
Applicant seeks an area variance allowing a front setback of 0 feet.
Chapter 58-11 (E) B Business Use District:
3. Aaron Bower – Earthborn Materials, LLC
South Avenue Properties, LLC
180 South Ave, Brockport, NY
069.17-2-9.1
Limited Industrial Use District
49.73 Acres
Applicant seeks an area variance allowing primary processing of unrefined materials outside.
Chapter 58-12 (E-2) and (E-3) Limited Industrial Use District. Other requirements:

All interested parties will be given the opportunity to be heard. Applications are available for review on the Village website and at the Village Hall, Building and Codes Department.

Theresa Weed
Zoning Board Clerk
Village of Brockport

3. Applicant: Aaron Bower – Earthtech Developers, LLC
Owner: South Avenue Properties, LLC
Address: 180 South Ave, Brockport, NY
Tax Map #: 069.17-2-9.1
Property Code: 447 – Truck Terminal
Zoning: Limited Industrial Use District
Lot Size: 49.73 Acres
Purpose: Applicant seeks an area variance allowing primary processing of unrefined materials outside.
Zoning Code: Chapter 58-12 (E-2) and (E-3) Limited Industrial Use District. Other requirements:

- (2) *All uses, including equipment for the handling of processes, shall be conducted in a completely enclosed building. The actual loading and unloading of materials shall not be restricted to indoor locations.*
- (3) *No materials, supplies or equipment shall be permitted to be permanently stored outside any building. Company vehicles may be parked out of doors overnight, provided that they are stored on the property to which they are accessory and adequately screened from public view. A signed permit is required from the Planning Board for the temporary placement of construction trailers.*

ADJOURNMENT:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

Meeting: May 4, 2023 - 6pm

Deadline: April 18, 2023 - Noon

Meeting: June 1, 2023 - 6pm

Deadline: May 16, 2023 - Noon

--Unapproved--

**Meeting of the Village of Brockport Zoning Board of Appeals
Conference Room, Municipal Building, 49 State St, Brockport, NY
Thursday, January 6, 2022, 6:00 p.m.**

Join the Zoom Meeting with the login information below or dial 1(646) 558 8656
<https://us02web.zoom.us/j/83659926067?pwd=T0U3d21SdHQwO2NBZkRyNmZTQ3B4UT09>
Meeting ID: 836 5992 6067 Passcode: 215329

PRESENT: Chair Robert Duff, Vice Chair Robert LeSuer, Member Karen LoBracco, Member Sal Sciremammano, Member Edward Starowicz, Clerk Theresa Weed

EXCUSED:

ALSO PRESENT: Lynn Stewart, Annie Crane, Chad Fabry

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

INTRODUCTION: Chair Duff introduced New Member Starowicz, Village Board Liaison Annie Crane and Code Enforcement Official Chad Fabry.

REVIEW OF MEETING MINUTES: Chair Duff called for a motion to approve minutes.

➔ Member LoBracco moved, Member LeSuer seconded, unanimously carried to approve the minutes of the meeting held August 6, 2020 as written.

CORRESPONDENCE: None

NEW BUSINESS:

1. Name: Livingston Energy Group
Address: 18 N. Main St, Brockport
Tax Map #: 069.45-1-2
Property Code: 411 - Apartments
Zoning: B – Business
Lot Size: 3.9 Acres
Purpose: Applicant seeks an area variance to install 8 EV charging Units
Zoning Code: Chapter 58-10 (6): B Business Use District: Electric Vehicle Charging Stations

(6) No more than one charging station may be installed on any parcel except for the Business District, where two charging stations may be installed on each parcel.

Applicant Presentation:

Chair Duff reviewed Village Code and asked the Applicant to present the proposed application:

The Applicant indicated they will be digging a 75' trench to run conduit to the main service panel in the building. The service will be upgraded to a 400-amp service to accommodate the 8 EV chargers that are going in. The trench will then be back filled, and the area seeded. They have a minimalist approach using a 4" x 4" pedestal to mount the two 6" x 4" charging units with appropriate adapters. The units will be protected by protective Quikrete bollards with yellow protective sleeves.

Public Comment:

- Member Sciremammano moved, Member LoBracco seconded, unanimously carried that the regular meeting be closed, and the public hearing be opened at 6:11 pm.

A discussion took place between the applicant and members concerning the clarification of the installation, use and safety of the EV charging units.

No further public comments.

- At 6:38 pm, Member Starowicz moved, Member LeSuer seconded, unanimously carried that the public hearing be closed, and the regular meeting be reopened.

Continued Board discussion on application:

Chair Duff addressed Board Members regarding SEQR statement. Does not appear to have any adverse impact on neighborhood esthetically or environmentally.

Motion:

- Chair Duff made a motion that this is a type 2 action and does not require any further action regarding those concerns. Member Sciremammano seconded being that this is not going to be a SEQR consideration.

The motion carries unanimously with 5 votes in favor, 0 against

A discussion took place concerning clarification as to the necessity of the Applicant applying for an area variance. Findings seem to be supported by substantial evidence. The area variance test has reviewed all 5 criteria with no objections or conditions.

Motion:

- Member LeSuer made a motion to approve an area variance to install 8 EV charging units at the Brockport Villager LLC. Member Sciremammano seconded.

ZONING BOARD OF APPEALS -- August 6, 2020

Chair Duff asked for a Roll call vote:

Roll call vote:

Chair Duff	Aye
Member LoBracco	Aye
Member LeSuer	Aye
Member Sciremammano	Aye
Member Starowicz	Aye

The motion carries unanimously with 5 votes in favor, 0 against.

Chair Duff congratulated representative Lynn Stewart.

A discussion took place regarding the village code getting amended to allow for more than 2 charging stations. Member LoBracco inquired about the chair and vice chair positions remaining the same until a vote at the next meeting. Chair Duff welcomed member Starowicz to the Zoning Board of Appeals.

ADJOURNMENT:

- ➔ Chair Duff moved to adjourn the meeting, Member LoBracco made a motion to adjourn, Member LeSuer seconded, unanimously carried that the meeting be adjourned at 6:52 pm.

Theresa Weed, Clerk

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: 4-6-23 @ 6pm
Date Submitted: 3-21-23
Application Fee: \$ 200.00

Plans/Supporting Documents(10 sets): _____
Environmental Assessment/FORM OF _____

P A I D	BROCKPORT	P A I D
MAR 21 2023		
\$200.00		
PER <u>CK 1138</u>		

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: 96 Adams St. & 101 Kenyon St.

Tax Map Parcel #: 068.67-1-24./A

Parcel Size: 171' x width 131' depth

Property Zoning District: Residential Use

Property Class: 210 - Single family residential

Present Use of Property: Church & Parsonage

Proposed Use of Property: _____

Flood Zone: Yes No

Historical designations? Yes No

Provision of Code Appealed (section and subsection): 6-3 d

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

Description of Proposal / Detail of Request:

We would like to install a 4 foot high decorative/safety fence so that the children at the church are not at risk from going onto the road.

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

[Signature]
Owner Signature

Jeremiah Thomas
Applicant Name Printed/Typed

Jeremiah Thomas
Owner Name Printed/Typed

Street _____ City _____ State _____ Zip _____

101 Kenyon St. Brockport NY 14420
Street _____ City _____ State _____ Zip _____

Phone # _____ E-mail _____

Phone # _____ E-mail _____

AREA VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 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;
- 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;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- 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.

The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

USE VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- 2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) that the alleged hardship has not been self-created.

The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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.

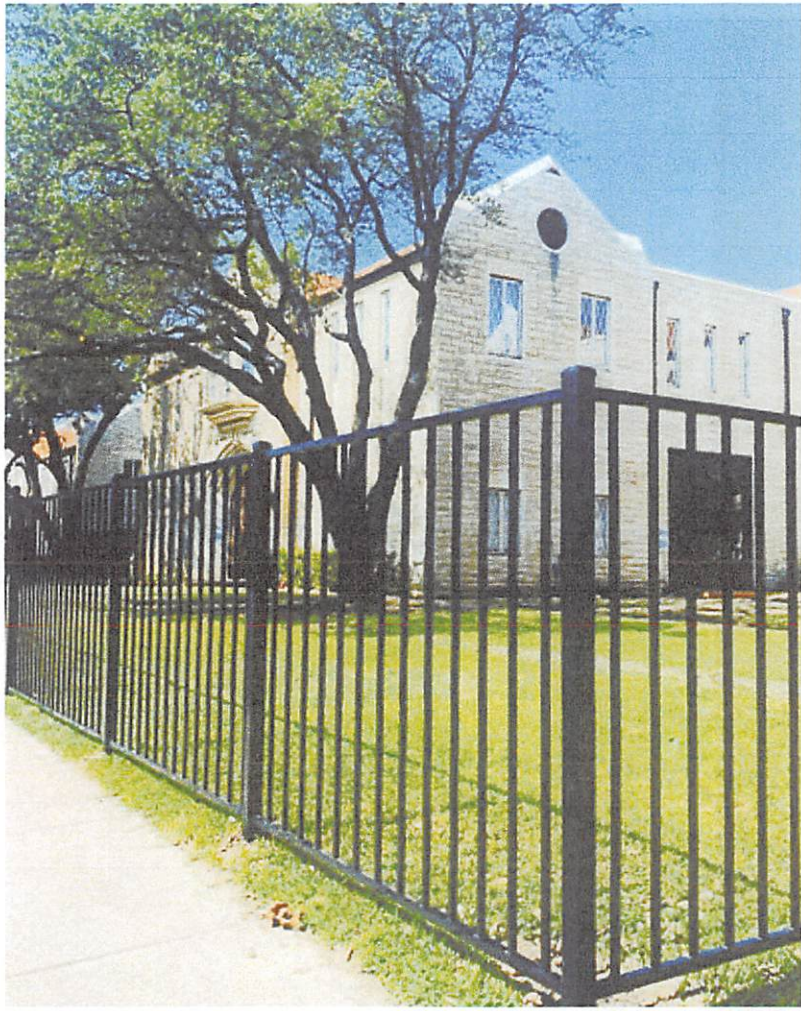
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Build fence for child safety</i>			
Project Location (describe, and attach a location map): <i>From Southeast corner of church (101 Kenyon St) to Southwest corner of garage (96 Adams St)</i>			
Brief Description of Proposed Action: <i>We would like to install a 4 foot high safety/decorative black aluminum fence to protect the families/children that attend our church functions. We have had several incidents where children have quickly run to the road on Adams St. and there is nothing to prevent them from going on the road. We believe a 3 ft high fence isn't high enough</i>			
Name of Applicant or Sponsor: <i>Jeremiah Thomas The River At Rochester Church</i>		Telephone: _____	
		E-Mail: _____	
Address: <i>101 Kenyon St. Brockport</i>			
City/PO: <i>Brockport</i>		State: <i>NY</i>	Zip Code: <i>14420</i>
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	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 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"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input 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"/>	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	NO YES <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NO YES <input checked="" type="checkbox"/> <input 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NO YES <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input 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)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jeremiah Thomas</u> Date: <u>3/20/23</u> Signature: <u>[Signature]</u> Title: <u>Pastor</u>		

Proposed fence style



THIS MAP IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

PARCEL TAX ID 0088 87-1-24 1A & 0088 87-1-24-2B

SCOTT E. BRADY, P.L.S. #05510

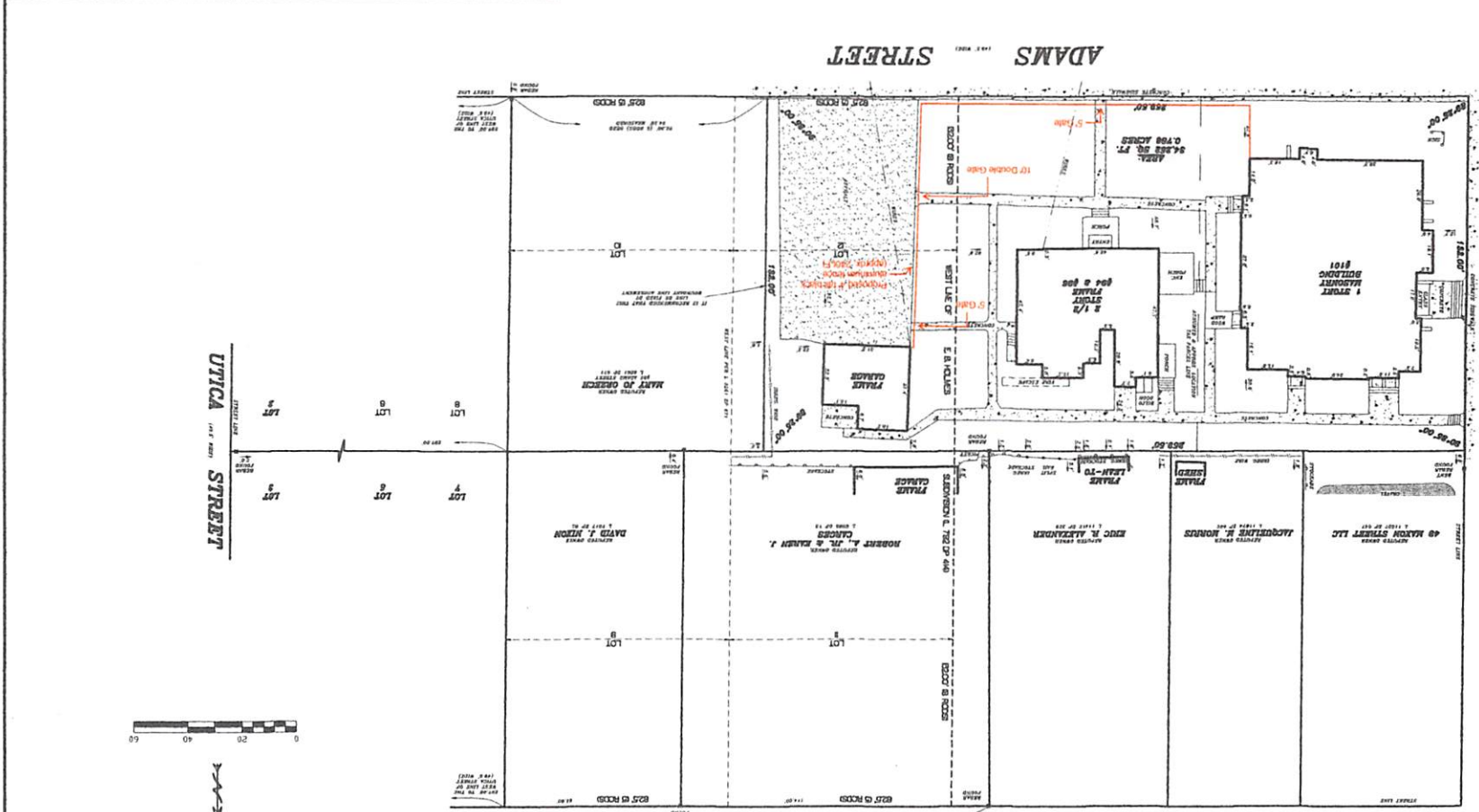
ONBIL RODAK
LAND SURVEYING ASSOCIATES, P.C.
1000 WEST 10TH STREET
MILWAUKEE, WISCONSIN 53233
PHONE: (414) 224-7777 FAX: (414) 224-1188
e-mail: onbil@onbilrodak.com

PREPARED FOR
SHAWNO, DICKO & BANK, LLC
101 KENYON STREET & 84 ADAMS STREET
MORRIS COUNTY, NEW JERSEY
VILLAGE OF BROOKPORT
PARCEL SITUATE IN TOWN LOT 1, SECTION 8

NO.	REVISION	DATE	BY
1			
2			
3			
4			
5			
6			
7			
8			

WE, ONBIL RODAK LAND SURVEYING ASSOCIATES, P.C. CERTIFY TO FAMILY FIRST OF NY
FEDERAL CREDIT BANK, ITS SUCCESSORS AND/OR ASSOCIATED, NONIDENTIFIED DEPOSITORS
P.L.C. CHICAGO TITLE INSURANCE COMPANY, THE BANK AT HOCHSTETTER CROUCH AND
SHAWNO, DICKO & BANK, LLC THAT THIS MAP WAS PREPARED FROM NOTES OF AN
INSTRUMENT SURVEY COMPLETED MAY 13, 2019.

REFERENCES
MAP BY ROBERT L. OWEN, L.S. DATED SEPT. 3, 1988 RECORDED IN LIBER 6865 OF DEEDS.
PAGE 13
HOLMES SUBDIVISION RECORDED IN LIBER 793 OF DEEDS, PAGE 114
MAP OF B. HOLMES SUBDIVISION COMPANY #18142 DATED APRIL 11, 2019
LIBER 3843 OF DEEDS, PAGE 37



KENYON STREET

ADAMS STREET

MAXON STREET

UTICA STREET





100 Meridian Centre Blvd.
Suite 300
Rochester, NY 14618
(585) 787-7000
FAX (585) 787-7007

March 21, 2023

VIA MESSENGER

Village of Brockport
Zoning Board of Appeals
127 Main Street
Brockport, New York 14420

**Re: 51 Market Street, Brockport New York
Request for Area Variance**

Dear Sir/Madam:

Enclosed, please find the following documents submitted with regard to the above-referenced application:

1. Completed and signed Zoning Board of Appeals Application;
2. Duke Properties LLC check payable to Village of Brockport for the sum of \$200.00;
3. Ten (10) copies of the Applicant's supporting documents, comprised of the following:
 - a. Full-sized Architecture Drawings (Sheets A-1 through A-3), dated March 8, 2023;
 - b. Site Plan, dated March 17, 2023;
 - c. Instrument Survey Map prepared by A.J. Barea, dated October 1, 2019; and
 - d. Balancing Test Memorandum.

It is kindly requested that the enclosed Application be placed on the agenda for the meeting scheduled for April 6, 2023. As always, thank you for your courtesies and cooperation.

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Very truly yours,

Jared P. Hirt

Enclosures



VILLAGE OF BROCKPORT ZONING BOARD OF APPEALS APPLICATION

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

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

Meeting Date: 4-6-2023 @ 6 p.m.
Date Submitted: 3-21-2023
Application Fee: \$ 200.00

Plans/Supporting Documents (10 sets):

Environmental Assessment Form:

PAID	
BROCKPORT	
MAR 21 2023	
\$ 200.00	
PER CK # 6837	

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: 51 Market Street, Brockport, NY 14420

Tax Map Parcel #: 069.45-2-13

Parcel Size: 170 width 70 depth

Property Zoning District: Business Use

Property Class: 470

Present Use of Property: Restaurant

Proposed Use of Property: Restaurant/Retail

Flood Zone: Yes No

Historical designations? Yes No

Provision of Code Appealed (section and subsection): 58-11(E)

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

Description of Proposal / Detail of Request:

Applicant requests an area variance allowing a front setback of 0'. Applicant seeks to add three (3) overhead entry canopies measuring 4' x 9' to the front exterior of the existng building in conformity with the proposed plans.

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

[Signature]
Owner Signature

Mared Hirt/Evans Fox LLP
Applicant Name Printed/Typed

Brockport-Market Properties LLC
Owner Name Printed/Typed

Street _____ City _____ State _____ Zip _____

Street _____ City _____ State _____ Zip _____

Phone # _____ E-mail _____

Phone # _____ E-mail _____

BALANCING TEST MEMORANDUM

**Re: 51 Market Street, Brockport, New York
Request for Area Variance**

Area Variance Test

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?*

The granting of the requested area variance will not result in an undesirable change in the character of the neighborhood, nor will it create a detriment to nearby properties. The neighborhood is in the center of the Business District, with almost every building having been constructed prior to the existing Code and not meeting the current setback requirements imposed by the Code. Additionally, many of the buildings in the Business District have some form of overhead canopies similar to the three (3) overhead entry canopies necessitating the requested area variance. Accordingly, the requested area variance will not result in an undesirable change in the character of the neighborhood, nor will it result in a detriment to nearby properties.

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, the benefit sought by the Applicant cannot be achieved by some other method. The existing building was constructed prior to the current Code and does not comply with the front setback requirement imposed by the Code. The Applicant is seeking to utilize and renovate the existing structure. The requested area variance will allow the Applicant to install three (3) overhead entry canopies on the front of the building to aesthetically enhance the appearance of the building, define the different commercial spaces within the building and provide additional protection against the elements. The Applicant cannot achieve the foregoing without the requested area variance.

3. *Whether the requested area variance is substantial?*

No. The three (3) proposed overhead entry canopies are only 4' x 9'.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No, the proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

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 alleged difficulty was self-created. The Applicant is seeking to renovate the existing structure. The Applicant would not need the requested area variance if the Applicant did not wish to undertake said renovation. Most difficulties are self-created; however, that determination does not preclude the granting of the requested area variance.



A.J. BAREA - PLS

Professional Land Surveying
380 South Union Street - Spencerport, New York 14559
AJBareaPLS@msn.com (585) 750-4563

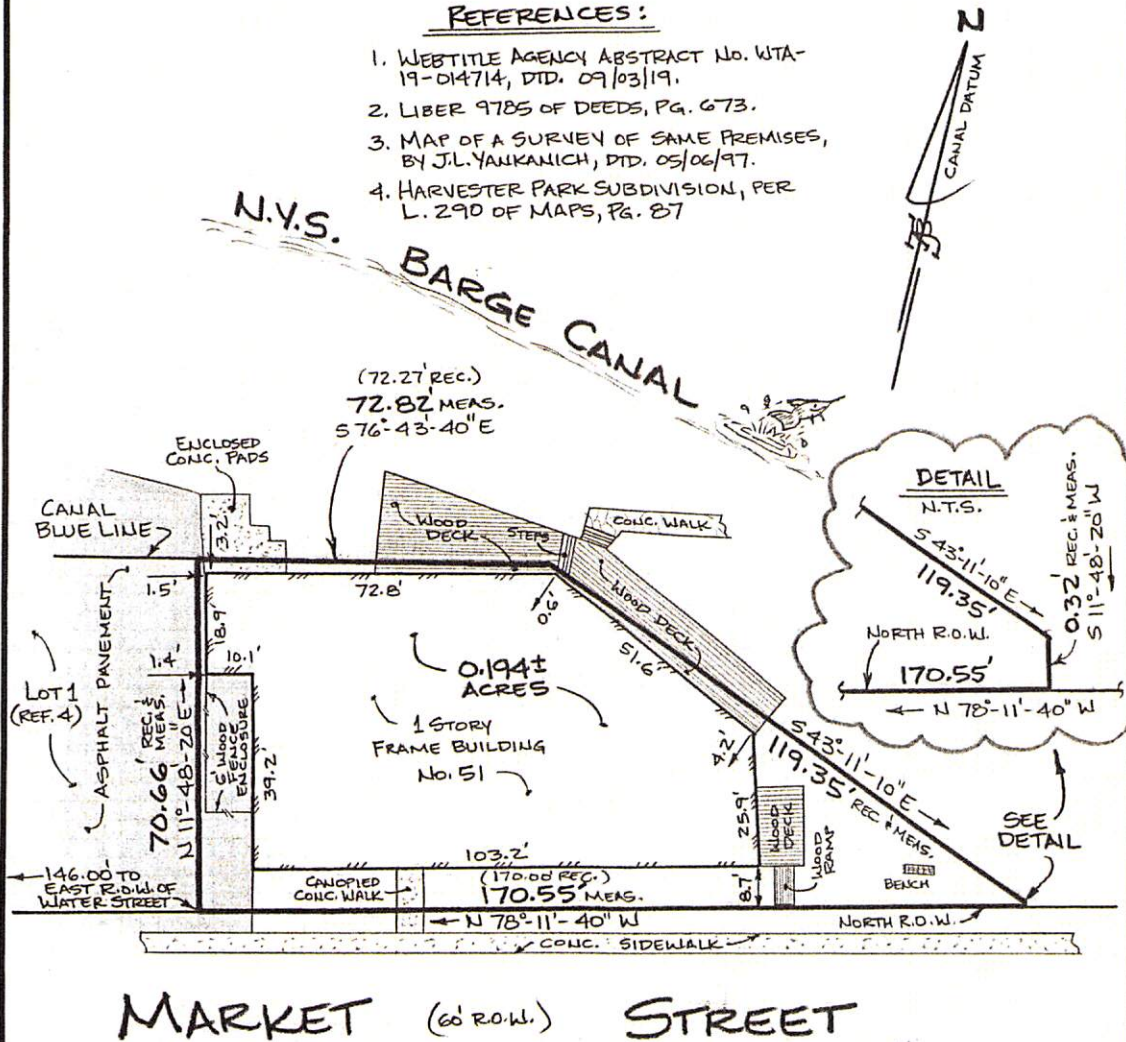


INSTRUMENT SURVEY

- VILLAGE OF BROCKPORT -
Parcel at TOWN OF SWEDEN - COUNTY OF MONROE - STATE OF NEW YORK
Subdivision SECTION 8 - TOWNSHIP 3 TRIANGULAR TRACT Street No. 51 MARKET STREET PART OF TOWN Lot No. 15
S.B.L. No. 069.45-2-13

REFERENCES:

1. WEBSITE AGENCY ABSTRACT No. WTA-19-014714, DTD. 09/03/19.
2. LIBER 9785 OF DEEDS, PG. 673.
3. MAP OF A SURVEY OF SAME PREMISES, BY J.L. YANKANICH, DTD. 05/06/97.
4. HARVESTER PARK SUBDIVISION, PER L. 290 OF MAPS, PG. 87



SCALE 1" = 30 FEET

"Only copies from the original of this survey map bearing the signature and an original stamp in blue ink of the Land Surveyor's seal shall be considered to be valid true copies."

"Certifications shall be valid only to the parties for whom this survey was prepared, listed hereon. Certifications are not transferable to additional institutions or subsequent owners."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law." This map was made from notes of an Instrument Survey completed on SEPTEMBER 22, 2019

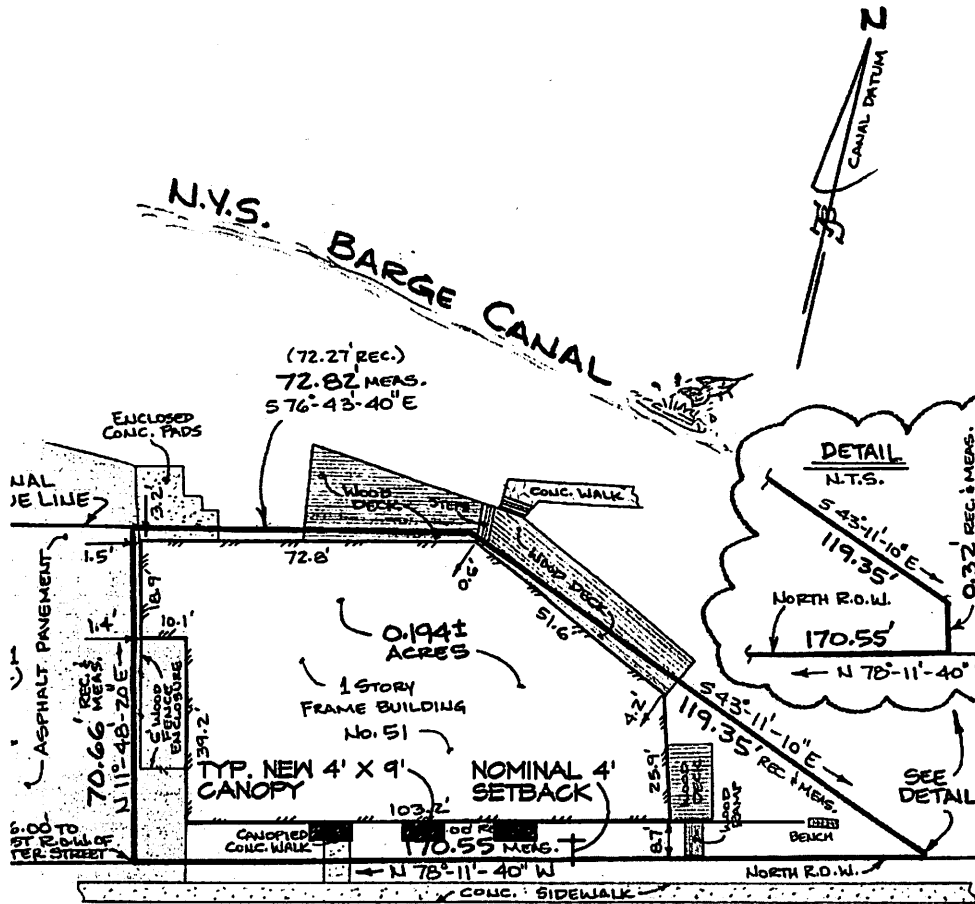
Dated OCTOBER 01, 2019

Certified to the following:

1. BROCKPORT- MARKET PROPERTIES LLC
2. EVANS FOX LLP
3. STEWART TITLE INSURANCE COMPANY

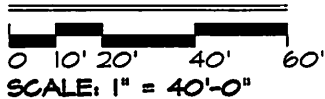
Signed

A.J. BAREA, NYSPLS No. 050229



MARKET (60' R.O.W.) STREET

SITE PLAN



INFORMATION FOR SITE PLAN TAKEN FROM SURVEY MAP
 DATED 10/1/19 PREPARED BY A.J. BAREA
 LICENSED LAND SURVEYOR.



CHAIT STUDIOS

21 SLATE DRIVE
 NORTH CHILLI, NEW YORK 14514
 585.747.8748 WWW.CHAITSTUDIOS.COM

DRAWING TITLE: SITE PLAN	
PROJECT NAME: 51 MARKET STREET	
DATE: 3/17/23	SCALE: 1" = 40'-0" DRAWN BY: SBC
PROJECT NO.: 221001	

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: <input type="checkbox"/>
Interpretation: <input type="checkbox"/>	Special Permit: <input type="checkbox"/>
Other: <input type="checkbox"/>	

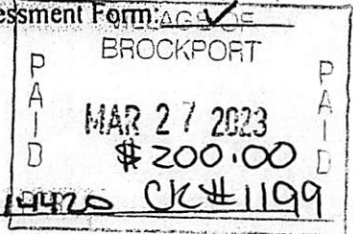
Meeting Date: 4/6/2023

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 CJ#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 MARQUA PROCESSING (MUCH + 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:

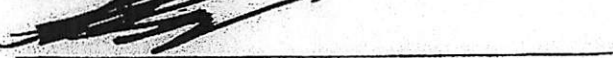
SEE ATTACHED

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.


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

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.


 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

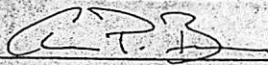
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 grading, 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.			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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.			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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?	<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?	<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"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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"/>	
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"/>	
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"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agricultural/grasslands
<input type="checkbox"/> Wetland	<input checked="" 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? 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)? If Yes, briefly describe:		<input checked="" type="checkbox"/> <input type="checkbox"/>

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
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? If Yes, describe:		NO YES
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: 		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 green waste into mulch, topsoil, and compost by turning recycled construction waste into usable products.



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 collaborated 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, compost, and structural fill.

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.

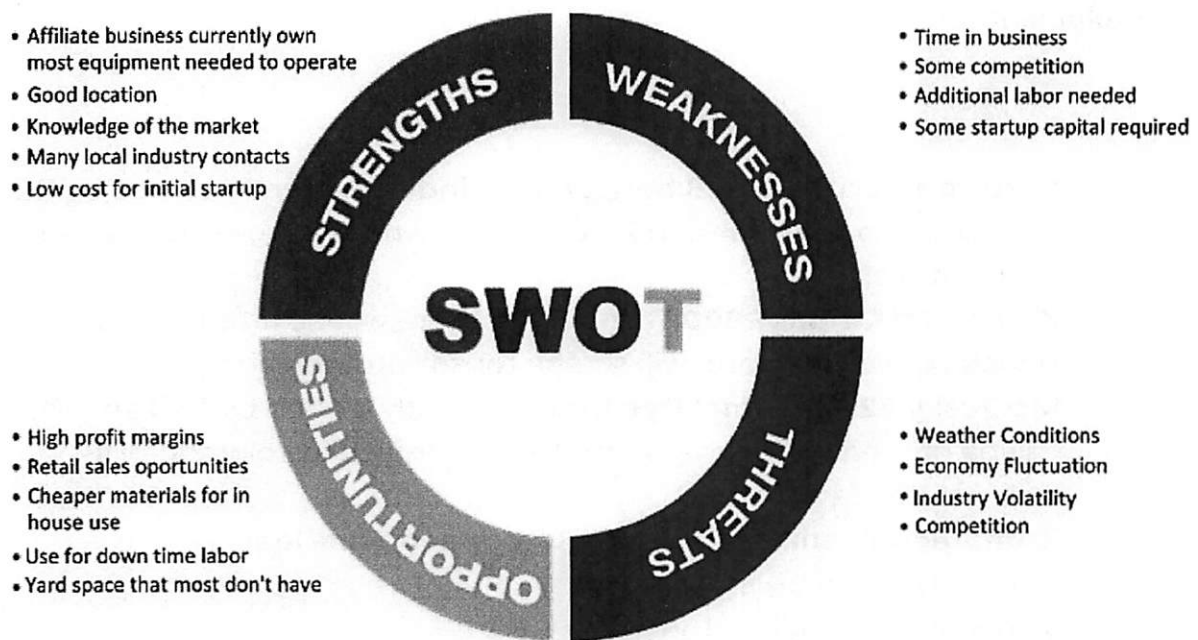
- **Topsoil:** In the greater Rochester area there are only two notable screened topsoil sources for wholesale topsoil. There are 10-12 businesses who resell topsoil, these companies will be our intended customers. Leveraging our industry knowledge of commercial construction, our topsoil will be tested 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 be 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 prices 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

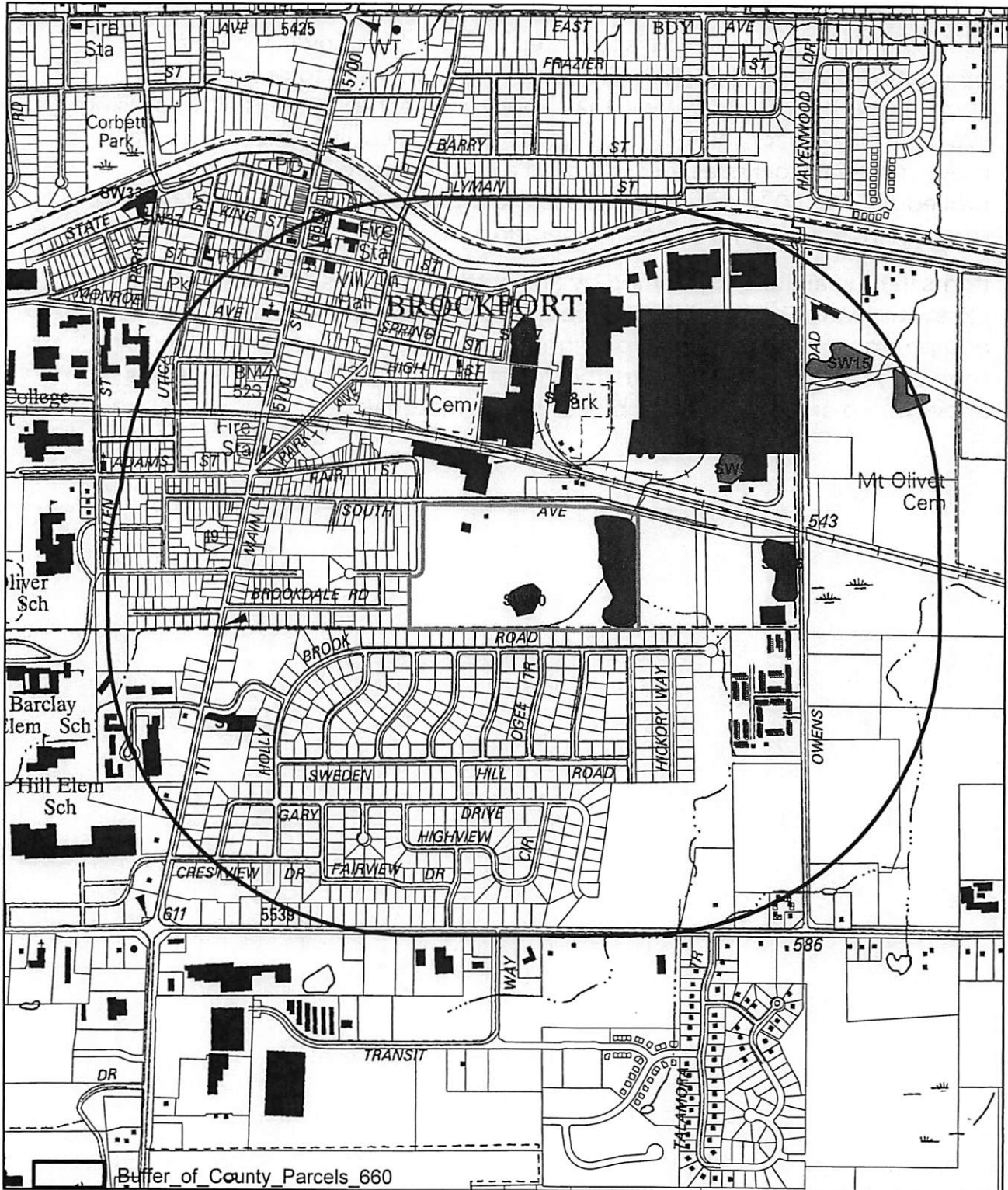
START-UP COSTS (Year)				
Earthborn Materials, LLC			1/15/2023	
<u>COST ITEMS</u>	<u>MONTHS</u>	<u>COST/MONTH</u>	<u>ONE-TIME COST</u>	<u>TOTAL COST</u>
Employee Salaries and Insurance	4	\$4,200.00	\$0.00	\$16,800.00
Processing Yard Rent (5 Acres)	12	\$500.00	\$0.00	\$6,000.00
Advertising/Marketing/Website	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	\$2,500.00	\$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

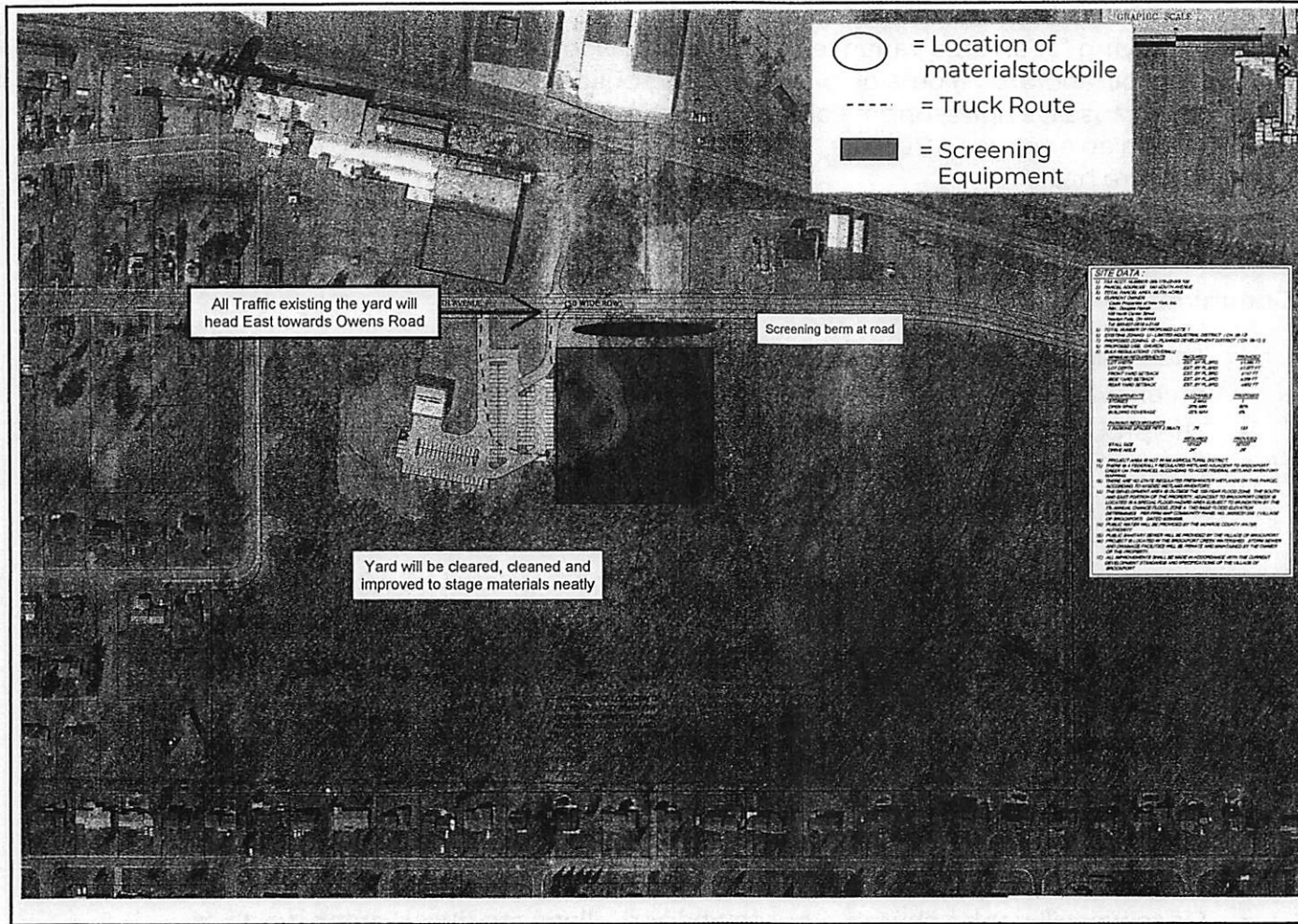
- MC Suspected Site
- NYSDEC Registry Site
- MC Confirmed Site

(SEE SITE DESCRIPTION PAGE)

2,000 1,000 0 2,000 Feet



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.



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

All Traffic existing the yard will head East towards Owens Road

Screening berm at road

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

SITE DATA:

1. Project Name: ...
 2. Client: ...
 3. Location: ...
 4. Date: ...
 5. Scale: ...
 6. Drawing No.: ...
 7. Revision: ...



Revisions

No.	Date	Description

Passero Associates
 2168 ROOSEVELT HIGHWAY
 HAMLIN, NY 14454
 PHONE: (315) 464-7500

OVERALL SITE PLAN
 LIVING HOPE ASSEMBLY OF GOD
 180 SOUTH AVE.

Project No: 20100102.001
 Drawing No: 2 of 2
 Scale: 1" = 100'
 Date: February, 2010

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 SEQRA and believe there are no environmental quality issues.

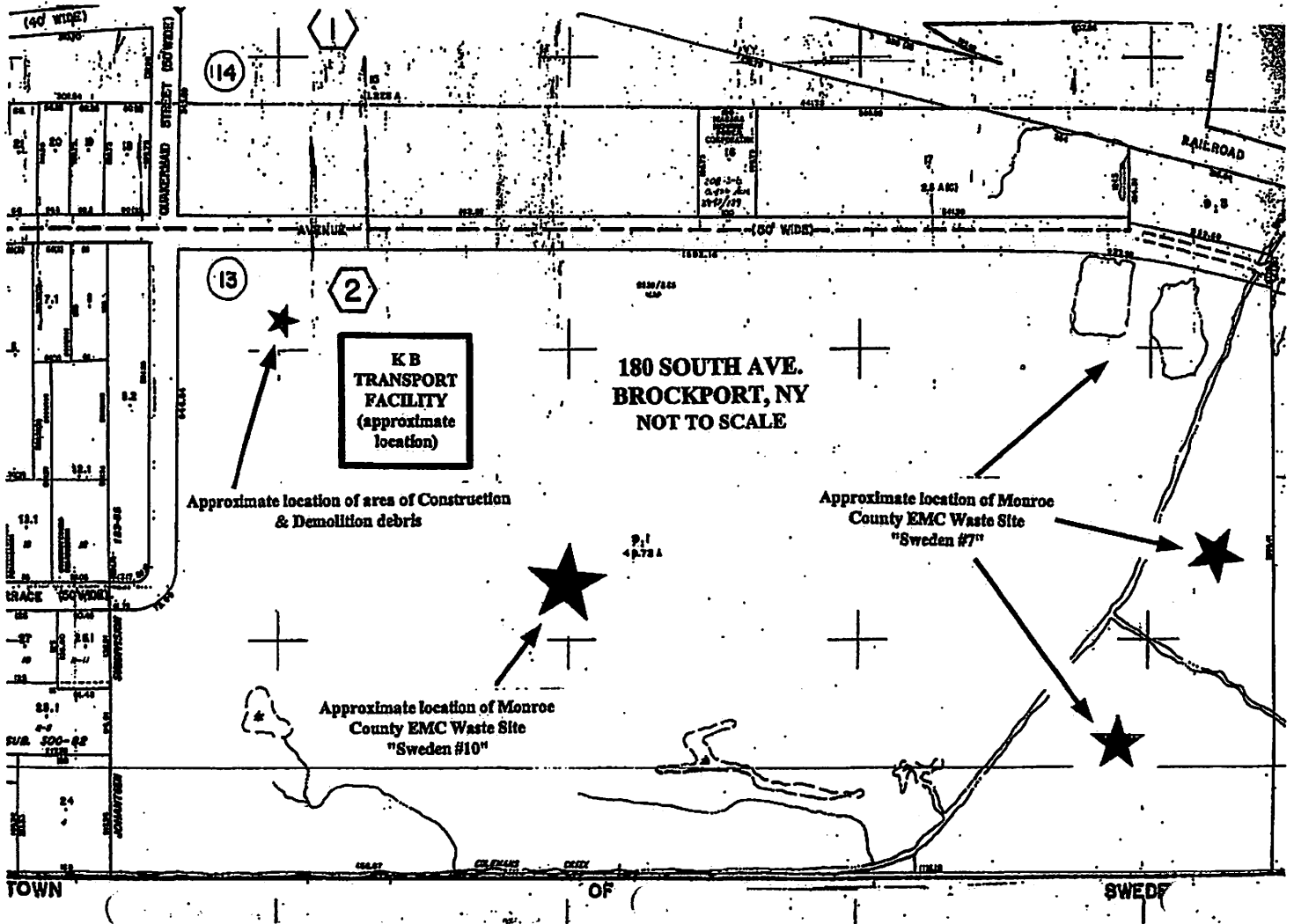
Operation's Layout

- 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 grinding 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**



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**



- **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

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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)**



Health = 1
 Fire = 0
 Reactivity = 0

· **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	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.

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Trade name: **PREMIUM WESTERN BROWN**

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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
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

(Contd. on page 4)

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Trade name: **PREMIUM WESTERN BROWN**

(Contd. of page 3)

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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Trade name: **PREMIUM WESTERN BROWN**

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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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Trade name: **PREMIUM WESTERN BROWN**

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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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Trade name: **PREMIUM WESTERN BROWN**

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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.

us

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Trade name: **PREMIUM WESTERN BROWN**

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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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Trade name: **PREMIUM WESTERN BROWN**

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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

(Contd. on page 12)

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Reviewed on 02/08/2023

Trade name: PREMIUM WESTERN BROWN

(Contd. of page 11)

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

Safety Data Sheet
acc. to OSHA HCS

Printing date 02/14/2023

Reviewed on 02/14/2023

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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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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· 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/m ³

- **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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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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· 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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- **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 (SiO₂)

· **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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· **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 (SiO ₂)
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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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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- **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.

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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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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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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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· 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

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· **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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· 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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· **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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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.

<ul style="list-style-type: none"> · State - Right to know
<p>None of the ingredients is listed.</p>
<ul style="list-style-type: none"> · 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