CASE NO. 1329

DATE OF HEARING 10/18/18

Town of Aurora Zoning Board of Appeals
300 Gleed Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

____ AREA VARIANCE X SPECIAL USE PERMIT ____ USE VARIANCE _____ INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Lindsay Miner
Address 753 Mill Rd
City East Aurora State NY ZIP 14052
Phone [redacted] Fax _____ Email [redacted]m
Interes[redacted]wner/purchaser/developer) owner

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 753 Mill Rd
SBL# 175.00-4-11
Property size in acres 1.1 Property Frontage in feet 273
Zoning District R1 Surrounding Zoning R1 A
Current Use of Property residential

IV. REQUEST DETAIL

(check all that apply)

___ Variance from Ordinance Section(s) #_____
X Special Use Permit for: keeping chicken 116-19
___ Use Variance for:_____
___ Interpretation of _____

V. SIGNATURES (*This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)*

Lindsey Miner
Signature of Applicant/Petitioner

Lindsey Miner
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 19th day of September in the year 2018 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Sheryl A. Miller
Notary Public

(Notary stamp) SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2021

Office Use Only: Date received: 9/19/18 Receipt #: 607029 BH DTC

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals ( ) has ( ) has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted ____ Denied ____

Date: _____ Type of Appeal: _____ Granted ____ Denied ____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

I would like to keep 6-8 chickens in our backyard. I think it would be a great learning experience/ responsibility for my two young girls. We intend to have them not only for the fresh eggs and compost material, but also as loved members of our family. They will be far from the road and only have access to their coop and our fenced (fully) yard on supervised occasions. We will have sexed females and have no plans to keep a rooster, therefor noise shouldn't be a concern.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ____ No X (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: N/A

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: I believe it will enhance the character. Neighbors will able to visit, get eggs if they want, and it will teach our children the value of responsibility of caring for animals and their environment.

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: NO

(Attach additional pages if needed)

Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052
www.townofaurora.com

Zoning Board of Appeals
Application
Owner Authorization

The undersigned, who is the owner of the premises know as:

753 Mill Rd East Aurora NY 14052 identified as Tax Map (SBL)#.....
(address)

hereby authorizes ..... to bring an application for ( ) area variance (X) special use permit ( ) use variance ( ) interpretation before the Town of Aurora Zoning Board of Appeals for review and potential approval. The undersigned further permits the Town or its authorized representative(s) access to the property to review existing site conditions during the review process.

Lindsay Miner
Owner (print)

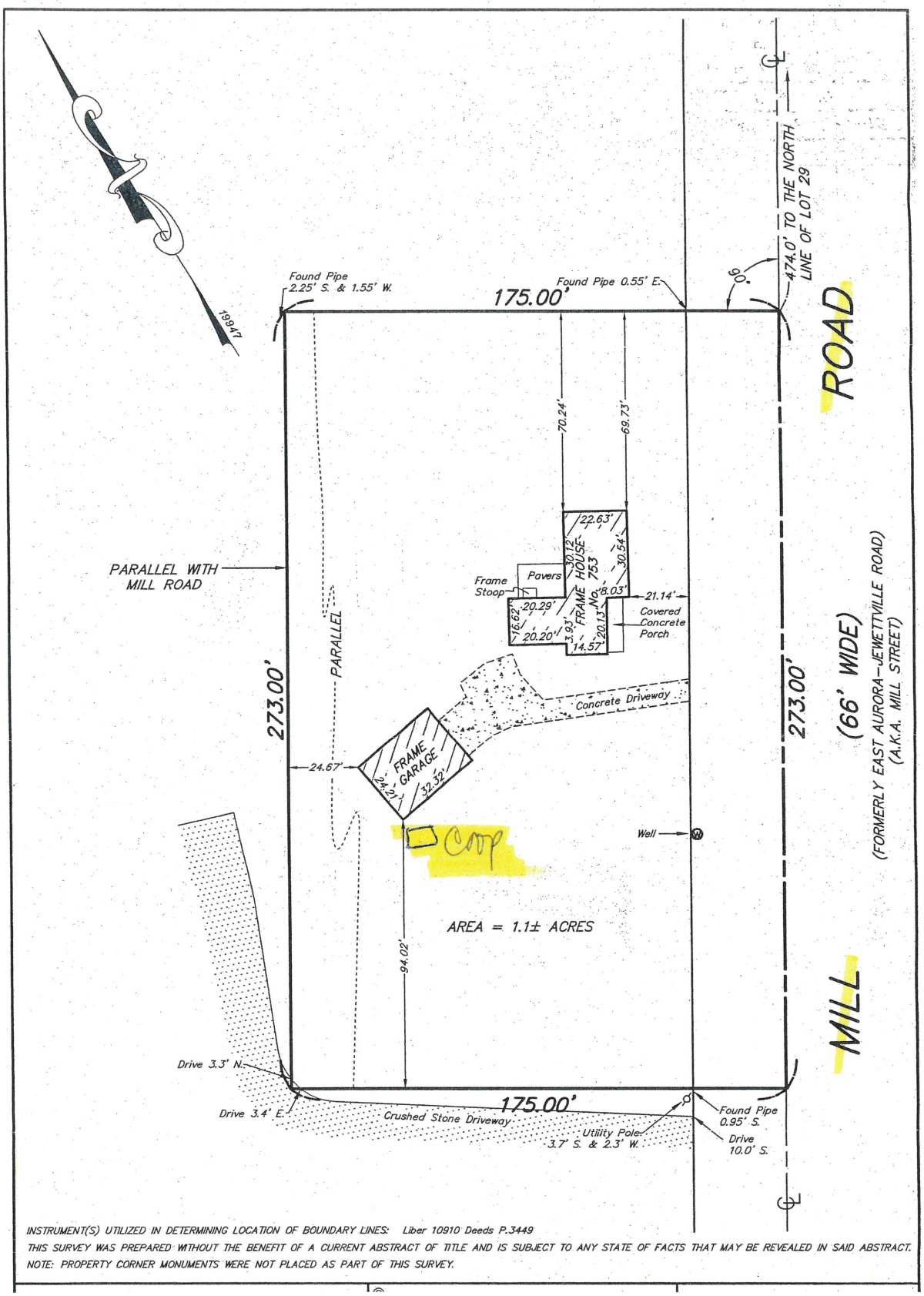
8.27.18
Date

L Miner
Owner (signature)

STATE OF NEW YORK)
SS
COUNTY OF ERIE)

On this _____ day of _____, 20___, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public



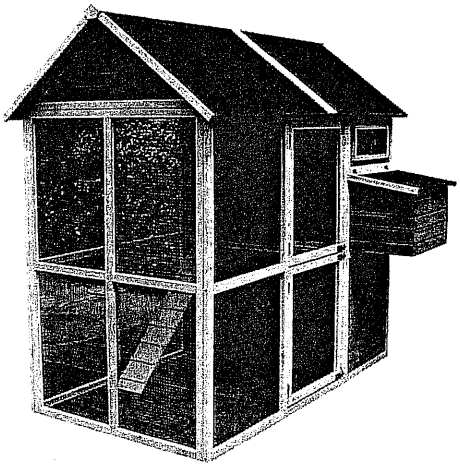
INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 10910 Deeds P.3449

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

Innovation Pet Coops & Feathers Walk-In Hen Coop

SKU # 120121599



45" W
77" L
71" H

$399.99

3.5 (11) Write a review

Share

Financing Available!

Special Offer

$49 flat rate shipping to your home or your local TSC store on all chicken coops! (Online purchases only.)

Quantity

− 1 +

Delivery Options

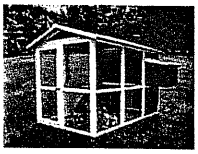
Shipping
get it in 7-10 days

× **Not carried in stores**

+ Add to Cart

Save to Wishlist

Customers Also Purchased

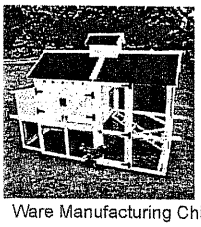


Innovation Pet Vintage Red Hen House Chicken Coop
(1)
$399.99

+ Add to Cart

Compare

Compare



Ware Manufacturing Chicken Chateau
(0)
$349.99

+ Add to Cart

Compare

Compare

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: having chickens

Project Location (describe, and attach a location map): 753 Mill Rd, back of side yard by garage

Brief Description of Proposed Action:

Name of Applicant or Sponsor:	Telephone: [redacted]
Lindsay Nuner	E-Mail: [redacted]

Address: 753 Mill Rd

City/PO:	State:	Zip Code:
East Aurora	NY	14052

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 1.1 acres
b. Total acreage to be physically disturbed? 289 sq ft ~~acres~~
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.1 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ 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?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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?	NO ☑	YES ☐	
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: _____	☒	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☒ 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 ☐
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☒	YES ☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
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: _____	☒	☐
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: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Lindsay Miner Date: 9.2.18

Signature: Lindsay Miner

PRINT FORM

CASE NO. 1330

DATE OF HEARING 10/18/18

Town of Aurora Zoning Board of Appeals
300 Gleed Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

____ AREA VARIANCE ____ SPECIAL USE PERMIT ____ USE VARIANCE __X__ INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Ecoverde Organics, LLC
Address 245 Swan Street
City Buffalo State NY ZIP 14204
Phone 716-209-3166 Fax _____ Email wemblidgejr@yahoo.com
Interest in the property (ex: owner/purchaser/developer)_____

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Primary: Allison Carr for: the Estate of Joanne Mary Carr
Property Owner(s) Name(s) AKA Joanne Harvilicz Carr
Address 194 Angle Rd
City Buffalo State NY ZIP 14224
Phone [redacted] Fax _____ Email [redacted] com

III. PROPERTY INFORMATION

Property Address 1773 Blakeley Road, East Aurora, NY 14052
SBL# 187.00-3-9.111
Property size in acres 7 ac of total Property Frontage in feet 0 in field
Zoning District A Surrounding Zoning RR and A
Current Use of Property Farming/Agricultural/Composting

IV. REQUEST DETAIL

(check all that apply)

___ Variance from Ordinance Section(s) #_____
___ Special Use Permit for:_____
___ Use Variance for:_____
__X__ Interpretation of Land use determination - William Kramer - 8/28/18

V. SIGNATURES (*This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)*

Signature of Applicant/Petitioner

WARREN E FAIRBRIDGE JR

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 18th day of September in the year 2018 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Notary Public

(Notary stamp)

JOHN P. DORN
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01DO6350678
My Commission Expires 12/05/2020

Office Use Only: Date received: _____ Receipt #: _____

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals ( ) has ( ) has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted ____ Denied ____

Date: _____ Type of Appeal: _____ Granted ____ Denied ____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

Please see attached

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ____ No _____ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

September 18, 2018

Ms. Allison Carr is unavailable to sign this document. When signed the document will immediately be delivered to Town of Aurora Zoning Board of Appeals.

Warren E. Emblidge, Jr.

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com

TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Southside Municipal Center
300 Gleed Avenue, East Aurora, NY 14052
www.townofaurora.com

Warren Emblidge
EcoVerde Organics
245 Swan St.
Buffalo NY 14204-2051

8/28/2018

RE: 1773 Blakely Rd zoning.

Mr. Emblidge,

This letter is to inform you that the property at 1773 Blakeley Rd. in the Town of Aurora which you are currently using as your composting site for EcoVerde Organics is zoned RR (Rural Residential) for the first 300 ft. off the road right of way and A (Agriculture) beyond that. The A Zone allows for Agricultural uses and a few other minor commercial uses at the approval of the Town Board. I have talked to John Deibel a few times regarding the current use of the property by EcoVerde and discussed the situation with you at a Village Board meeting last month. I have read the information on your web site and I understand environmental advantages to dealing with waste in this manner and saving space in our landfills. I also understand that the compost material you are producing is used in agricultural pursuits.

Agriculture and Markets Law 301(16) defines the term "compost, mulch, or other organic biomass crops" to mean " the on farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation."

The third bullet point of this guideline states " If a farm operation composts to remove its excess agricultural waste, and off-farm waste is used only as a minor component when needed as a part of the composting process, the farm should be allowed to sell all of the compost and move it off the farm in bulk. The processing of the compost for marketing, such as bagging it for distribution and the on farm retail sale of the compost, are not part of a farm operation... ... If necessary all the waste used could be off-farm waste (for example, crop farms do not generate manure). Accordingly, all of the compost generated under this process must be used on the farm operation."

Guidelines for Review of Local Laws Affecting On-Farm Composting Facilities

- Agriculture and Markets Law §301(16) defines the term "[c]ompost, mulch or other organic biomass crops" to mean "...the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material." In addition, the definition of "farm operation" (AML §301, subd. 11) now includes "compost, mulch or other biomass crops."

- The composting of materials such as animal waste, recognizable and non-recognizable food waste, sludge, and septage is a beneficial biological process that produces valuable soil amendments for crop production. Agricultural wastes and by-products, including manure, must be utilized or disposed of in an environmentally safe manner. The composting of such waste is a preferred method because it is recycled and utilized as a soil amendment to enhance plant growth for both crop production and off-farm uses (e.g. landscaping, home gardens, etc.). Agriculture and Markets Law §305-a, subdivision 1 protects the on-farm composting of these materials when the composting is part of the agricultural production function of the farm, that is, the farm composts to rid the farm of its excess agricultural waste *or* the farm composts to create a soil amendment for crop production. On-farm composting of these materials should be allowed in all areas within a county-adopted State certified agricultural district provided that the activities are in compliance with Department of Environmental Conservation (DEC) regulations and absent a showing that the public health or safety is threatened or other special local circumstances warrant the additional regulation.

- Some local laws try to limit on-farm composting only to the production of compost for use on the farm *or* limit the waste used to that generated on-farm. Such restrictions are generally considered by the Department to be unreasonably restrictive. If a farm operation composts to remove its excess

agricultural waste, and off-farm waste (e.g., leaves as a carbon source; bulking agents; manure for nutrient content; etc.) is used only as a minor component when needed as part of the composting process, the farm should be allowed to sell all of the compost and move it off the farm in bulk. The processing of the compost for marketing, such as bagging it for distribution, and the on-farm retail sale of the compost, are not part of a farm operation. If the compost is intended to be used as a soil amendment on the farm, the farm should be allowed to use both on-farm and off-farm waste. If necessary, *all* of the waste used could be off-farm waste (for example, crop farms do not generate manure). Accordingly, all of the compost generated under this process must be used on the farm operation.

- The DEC regulations pertaining to composting are set forth in 6 NYCRR Subpart 360-5. Section 360-5.3(a) exempts facilities that compost less than 3,000 cubic yards of yard waste per year, as well as facilities that process only animal manure and associated bedding material as long as certain conditions are met. Composting facilities that are subject to DEC permitting requirements are subject to a technical analysis of the proposed activities; a review of environmental impacts through the SEQRA process; notice and public comment for major projects; and possibly a public hearing.

- The Department considers the standards and permitting requirements set forth in the DEC's regulations when evaluating whether local laws affecting on-farm composting facilities are unreasonably restrictive. In many instances the Department has found that local laws that exceed State standards are unreasonably restrictive. However, if a local government believes that local conditions warrant standards that differ from the DEC's the Department will consider those conditions in evaluating whether the standards are unreasonably restrictive.

- Generally, a local requirement that composting facilities regulated by the DEC provide copies of permit applications or other documentation submitted to the DEC is not unreasonably restrictive. Those facilities could also be inspected by local officials, under reasonable criteria, to ensure that the permit requirements are being followed.

After considering these facts it would be my determination that the composting of off-farm waste for use as a soil amendment in the farm operation at 1773 Blakeley Rd would be an allowable use, however the removal of any such compost for sale or use elsewhere would not be allowed. In the Town of Aurora if you wish to compost organic materials for sale to the public or for other commercial uses you would be restricted to an I (Industrial) zone after approval from the Town Board through the Special Use Permit process.

If you have any questions regarding these regulations contact me at 652-7591.

William R. Kramer
William R. Kramer
Town of Aurora Code Enforcement

Ecoverde Organics, LLC.
245 Swan Street
Buffalo, NY 14204
716-209-3166

EcoVerde ORGANICS
Full Circle Compost

Petitioner's Letter of Intent

EcoVerde Organics' (aka "EVO") mission is to establish a community based compost operation that will directly improve our environment: by (a) directing locally generated food waste from a landfill to our composting site – thereby reducing greenhouse gas emissions – (b) collecting horse manure and bedding from local horse farms and using same to compost – thereby reducing excessive nutrient runoff into our watersheds and (c) encouraging local residents to buy our high value compost for lawn and garden soil amendment – thereby reducing the misuse and overuse of chemical fertilizers.

We received on August 28, 2018 a letter from Mr. William Kramer, Town of Aurora Code Enforcement Officer, advising that he determined, using section 301(16) in *Guidelines for Review of Local Laws That Define "Farm Operations";* that we could not market compost and organics produced at the site. That section of the document addresses strictly composting, mulches, and other organics produced on farms who are in need to export nutrients; or need to import organics only (ex: a typical organic farm). Further, that document is a guidance document as part of New York's Agriculture Districting Law. We respectfully disagree with Mr Kramer's opinion, as the land in question is not in a designated Agriculture District; but is in fact zoned Agricultural; and both our Farm and Site Plans for managing the land are in fact Agricultural. Thus Section 301(16) is not, in our opinion, applicable.

We believe the Zoning Code does not prohibit compost sales or delivery to third parties for re-sale at the property in question. The property is zoned A (Agricultural) and is primarily utilized as a Farm (as defined in the Code) by its owner. EVO leases a portion of the property for a composting operation. Code Section 116-8.5 permits any "customary accessory uses and structures" in an A District. Compost is a customary accessory use relating to the operation of a Farm. The Code does not require that the accessory use be operated by the owner/operator of the Farm. We note that Code Section 116-8.5(B), which lists permitted uses requiring a special use permit, does not list composting or sales of compost among such uses.

The following timeline illustrates steps taken by EVO to qualify the site:

1. Meetings with Mr. John Whitney, (NCRS – USDA Erie County representative) and reports from Mr. John Deibel (EVO's independent Consultant) that our site is suitable for composting, zoned Agricultural and, presumably, able to bring in inputs, compost and sell to third parties.

2. NYS Dept of Environmental Conservation (DEC) site registration and validation letter received on 11 November 2017. Copy attached. Guidance for completing the application was provided by Efrat Forgette, Region 9 DEC, who rendered an opinion it was a good site and plan. No commercial sales restrictions are contained in the permit. Moreover, the DEC registration imposes significant regulations upon EVO operations.
3. Mr. Kramer visited the site in October / November 2017, as well as in the Spring of 2018. At these times, he discussed operations with Mr. Deibel, who fully described EVO's intentions as being: 1.) to retain the land in an agricultural use as identified by the landowner(s); and 2.) to use the finished material in agricultural uses, and market to related industries of organic agriculture, landscaping, nursery, and turf. Formal Commercial restrictions were not provided after that first and subsequent visits to the site. As part of these discussions, Mr Deibel shared that one of our goals is to improve the long fallowed property, on both the compost field/site, as well as across the entire farm; and plant crops in anticipation of securing Certified Organic status over the course of our five-year lease agreement.
4. I made a presentation to EA Village Board, on 16 July 2018 to encourage Village residents to recycle their curbside food waste with EVO. Mr Kramer introduced himself after the meeting and reported that there 'might be' an issue with EVO because we were not farming (i.e., growing crops) on the leased Carr land. I told him we intended to grow crops, as that is a way to demonstrate the validity of the premise that EVO compost improves crop yields. Mr. Kramer did not mention any commercial restrictions at that time or pending.
5. Mr. Kramer recently twice visited the site in mid-August and inspected EVO 's plans to improve the property using a rudimentary pad for temporary storage of materials in full compliance with USDA-NRCS Technical Specifications for Compost Sites; including the establishment of a liberal grass filter area and adjusting grades so as to keep the site and surrounding areas clean. This included a site visit and evaluation by John Whitney; maps and drawings by Mr Deibel; and ultimately, sending same to Mr. Kramer. Mr. Kramer indicated for the first time that he may move forward with a determination, but had not provided any formal notice of any commercial restriction at that time, or prior to it.

Please be advised that I am personally and corporately committed to making an environmental and social ecosystem impact investment with a modest financial return. Please see Exhibit A, attached, for a complete description. It also pleases me to advise that the WNY Impact Investment Fund has made a significant investment, as well. See Exhibit B. Also, please refer to Exhibit C; an exact exchange between Mr Whitney and Mr Deibel.

I truly hope that the Town of Aurora will see fit to accept our interpretation and thus become a real stakeholder in this innovative way to conduct business in an environmentally responsible manner.

EXHIBIT A

Social and Environmental Impact Investing, with a financial return, aimed at medium sized projects. Tm

Of all the ways to invest, social and environmental impact investing, with a financial return, can be the most rewarding.

Please consider

- Not making a contribution, donation or gift to a 501c3
- Not investing in a for-profit corporation, solely for a financial return

Alternatively, consider investing in entities with a clear

- Financial return (certified)
- Environmental improvement (third party verified)
- Social ecosystem improvement (third party verified)

How exactly is this 'hybrid' investment successfully done? By adhering to a rigorous process - assessing stakeholder benefits and embracing the Theory of Change, which simply states that money invested should cause measured outcome changes. The process:

First, identify the stakeholders	those who will benefit by effective implementation
Then, define the Mission	the entrepreneur's intention
-> Quantify Inputs	land, labor, capital, information
->Quantify Activities	products, services, projects
->Quantify Outputs	measures results
-> Quantify Outcomes	changes to social and environmental systems
Less	(-) no intervention i.e., doing nothing
Equals	= Measured Social and Environmental Impact

(I am indebted to Dureen Shahnaz and her capable team at www.AsiaIIX.com for process framework) An implementation example is available upon request

Important: Effective action requires meaningful policy and implementation involvement among **all** of the following organizations

1. For-profit corporations
2. Not-for profit entities
3. Government (Federal, State and Local)
4. Universities
5. Religious Organizations
6. Indian Tribes

Result: Third party verified inclusive family income growth, with positive social and environmental impact plus a financial return.

Please read Small is Beautiful –economics as if people mattered (1973) by E.F Schumacher, and MacArthur Foundation 2016 President's Essay and Development Finance Institutions Come of Age October 2016 by Center for Strategic International studies – both lamenting large organization ineffectiveness.

EXHIBIT B

BUFFALO Scoop

WNY Impact Investment Fund Invests $450,000 In EcoVerde Organics, LLC

TOPICS: EcoVerde Organics

EcoVerde Organics diverts food, animal and yard waste from landfills and other sources to produce high-quality organic soil amendment

POSTED BY: JOE KIRCHMYER AUGUST 14, 2018

EcoVerde Organics, LLC, a Western New York-based company that diverts food, animal and yard waste from landfills and other sources to produce high-quality organic soil amendment compost, has received a $450,000 investment from the WNY Impact Investment Fund, according to Warren Emblidge of EcoVerde. The funds, which came as a mix of equity and debt, will be used as working capital to accelerate the company's growth as it works to bring its primary product, Full Circle Compost, to market.

"We were very impressed with the work being done by Warren Emblidge and EcoVerde, as we are with the many benefits of its main product, Full Circle Compost – all of which fit in nicely with the Fund's mission of making investments that generate both financial and social returns in support of Western New York's resurgence," says Thomas Quinn, WNY Impact Investment Fund Chief Executive Officer. "We believe in and fully support EcoVerde's business plan and the potential social impact of this product, and we are thrilled to become strategic equity partners in this venture, which will have a significant, positive effect on Western New York in many socially responsible ways, including protecting our invaluable waterways."

Formed in 2017, EcoVerde's main focus is to collect waste, such as food scraps, animal waste/horse manure and yard waste, divert it from landfills and turn it in to fully organic compost that allows homeowners, landscapers and farmers to create healthier, more organic soil for improved lawn quality and a higher yield and larger size for crops.

"Healthy soil has many environmental benefits," says Emblidge. "It is full of much-needed nutrients and microbes, which greatly decreases the need to use chemical fertilizers to amend the soil. Healthy soil also retains moisture very well, requiring less-frequent watering, thereby lowering water usage and decreasing runoff into our waterways – runoff that includes nitrogen and phosphorus that cause toxic algae bloom.

"We're very pleased that the Western New York Impact Investment Fund, which is comprised of smart, passionate Buffalonians, has invested in our company and product," says Emblidge. "Their support validates the viability of this concept and will make an immense difference in our company's growth trajectory and our ability to make Full Circle Compost available to Western New Yorkers that much sooner, resulting in an earlier measurable positive impact on our environmental and social ecosystem and a faster return on the Fund's investment."

To date, EcoVerde has collected more than 500 cubic yards of food waste from food service operators, animal waste and horse manure from local stables and yard waste from local municipalities and landscapers, diverting it from landfills or incineration. Emblidge says that within the next few months, the company will have approximately 300 cubic yards (or approximately 4,000 two-cubic-foot bags) of compost available for consumer use. For additional information or to order Full Circle Compost, visit **www.ecoverdecompost.com**.

EcoVerde Organics represents the initial investment the WNY Impact Investment Fund has made since opening its doors in the fall of 2017. The Fund also recently invested in Viridi Parente, Inc., which builds clean/renewable power systems that utilize proprietary drive systems for industrial applications. Viridi Parente is looking to expand its operations in the former American Axle facility on East Delevan Avenue on Buffalo's East Side.

The WNY Impact Investment Fund is currently pursuing several other investment opportunities, with plans to complete at least one additional investment by fall 2018.

"The Fund is an innovative for-profit investment fund featuring a collaboration between corporate, private and philanthropic investors who have a deep interest in supporting and sustaining Western New York's growth and resurgence," says Quinn. "There's a momentum here and it's very important that we keep it going. We are actively seeking social impact investments that will have a significant and sustainable impact for the area."

EXHIBIT C

From: Whitney, John - NRCS, East Aurora, NY
Sent: Tuesday, August 29, 2017 10:32 AM
To: John Deibel ; wemblidgejr@yahoo.com
Cc: Cruz, Luis - NRCS, East Aurora, NY
Subject: Composting and Demonstration Gardens Project Maps

John,

Attached is a set of maps for the Carr (Harvilicz) project area. I hope these are useful for your filings and for additional project planning. I've included both 2 ft. and 1 ft. contour interval maps of the project area. We maintain the 2 ft. layers for regular use but Luis produced the 1 ft. layer for the project area for a little more information. Thanks, Luis. A soil map package from Web Soil Survey is also attached.

To summarize our discussion:

- Maintain existing grassed waterway, with minimal or no reshaping – just mowing. Some extension may be appropriate in the future but isn't needed based on the currently planned work areas.
- Maintain minimum 35 ft. wide vegetated buffer/filter strips along the edge of the waterway, measured from the channel edge at the typical full-flow bank height
- Minor cleanup on the east side of the culvert
- Install perforated, schedule 40 pipe (or equivalent traffic-rated pipe) in narrow swale through the main initial work area, filling with gravel around the pipe and then whatever additional fill is needed to level out the work area
- Soils on this parcel are not great agricultural soils but are not atypical for the area. They have potential to show the benefits of improved management included increasing organic matter
- Focus on the higher ground for demonstration garden plots
- Minimize disturbance of wetter areas on the property, particularly those with evidence of hydrophytic vegetation (Section 404 federal wetlands? – maybe).

This is an especially handy site because of the well maintained cell tower driveway.

Let us know if you have further questions or if you want to discuss anything in more detail.

Possible EQIP funding – that may be worth looking into although it's a ways down the road based on current application ranking periods. You'd be looking at a federal fiscal year 2019 application / contract at the earliest.

John

John Whitney, District Conservationist
USDA Natural Resources Conservation Service
50 Commerce Way
East Aurora, NY 14052
(716) 652-8480 office
(855) 401-1957 fax
(716) 474-4387 cell
john.whitney@ny.usda.gov
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7220 I F: (716) 851-7226
www.dec.ny.gov

November 17, 2017

Mr. Warren Emblidge, Jr.
Ecoverde Organics, LLC
245 Swan Street
Buffalo, NY 14204

Dear Mr. Emblidge:

Source Separated Organics
Composting Facility
Facility #15C14

Enclosed is the validated copy of your 6 NYCRR Part 361 registration which becomes effective on November 17, 2017. This authorizes the facility, located at 1773 Blakeley Road, East Aurora, between Center Street and Underhill Road., to accept and compost:

- Less than 10,000 cubic yards of yard trimmings per year, either processed or unprocessed

- No more than 5,000 cubic yards or 2,500 wet tons, whichever is less, of source separated organics per year, provided no more than 800 cubic yards are accepted in any month. The facility must have, and use, at least twice as much bulking agent, by volume, as organic waste.

    - Source Separated Organics are defined as organic material that has been separated at the point of generation including, but not limited to, food scraps, food processing waste, soiled or unrecyclable paper, and parts, and yard trimmings.

This letter only acknowledges receipt of your registration form and does not in any way verify that the information which you provided on the form is true or correct.

You are reminded that 6 NYCRR Part 361-3 contains various requirements that must be followed to warrant your facility's continued status as a registered facility. General operating requirements for a registered facility can be found in 6 NYCRR Part 360.19. You are required to keep appropriate records regarding the use of the facility in order to accurately file an annual report as required by paragraph 360-.19(k)(3).

This registration will expire on November 16, 2022. A renewal may be granted upon written request.

This registration does not exempt or preclude you from complying with any other applicable federal, state, or local laws, rules or regulations. If you have any questions regarding this matter, please contact Ms. Efrat Scharf Forgette of my staff at 716-851-7220.

Sincerely,

Peter Grasso, P.E.
Regional Materials Management Engineer

PG/EF/bb

ec: Efrat Scharf Forgette, P.E., Division of Materials Management
John Deibel, Field Manager
Warren Emblidge, Jr., Ecoverde Organics, LLC

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

www.dec.ny.gov

Department Use Only
DEC Registration #: 15C14
DEC Administration #:
Date Received: 10/5/2017

REGISTRATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY

(UNDER 360-4 OR 360-5)

You must receive a validated copy of this form prior to operating. Please read and follow all instructions before completing this registration form.

NOTE: This is not a UPA permit. Some registered facilities must comply with specific operating criteria - see Part 360 for details. All registered facilities must comply with the criteria in 360-1.8 (h), including annual reporting requirements.

A. TYPE OF FACILITY REGISTRATION (check all applicable boxes):

- ☐ 1. Land application and a manure storage facility for non-recognizable food processing wastes or fish hatchery waste. [360-4.2(b)(1)]
- ☐ 2. Land application facility for septage from one hauler using not more than two vehicles for collection related to land application. [360-4.2(b)(2)]
- ☐ 3. Storage facility or transfer facility for septage from one hauler using no more than two vehicles for collection. [360-4.2(b)(3)]
- ☐ 4. Disposal facilities for septage. [360-4.2(b)(4)]
- ☐ 5. Composting facility that accepts more than 3,000 cubic yards but not more than 10,000 cubic yards of yard waste per year. [360-5.3(b)(1)(i)]
- ☑ 6. Composting facility that accepts no more than 1,000 cubic yards of source-separated organic waste per year. [360-5.3(b)(1)(ii)]
- ☐ 7. Composting facility for food processing waste. [360-5.3(b)(1)(iii)]
- ☐ 8. Organics processing facility for animal mortalities or parts generated from a farm, slaughterhouse, butcher, or other generator. [360-5.3(b)(1)(iv)]
- ☐ 9. Composting facility for the dewatered solids from an AD subject to registration under Part 360-5.3(b)(3). [360-5.3(b)(1)(v)]
- ☐ 10. Anaerobic digestion facility that accepts less than 50 tons of waste per day and does not accept any sanitary wastes (biosolids, sewage sludge, septage, etc.) [360-5.3(b)(3)]

B. OWNER AND SITE INFORMATION:

1. *For land application facilities (registration under Section A: #1 or 2):*

Company name and address (Septage hauler, food processor, or hatchery):

Name: _____

Address: _____

Contact Person: _____ Phone: _____

E-mail: _____

Application site:

Owner: _____ Phone: _____

Address: _____

* Attach a USGS topographic map, or a commercially available map of similar scale showing the exact location of the application site(s).
* Attach information needed to show compliance witn the registration criteria in 360-4.

Feedstocks:

Waste Source(s): _____

Waste Type: _____

Waste Quantity (per year): _____

2. *For composting, storage, disposal, and anaerobic digestion facilities (registration under Section A: #3, 4, 5, 6, 7, 8, 9, or 10):*

Facility Owner:

Name: Ecoverde Organics, LLC

Address: 245 Swan St

Contact Person: Warren Emblidge, Jr Phone: 716-912-6584

E-mail: wemblidgejr@yahoo.com

Facility Operator (if different from above):

Name: _____

Address: _____

Contact Person: John Deibel (Field Mgr) Phone: 716-697-9158

E-mail: jrdeibel@aol.com

Facility Location:

Address: Mailing Address of Landowner: 1773 Blakeley Rd; East Aurora NY 14052 (see attached for precise location of site)

Phone: _____ Email: _____

* Attach a USGS topographic map, or a commercially available map of similar scale showing the exact location of the facility.

* Attach information needed to show compliance with the registration criteria in 360-4 or 360-5.

Feedstocks:

Waste Source(s): Food waste, animal manure, yard waste

Waste Type: Pre-consumer food waste; bedded horse manure; woodchips

Waste Quantity (per year): <3000 yards (<1000 yards food waste)

3. *Additional information for anaerobic digestion facilities (registration under Section A: #10):*

Digestate:

Quantity (per year): _____

Usage (land application, bedding, etc.): _____

Location of use: _____

C. FACILITY OPERATION:

Schedule (hours) of operation: Varies

Service Area (municipalities) served: None formally (Towns of Aurora and Orchard Park)

D. CERTIFICATION: I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority as President (title) of Ecoverde Organics, LLC (entity) to sign this registration form pursuant to 6 NYCRR Part 360. By signing this registration form, I affirm that I have read the applicable regulations and will abide by all conditions of the registration requirements. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Printed/Typed Name: Warren Emblidge, Jr

Signature: _____ Date: October 3, 2017

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

www.dec.ny.gov

Department Use Only
DEC Registration #: _____
DEC Administration #: _____
Date Received: _____

REGISTRATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY

(UNDER 360-4 OR 360-5)

You must receive a validated copy of this form prior to operating. Please read and follow all instructions before completing this registration form.

NOTE: This is not a UPA permit. Some registered facilities must comply with specific operating criteria - see Part 360 for details. All registered facilities must comply with the criteria in 360-1.8 (h), including annual reporting requirements.

A. TYPE OF FACILITY REGISTRATION (check all applicable boxes):

- ☐ 1. Land application and a manure storage facility for non-recognizable food processing wastes or fish hatchery waste. [360-4.2(b)(1)]
- ☐ 2. Land application facility for septage from one hauler using not more than two vehicles for collection related to land application. [360-4.2(b)(2)]
- ☐ 3. Storage facility or transfer facility for septage from one hauler using no more than two vehicles for collection. [360-4.2(b)(3)]
- ☐ 4. Disposal facilities for septage. [360-4.2(b)(4)]
- ☐ 5. Composting facility that accepts more than 3,000 cubic yards but not more than 10,000 cubic yards of yard waste per year. [360-5.3(b)(1)(i)]
- ☑ 6. Composting facility that accepts no more than 1,000 cubic yards of source-separated organic waste per year. [360-5.3(b)(1)(ii)]
- ☐ 7. Composting facility for food processing waste. [360-5.3(b)(1)(iii)]
- ☐ 8. Organics processing facility for animal mortalities or parts generated from a farm, slaughterhouse, butcher, or other generator. [360-5.3(b)(1)(iv)]
- ☐ 9. Composting facility for the dewatered solids from an AD subject to registration under Part 360-5.3(b)(3). [360-5.3(b)(1)(v)]
- ☐ 10. Anaerobic digestion facility that accepts less than 50 tons of waste per day and does not accept any sanitary wastes (biosolids, sewage sludge, septage, etc.) [360-5.3(b)(3)]

B. OWNER AND SITE INFORMATION:

1. *For land application facilities (registration under Section A: #1 or 2):*

Company name and address (Septage hauler, food processor, or hatchery):

Name: _____

Address: _____

Contact Person: _____ Phone: _____

E-mail: _____

Application site:

Owner: _____ Phone: _____

Address: _____

* Attach a USGS topographic map, or a commercially available map of similar scale showing the exact location of the application site(s).
* Attach information needed to show compliance with the registration criteria in 360-4.

Feedstocks:

Waste Source(s): _____

Waste Type: _____

Waste Quantity (per year): _____

2. *For composting, storage, disposal, and anaerobic digestion facilities (registration under Section A: #3, 4, 5, 6, 7, 8, 9, or 10):*

Facility Owner:

Name: Ecoverde Organics, LLC

Address: 245 Swan St

Contact Person: Warren Emblidge, Jr Phone: 716-912-6584

E-mail: wemblidgejr@yahoo.com

Facility Operator (if different from above):

Name: _____

Address: _____

Contact Person: John Deibel (Field Mgr) Phone: 716-697-9158

E-mail: jrdeibel@aol.com

Facility Location:

Address: Mailing Address of Landowner: 1773 Blakeley Rd; East Aurora NY 14052 (see attached for precise location of site)

Phone: _____ Email: _____

* Attach a USGS topographic map, or a commercially available map of similar scale showing the exact location of the facility.

* Attach information needed to show compliance with the registration criteria in 360-4 or 360-5.

Feedstocks:

Waste Source(s): Food waste, animal manure, yard waste

Waste Type: Pre-consumer food waste; bedded horse manure; woodchips

Waste Quantity (per year): <3000 yards (<1000 yards food waste)

3. *Additional information for anaerobic digestion facilities (registration under Section A: #10):*

Digestate:

Quantity (per year): _____

Usage (land application, bedding, etc.): _____

Location of use: _____

C. FACILITY OPERATION:

Schedule (hours) of operation: Varies

Service Area (municipalities) served: None formally (Towns of Aurora and Orchard Park)

D. CERTIFICATION: I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority as President (title) of Ecoverde Organics, LLC (entity) to sign this registration form pursuant to 6 NYCRR Part 360. By signing this registration form, I affirm that I have read the applicable regulations and will abide by all conditions of the registration requirements. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Printed/Typed Name: Warren Emblidge, Jr

Signature: _____ Date: October 3, 2017

To: Bill Kramer, Zone Enforcement, Town of Aurora
From: John Deibel, Independent Consultant for EcoVerde Organics, LLC
RE: Carr Farm – South Staging Area Site Improvements

Distribution:
Bill Kramer
Warren Emblidge, Jr – Owner, Ecoverde Organics, LLC ('EVO')
John Whitney – USDA Natural Resource Conservation Service (NRCS)
Allison Carr – Landowner

Date: 9/4/18

Bill:
As per your request, please find this site plan on our work at the Carr Farm in what we call the 'South Staging' area of the property.

Purpose:
As part of our Environmental Management Plan for the farm, one or more areas need to be designated for temporary storage of materials for curing, and for finished compost. Some key considerations in the process include:
- The material needs to be accessible, out of the field, and kept 'clean' before utilizing or removing off site.
- It needs to be on an impermeable surface, with management of grades and drainage so as to provide either containment, or adequate vegetative filtering across the landscape. We employ the use of cool season grasses which are known to take up nutrients efficiently, create a strong sod, and can be maintained via mowing. We also utilize Riparian Buffers where we can, using native brush and plant species as they are also good buffers, and provide habitat and food for birds and other wildlife. Finally, the use of the surrounding woodlot owned by the Carr Family serves as an excellent buffer along the wood edge, as long as we are adequately up slope from any conveyance or wetland.
- Each site improvement step of our Farm Plan includes consultation with John Whitney of the NRCS; our resource for interpretation of Standards contained within the USDA-NRCS Composting Facility Standards (317-CPS-1; attached to the email sent with this document).

Area:
The area we call the 'South Staging' area has been used for storing equipment, and temporary processing/composting of materials before moving them to the fields for turning. Now that we are finishing material, it is the best suited location for storage bays.
Upon Mr Whitney's recommendation, we decided to employ a grass filter area and change the direction of clean water flow away from any material that is stored in the bays.
We have provided for (6) 12'X24' bays in which to store materials. At this phase, we will likely only need (3) but have made allowances to increase that number. In total, the area measures 12'X72'.
We also have allowed an open space at the south end of the pad for screening/grinding/blending; traffic/turnaround; and other temporary needs.

Selected Technical Data:

Some primary specs we are following include:

- 35' grass buffer zone the entire length of the 'main' diversion ditch just north of the staging area here.
- 2' grade from back of storage to woodlot (as per measured by Whitney and myself)
- Three phases of filtration, grass waterways, and grass filter strips before the woodlot:
    - Gravel - packed(110'x58'=6380 sq ft)
    - Grass (140x100=14000 sq ft to the south (mostly for clean water exclusion and mitigating erosion into grass filter)
    - Grass filter (65x140=9100 sq ft to the west (down grade from the pad)
    - Woodlot to the west owned by the Carr Family.

As per Mr Whitney, the filtering area should be no less than 3X the storage area involved. The grass seeded to the west of the pad is approximately 9100 sq ft total area; the storage is 12'x72'=864 sq ft. The area immediately downgrade is 7150. All of these measurements are well within specifications by the NRCS.

My drawing of the area (not to scale) is attached to this email. I've also provided you with the NRCS Standard (the most recent one I could find) via attachment.

Please let me know if you need anything further; and I'm looking forward to meeting with you and Warren at the site tomorrow.

Respectfully

John Deibel
Private Agricultural Consultant
716-697-9159
jrdeibel@aol.com

Natural Resources Conservation Service

CONSERVATION PRACTICE STANDARD

COMPOSTING FACILITY

Code 317

(No)

DEFINITION

A structure or device to contain and facilitate an aerobic microbial ecosystem for the decomposition of manure and/or other organic material into a final product sufficiently stable for storage, on farm use and application to land as a soil amendment.

PURPOSE

To reduce water pollution potential and improve handling characteristics of organic waste solids, reuse organic waste as animal bedding, or use as a soil amendment that provides soil conditioning, slow-release plant-available nutrients and plant disease suppression.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where at least one of the following conditions occur:

- Organic solid wastes to be composted derive primarily from agricultural production or processing.
- The compost can be reused in the operation, utilized for crop production, soil improvement and/or marketed to the public.

This practice does not apply to the routine handling of livestock and poultry carcasses. Use Conservation Practice Standard (CPS) Animal Mortality Facility (Code 316) for carcass composting facility design.

This practice does not apply to routine storage and handling of animal manure solids. Use CPS Waste Storage Facility (Code 313) for animal manure solids dry stack facilities.

CRITERIA

General Criteria Applicable to All Purposes

Siting. Locate and design the compost facility such that it is outside the 100-year floodplain unless site restrictions require locating it within the floodplain. If located within the floodplain, protect the facility from inundation or damage from a 25-year flood event. Additionally, follow the policy found in the NRCS General Manual (GM) 190, Part 410.25, "Flood Plain Management," which may require providing additional protection for storage structures located within the floodplain.

Locate facility a minimum of 50 feet from wells, streams, or other water features. Additional distances may be required by local or State laws. Redirect upslope surface runoff away from the composting site.

Locate the composting facility to ensure the floor is 2 feet or more above the site identified seasonal high groundwater table unless special design features are incorporated that address nonencroachment of the water table by contaminants.

Type. Select the type of composting facility and composting method based on the landowner's goals, kind of organic waste solids, planned quality of finished compost, operator's equipment, labor, time, land available for the facility footprint, and resource concerns.

Capacity. Size the composting facility in accordance NRCS National Engineering Handbook, (NEH) Part 637, Chapter 2, "Composting." Design the composting facility to accommodate the amount of organic waste feedstock generated for active composting and compost curing, along with the needed volume of additional bulking material or carbon source to achieve the composting action. Active composting includes both the primary and secondary stages of composting. Space for both the active composting and compost curing are required for making a stable finished compost product. Select facility dimensions to accommodate all stages of composting with space for turning, handling and processing.

Moisture. Orient and design the facility to enable the management of the compost moisture content. A water source is needed for adding moisture in dry conditions. If considerable precipitation is likely, design a cover. Minimize blown-in precipitation on covered facilities by providing a roof overhang or orient the open side of the facility away from the prevailing wind direction.

Roofs and Roof Runoff. Design the roof using CPS Roofs and Covers (Code 367). Use CPS Roof Runoff Structure (Code 558) when designing the collection, control and conveyance of runoff from a roof. Use CPS Underground Outlet (Code 620) when designing pipe outlets where erosion may be a concern.

Foundation. Design the facility to prevent the contamination of groundwater resources. Evaluate site soils for depth to water table, permeability, texture, and bearing strength based on the design load and frequency of use. For the design of a stable surface treatment, where appropriate, use criteria in CPS Heavy Use Area Protection (Code 561). Guidance on restricting seepage through foundation and subgrade material can be found in NEH-651, Agricultural Waste Management Field Handbook (AWMFH), Appendix 10D.

Structures. Use the criteria in CPS Waste Storage Facility (Code 313) when designing composting facility slabs, walls, floors and contaminated runoff water pond liner.

Wastewater. Use CPS Waste Transfer (Code 634) for collection and conveyance of any leachate or contaminated runoff from the composting facility to a wastewater storage or treatment facility for further management or reuse.

Safety. Incorporate safety and personnel protection features and practices into the facility and its operation to ensure biosecurity and minimize the occurrence of equipment and fire hazards associated with the composting process as appropriate.

Additional Criteria for Electric Powered Mechanically Assisted Composting

Power Supply. All power supply and electrical components, including wiring, boxes, and connectors, shall meet the requirements of the National Electric Code. If the power supply is located in an area that is reasonably accessible by machinery, protect it with strategically placed bollards or other appropriate safety measures.

CONSIDERATIONS

Consider the landscape elements when locating the facility. Landscape features can buffer prevailing winds which will minimize odors and protect visual resources.

Where appropriate, consider all-weather access roads for the composting facility site.

When locating the facility, consider a location away from produce crops typically consumed raw, food contact surfaces, water distribution systems, and other soil amendment sources where it could become a potential source of contamination.

If site is located where fields have been drained consider water quality. Locate or remove field tiles where seepage from the composting facility is a resource concern to groundwater or surface waters.

Consider equipment access for the facility location and determine if a heavy use area apron is needed to properly manage the compost.

If compost facility is in a higher precipitation area or site will have heavy vehicle traffic, consider using a concrete base for the facility.

When designing for windrows, consider the compost site grade and pile alignment. Grade site to prevent ponding from occurring. Align windrows north to south to maximize solar warming.

Consider protecting compost facilities from wind in cold or dry climates. Wind in cold climates can cause heat loss thru convection, limiting microbial metabolism. In low humidity climates wind can cause drying, limiting water availability for microbial metabolism.

Consider the options for finished compost storage. Storage space may be included in the compost curing space or in a separate facility that also protects the resources.

Consider the impact of using treated lumber for the construction of composting facilities on the quality and or acceptability of the compost. For production of certified organic compost have the producer consult with an organic certifier as to the use and acceptability of treated lumber for bins and compost storage.

PLANS AND SPECIFICATIONS

The landowner is required to obtain all necessary permits for project installation prior to construction.

The landowner and/or contractor are responsible for having all buried utilities located in the project area, including identifying the location of drainage tile and other structural measures.

Prepare plans and specifications that describe the requirements for applying the practice to achieve its intended use, including, but not limited to—

- Plan view showing layout and location of composting facility, if applicable, access road to facility, setback distances from water bodies, streams, sensitive areas, property line, etc.
- Drainage and grading plan showing excavation, fill, and drainage containment, as appropriate.
- Pertinent elevations of the facility.
- Utilities located and source of water supply.
- Structural details of all components.
- Material quantities and specifications.
- Safety features, i.e., fire suppression.

OPERATION AND MAINTENANCE

Develop an operation and maintenance plan that is consistent with the purposes of this practice and the design life of the composting facility. Outline periodic inspections and maintenance of equipment and facilities. Include structural elements of the facility to be inspected or maintained, an inspection interval time frame, and recommendations for preventive maintenance.

Describe essential safety features of the facility to provide protection from or prevention of a compost fire.

Include a statement that explains composting as a microbiological process that needs monitoring and management. Monitoring the temperature of composting material reflects the phases of successive populations of microorganisms and their metabolism as they decompose the organic matter. The operation may need to undergo some trial and error in the start-up of a new composting facility while the operator determines an efficient operating process. The operator must keep accurate records to aid in learning how to operate the facility efficiently.

List the type(s) and volume(s) of animal waste and/or other sources of organic feedstock planned to be composted. Provide information on planned compost recipe ingredients and the sequence for mixing and building the compost piles. Direct the operator to land-grant universities and other recognized entities that provide compost mixture calculators to balance feedstocks in order to meet a target carbon-to-nitrogen (C:N) ratio and moisture content. The CPS Waste Recycling (Code 633) may be used when nonagricultural by-products are included in the composting feedstock.

Manage the compost for temperature, moisture, oxygen, and pH as appropriate. Test the finished compost as appropriate to assure that the product is stable and no longer heating from biological decomposition. Guidance for composting management, monitoring and the testing of compost stability is in NEH, Part 637, Chapter 2, Section 637.0209(h), "Determination of compost stability."

Monitoring Documentation

Provide a record-keeping form for the operator to use listing at a minimum, the date, amounts and types of material added, compost temperature, weather conditions, and actions taken to manage the compost. Monitoring may include but not be limited to—

- Compost Mix.—Build a compost mix that encourages aerobic microbial decomposition and avoids nuisance odors. Blend feedstock, build compost pile, and handle the compost mix to develop a porous structure for uniform aeration during composting.
- Carbon-Nitrogen Ratio.—The recommended C:N ratio of the initial compost mix is between 25:1 and 40:1. Compost with a lesser C:N ratio can be used if nitrogen mobilization and odors are not a concern. If the C:N ratio is above optimal, the composting process will be slower.
- Carbon.—If needed, store a dependable source of carbonaceous material with a high C:N ratio for mixing with nitrogen rich waste materials. Minimize odors and ammonia volatilization by blending sufficient carbonaceous material with the nitrogenous material (C:N ratio).
- Bulking Materials.—Add bulking materials to the mix as necessary to enhance aeration. The bulking material may be the carbonaceous material used in the mix or slowly-degradable natural organic material or a nonbiodegradable or slowly-degradable material that is salvaged at the end of the compost period for reuse in additional composting cycles. Make provision for the salvage of any nonbiodegradable or slowly-decomposing material used in the composting process.
- Moisture Level.—Maintain adequate moisture in the compost mix throughout the compost period within the range of 40 to 60 percent (wet basis). Prevent excess moisture from accumulating in the compost. This may require the pile be covered.
- Temperature of Compost Mix.—Manage the compost to attain and then maintain the target internal temperature for the duration required to meet the desired compost product. It may be necessary for the compost to reach 145°F to adequately kill weed seeds. Closely monitor temperatures above 165°F as that will inhibit the composting process by destroying the thermophilic bacteria. Take action immediately to cool piles that have reached temperatures above 185°F to prevent combustion.
- Turning/Aeration.—Schedule the turning/aeration frequency to attain the desired amount of moisture removal and temperature control appropriate for the composting method used while maintaining aerobic degradation.
- Odors.—If initial compost mixing and compost pile structure do not provide adequate odor reduction, strategies may include altering the recipe to add more carbon, modify the moisture content, modify the pH by applying a material compatible with compost quality and with any specifications for its end use (e.g,. certified organic), or use a biological inoculant.

Compost

Compost Products. Time, temperature and turning of composted products can limit uses.

General compost material, to be used in the same way as manure solids, must store safely without undesirable odors. Typically this requires a temperature phase to be maintained above 104°F for 5 days with at least 4 hours above 131°F or higher during that time period.

Organic compliant compost for organic vegetable crops and off farm use or sale, which meets the USDA National Organic Program, requires a stable finished compost that has further pathogen reduction. This includes compost that can be used on farm for crops subject to the Food Safety Modernization Act (FSMA) Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption (Produce Safety Rule).

- For processing organic compliant compost in either a static aerated pile or in-vessel compost system, the temperature of the compost is required to be maintained between 131°F and 170°F for 3 days.
- For a windrow system the temperature of the organic compliant compost is required to be between 131°F and 170°F for 15 days with a minimum of five turnings of the compost to ensure the windrow is mixed and evenly composted.

For crops subject to the Produce Safety Rule, direct growers to the rule for additional criteria that may be applicable. See http://www.fda.gov/food/guidanceregulation/fsma/ucm334114.htm.

Local compost certification regulations may vary.

Use of Finished Compost. Compost can be reused in the operation, utilized for crop production, soil improvement and/or marketed to the public.

Use the CPS Nutrient Management (Code 590) for producer land application of finished compost to provide nutrients and/or as a soil amendment where the finished compost is stable decomposed material that will not reheat, is reduced in pathogenic organisms and most weed seed are no longer viable.

When applying a general compost material that is not a stable pathogen reduced compost product, follow CPS Nutrient Management (Code 590) criteria for *manure* solids application, and any state or local rules that may detail crop type, location and timing restrictions for *manure* application.

REFERENCES

USDA, NRCS. 2000. National Engineering Handbook, Part 637, Chapter 2, Composting. Washington, D.C.

Northeast Regional Agricultural Engineering Service (NRAES). 1992. On-Farm Composting Handbook, NRAEAS-54.

USDA. 2000. National Organic Program (NOP): Final rule. Codified at 7 CFR Ch. 1 (1-1-11 Edition), part 205.203, (c) (2).

United States Food and Drug Administration. 2015. Food Safety Modernization Act (FSMA): Final rule. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption. 21 CFR.

USDA Natural Resources Conservation Service
East Aurora Field Office

2015 Digital Orthophoto - Project Area

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

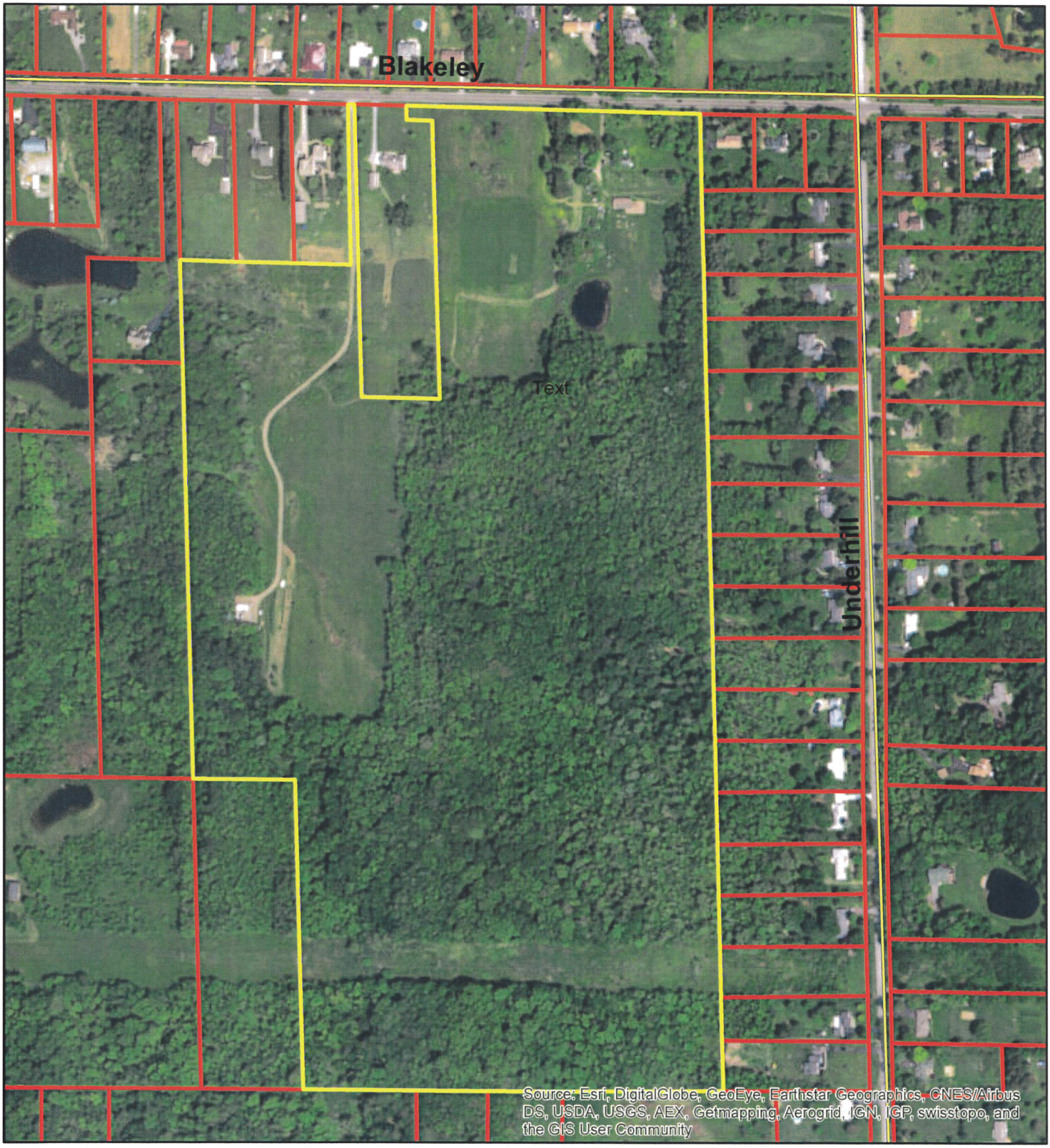
500 250 0 Feet

N
W E
S

Helping People Help the Land

USDA Natural Resources Conservation Service
East Aurora Field Office

2015 Digital Orthophotograph with Erie County Tax Parcels



USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

500 250 0 500 1,000
Feet

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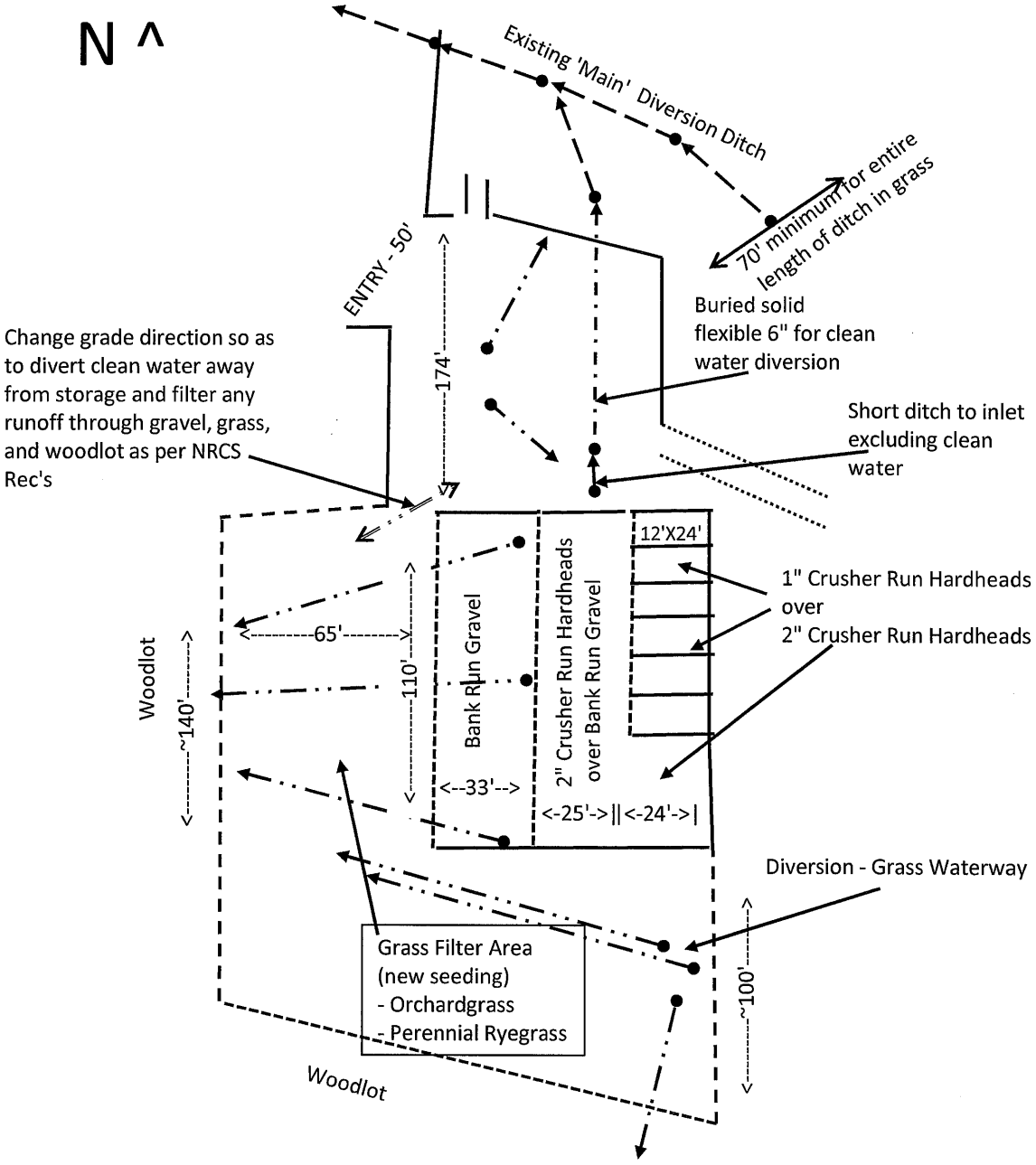
Helping People Help the Land


N ^
Existing 'Main' Diversion Ditch
70' minimum for entire length of ditch in grass
ENTRY - 50'
174'
Buried solid flexible 6" for clean water diversion
Change grade direction so as to divert clean water away from storage and filter any runoff through gravel, grass, and woodlot as per NRCS Rec's
Short ditch to inlet excluding clean water
12'X24'
1" Crusher Run Hardheads over 2" Crusher Run Hardheads
65'
110'
Bank Run Gravel
2" Crusher Run Hardheads over Bank Run Gravel
Woodlot
~140'
<--33'-->
<-25'->||<-24'->|
Diversion - Grass Waterway
Grass Filter Area (new seeding)
- Orchardgrass
- Perennial Ryegrass
~100'
Woodlot

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:
Ecoverde Organics - Carr Site

Project Location (describe, and attach a location map):
Field located at 1773 Blakeley Rd; East Aurora NY 14052

Brief Description of Proposed Action:
Improve field so as to facilitate field composting of horse manure from local farms; 'green' food waste; and limited yard waste meeting specifications.

Name of Applicant or Sponsor:	Telephone: 716-912-6584
Warren Emblidge, President; Ecoverde Organics, LLC	E-Mail: wemblidgejr@yahoo.com

Address:
245 Swan St;

City/PO:	State:	Zip Code:
Buffalo	NY	14204

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 7.0 acres
b. Total acreage to be physically disturbed? 0.75 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 7.0 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
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: _____	☑	☐
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: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: WARREN F FIMBLINE, JR Date: 18 Sep 18

Signature: [signature]

PRINT FORM

mill 175.00 - 1 - 18 Boehler, Richard + Sandra (725 mill) PO Box 789 67
- 1 - 1.1 (Lynch Estate)?
- 1 - 10.11 Dann, Wm + Marion 1080 Porterville (767 mill)
- 1 - 14.2 Troidl, Eric + Dawn 750 mill
Mixer, Joshua + Lindsay 753 mill
187.01 - 3 - 1 Potter, Thomas + Lisa gutekunst 768 mill Rd