

**Town Of Windsor  
Code Enforcement Officer**

124 Main Street  
Windsor, NY 13865  
Telephone (607) 655-3118  
Email: [windsorcode@echoes.net](mailto:windsorcode@echoes.net)

July 28, 2023

Re. Bluestone Exploration Authorization #71107, Doug Kilmer, Town of Windsor, Broome County, Beaver Lake Road Quarry

To whom it may concern:

This letter is in acknowledgement of the application for the above reference Bluestone Exploration Authorization Application.

At the outset, I would like to point out that for question 11b, the applicant checked "Yes" but did not include a copy of any permit.

Additionally, the proximity of this proposed mine to Beaver Lake has generated significant public concern as evidenced by the enclosed petition. I would also like to point out that there are a significant number of Bluestone Mines in the Town of Windsor that generate a considerable number of complaints. My experience as Code Enforcement Officer is that it is very difficult to obtain responsive cooperation from the DEC with respect to investigations, inspections and general responsiveness to mining complaints despite the DEC's absolute statutory authority over Bluestone exploration operations. This recent application has compelled me to again point this out to the DEC.

We expect complete adherence to all mining and reclamation laws, specifically Environmental Conservation Law Article 23 and its implementing regulations, and that the applicant will adhere to all stated application provisions with respect to performance and design standards, reclamation and general operating conditions.

Before and during the mining activities, the proposed mine location shall be physically marked to remove all questions arising as far as property boundary lines of neighboring properties and the actual size of the mine are concerned.

An approved tracking pad must be installed and maintained wherever mine traffic exits or enters onto a Town road or highway.

Dust control is to be addressed on all site haul roads and mining areas, and may need to be extended onto Town roads as required. These activities are to address deposit tracking and debris on Town roads.

Please refer to Town of Windsor Local Law #3-2009 regarding depositing and tracking debris onto local roads.

As noise is a frequent issue, we direct your attention to Local Law #4-2010 and Local Law 1-2016 amending Chapter 68 "Noise Control." Given the proximity of this proposed mine to a Lake, we request that the permit issued by the DEC require all reasonable noise mitigation measures including but not limited to landscaping, and to the extent practicable, not removing certain trees and vegetation, buffering, installation of berm(s) of sufficient height, installation of rubber belting on chutes and similar equipment and siting of stockpiles and building openings in a manner designed to mitigate noise.

Additionally, we ask that the permit holder be required to provide information on the site's blasting schedule to each occupant or user of each structure, commercial or residential, within 500 feet of proposed blasting site(s) and upon the owner or owners of any parcel of property immediately adjoining or abutting the parcel of property on which the blasting is to take place, regardless of the distance an adjoining owner is from the blast site of scheduled blasting activity. The notice shall include the DEC permit number, the permit holder's name, emergency telephone numbers for police, fire and ambulance service and the time and location of blasting.

Trucking and mine access on Town roads will be limited to an approved haul route. This route will be supplied by the Town's Highway Superintendent or his or her representative.

As stated in the conditions of Special Use Permits, no materials originating off site will be allowed except as approved. This shall specifically apply to the importation of saw rocks. This action would require a site plan to be submitted to the Town planning and zoning departments for approval as pursuant to local law this activity, which is a manufacturing operation is not a permitted use in the zoning district where this mine would be sited.

As stated in the application, work hours shall be limited to those listed which are 7 AM to 7 PM Monday through Saturday, except blasting which shall be limited to the hours of 9 AM to 4PM Monday through Saturday. No activities are to be carried out on Sundays or the holidays listed on the permit application.

A building permit is to be obtained for any buildings constructed or located on the site that are larger than 144 square feet.

We request that the Town be made aware of the amounts of any reclamation bonds that are to be secured by the applicant and the reclamation plan that has been approved.

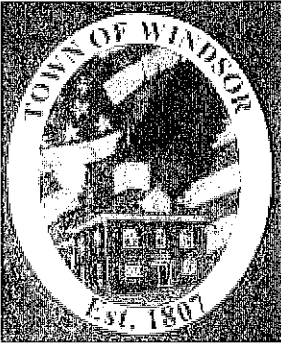
Lastly, we request that the DEC and the applicant establish a procedure in which complaints received by the Town's Code Enforcement Officer due to the applicant's failure to adhere to requirements of the permit, are addressed in a prompt and certain manner. While it is certainly the hope that notifications are handled in a timely manner by the DEC, in the event they are not, or cannot be, we ask that the permit require the applicant to provide name and contact information for an individual(s) present during all mining operations so that the Town Code Enforcement Officer can address issues affecting the health, safety and welfare of the Town's residents directly with the applicant in the event that a DEC

response will not occur soon enough to satisfactorily mitigate the harm to Town residents. The Town acknowledges the statutory enforcement role held by the DEC over mining operations, and is not attempting to take an enforcement role, however in its experience the Town believes that the ability to address issues with the applicant directly, and the applicant's willingness, will resolve many issues, and ultimately lessen the workload of the DEC.

The applicant and/or the DEC may meet with myself if you have any questions with respect to Town Local Laws or any other matter with respect to this application.

Thank you for your consideration,

Rich Osborne  
Code Enforcement Officer



**Town of Windsor  
Highway Department**

134 Chapel Street  
Windsor, NY 13865  
Telephone (607) 655-1615  
Email: [windsorhwy@echoes.net](mailto:windsorhwy@echoes.net)  
[windsorgarage@echoes.net](mailto:windsorgarage@echoes.net)

August 8, 2023

NY DEC, Division of Mineral Resources, Region 7  
5786 Widewaters Pkwy  
Syracuse, NY 13214-1867

This is a supplement letter to the letter sent previously on July 28, 2023 by our Code Enforcement Officer, Richard Osborne for the Bluestone Exploration Authorization #71107, Doug Kilmer, Town of Windsor, Broome County, Beaver Lake Road Quarry.

**Re:** Town of Windsor Proposed Haul Routes for Town Roadways

**Quarry Location:** Beaver Lake Road

Haul Route from quarry location on Beaver Lake Road:  
Go west on Beaver Lake Road to Williams Road. Use of any other town roads is prohibited.

Restrictions:

30 tons weight limit

5 tons weight limit from February 1<sup>st</sup> until April 30<sup>th</sup>

Because this is a dirt road there must be dust control as needed near any residence or houses through the haul route. Dust control must be at least in front of and 200 feet before and 200 feet after each location on haul route.

Sincerely,

Michael Kithcart  
Highway Superintendent