SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHOHARIE

In the Matter of

COBLESKILL STONE PRODUCTS, INC.

Plaintiff-Petitioner,

For a Judgment pursuant to CPLR Article 78 of the Civil Practice Law and Rules of the State of New York, and for Declaratory Judgment,

- against -

TOWN of SCHOHARIE and TOWN BOARD of the TOWN of SCHOHARIE,

Defendants-Respondents,

STIPULATION OF SETTLEMENT

Index No.: 2005-594
RJI No.: 47-5751-05

Hon. James H. Ferreira, A.J.S.C.

WHEREAS, Cobleskill Stone Products, Inc. ("CSP") is a domestic corporation duly organized and existing under the laws of the State of New York with its principal place of business on 112 Rock Road in the Town of Cobleskill, County of Schoharie, New York; and

WHEREAS, Town of Schoharie is a municipal corporation of the State of New York located at 300 Main Street, P.O. Box 544, Town of Schoharie, County of Schoharie, New York; and

WHEREAS, Town Board of the Town of Schoharie is a town board duly constituted under, and with the power and duties provided by, the laws of the State of New York located at P.O. Box 544, Town of Schoharie, County of Schoharie, New York; and

WHEREAS, the Town of Schoharie and the Town Board of the Town of Schoharie are collectively referred to as "the Town"; and

WHEREAS, CSP is the owner of parcels of real property collectively 192+/- acres in size and located in the Town of Schoharie, County of Schoharie, State of New York, known as the Schoharie Quarry, more particularly shown on a map entitled “Progression of Mining Reserves Map” by Griggs-Lang Consulting Geologists, Inc. dated May 2, 2010 (attached as Exhibit A)("CSP Site"); and

WHEREAS, the CSP Site contains reserves of mineable limestone and CSP has filed an application with the New York State Department of Environmental Conservation ("NYSDEC") for a Mined Land Reclamation Permit under ECL Article 23, Title 27, for various air permits under ECL Article 19 and a SPDES permit under ECL Article 17 (hereinafter the "Application") to modify the existing permits to allow mining on additional acreage of the CSP Site, as more specifically described and depicted in the two volume DEIS and Draft Permits, which applications are the subject of a proceeding entitled "Matter of Application of Cobleskill Stone Products, Inc.," NYSDEC Application No. 4-4342-00001/000019 (hereinafter "NYSDEC Proceeding"); and

WHEREAS, CSP proposes to modify its NYSDEC permitted mine area to include an additional portion of the CSP Site. The project is proposed on land south of Rickard Hill Road as identified in the map entitled “Map Showing Parcel Acquisitions” by Griggs-Lang Consulting Geologists, Inc. dated May 21, 2010 attached as **Exhibit B** (the “Modification Area” also referred to as the “Southeast Reserves Area”); and

WHEREAS, the original (2004) mining plan for the Modification Area identified excavation in several areas within 25 feet of the boundaries of the Modification Area as shown on a map entitled “Reclamation Plan Map” by Griggs-Lang Consulting Geologists, Inc. dated December 3, 2004 attached as **Exhibit C**; and

WHEREAS, the original (2004) mining plan for the Modification Area showed that the 69+/- acre Modification Area would contain an excavation area of 49+/- acres, as shown on a map entitled “Map Showing Locations of Core Holes/Monitoring Wells” by Griggs-Lang Consulting Geologists, Inc. dated February 25, 2011 attached as **Exhibit D**; and

WHEREAS, the Town is a party intervenor in the NYSDEC Proceeding (an “Intervenor”); and

WHEREAS, CSP has prepared a Draft Environmental Impact Statement ("DEIS"), in connection with the NYSDEC Proceeding; and

WHEREAS, the Town filed a petition for party status in the NYSDEC proceeding and through that petition and arguments raised during a Legislative Public Hearing and Issues Conference made claims that the DEIS was insufficient, that the project as proposed could not meet statutory or regulatory criteria and/or that the project would have significant adverse environmental effects, and further that the Town had an environmental interest in the proceeding; and

WHEREAS, CSP disputes such contentions; and

WHEREAS, the Town and other Intervenors were granted party status in the NYSDEC Proceeding in accordance with a ruling on issues and party status by Administrative Law Judge Kevin J. Casutto, dated July 23, 2008 ("Issues Ruling"), which has been appealed to the Commissioner of the NYSDEC who has not yet ruled on the appeal; and

WHEREAS, in or about April 2014, CSP filed plans with the NYSDEC to downsize the project to conform with the 1975 Zoning Law by providing a setback of 600 feet from Warner Hill Road and the downsized plans are now under review by NYSDEC;"

WHEREAS, on or about August, 2005, the Town enacted Local Law No. 2 of 2005 entitled: “The Zoning Law of the Town of Schoharie” (hereinafter referred to as “2005 Zoning Law”). That law, among other thing, did not permit mining in the Modification Area; and

WHEREAS, CSP challenged the 2005 Zoning Law; and

WHEREAS, in the underlying Supreme Court action (hereinafter "Action"), CSP seeks a declaratory ruling that its proposed mine is an authorized use as a nonconforming use and that CSP has vested its rights to use the property for mining purposes allowed under and/or not subject to the 2005 Zoning Law or any subsequently enacted prohibitory zoning law; and

WHEREAS, the 2005 Zoning Law was annulled by decision dated February 19, 2014; and

WHEREAS, during the pendency of the proceedings, the Appellate Division, Third Department, issued a Decision dated and entered March 5, 2015 which provided that CSP was entitled to a hearing on whether CSP had obtained vested rights to mine the Modification Area despite the prohibitions in the 2005 or any subsequently enacted prohibitory zoning law; and

WHEREAS, in December 2015 the Town of Schoharie adopted a Zoning Law for the Town (the “2015 Zoning Law”); and

WHEREAS, mining is now prohibited on the CSP Site in the Town of Schoharie by zoning or local law; and

WHEREAS, the Parties desire to resolve the issue raised between them as to the Zoning Law, the NYSDEC Proceeding, the 2015 Zoning Law and the CSP Permit Application.

NOW, THEREFORE, CSP and the Town (hereinafter collectively referred to as "Parties" and individually referred to as "Party") hereby stipulate and agree as follows:

1. This Stipulation of Settlement is entered into by the Parties for the purposes of settling and resolving the issues between the Parties raised in:

a. this Action (the Amended Verified Complaint & Petition is incorporated by reference);

b. any and all claims and issues raised by the Town in the NYSDEC Proceeding as set forth in its Petition for Party Status, the Issues Ruling, the Appeal and the transcripts of the Legislative Public Hearing, and Issues Conference Hearing and all other submissions, all of which are a matter of public record in the NYSDEC Proceeding;

c. the 2005 Zoning Law;

d. the 2015 Zoning Law; and

e. the CSP Permit Application.

2. The Parties agree that this Stipulation of Settlement shall be filed with NYSDEC with regard to the pending CSP Application and shall request that the provisions of Sections 5, 7, and 9 of this Stipulation of Settlement be incorporated into any issued Mined Land Reclamation Permit as special conditions, or other permits issued by NYSDEC as may be appropriate, and incorporated into any future amended or modified permits pertaining to the CSP Site.

3. Reduced Size Project.

a. In accordance with the proposal currently submitted to the NYSDEC, CSP hereby agrees to reduce the size of the proposed mined area in the Modification Area. The current submission to the NYSDEC has an alternative design which is set forth in **Exhibit E** (Map entitled "Reclamation Plan Map (Alternative, Showing Primary Crusher

Location)" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 9/19/14) and which depicts a reduced size project with the relocation of Rickard Hill Road. The current submission to NYSDEC also has a design that reduces the size of the mined area but Rickard Hill Road is not relocated and access to the reserve area is via a tunnel under Rickard Hill Road. See **Exhibit F** (Map entitled "Mining Map Plan" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 4/7/14 and Map entitled "Reclamation Plan Map" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 4/7/14). The Town prefers the alternative with Rickard Hill Road relocated as set forth in **Exhibit E** (the "Project").

b. CSP agrees that it will seek approval from the NYSDEC and any other permitting agency (with the exclusion of the Town and its boards, agencies, officers and representatives, it being expressly understood that the parties agree that no further approvals from the Town, its agencies, boards, officers or representatives are necessary under this Stipulation) for the project described in **Exhibits E and F**.

c. CSP and the Town acknowledge that Rickard Hill Road is a County Road and that the implementation of the plan set forth in **Exhibit E** is subject to approval by Schoharie County.

d. In no event will the existing road be removed prior to relocating Rickard Hill Road so as to provide and maintain a through roadway out of the Village for normal and emergency use.

e. In the event that Schoharie County approval cannot be obtained for the relocation of Rickard Hill Road, then the Town and CSP agree that the project shall proceed as set forth in **Exhibit F**.

4. Withdrawal of Town Opposition to the Project. The Town agrees that it will not oppose in any way the issuance of any permit for the Project including but not necessarily limited to, a Mined Land Reclamation Permit, air permit, SPDES or other permits relating to stormwater plans, a water withdrawal permit or any other permits required by NYSDEC. In addition, the Town will withdraw from and not participate in the NYSDEC proceeding for the Project.

5. Hours of Operation. Under the current NYSDEC Permit there are no stated hours of operation. The hours of operation shall as follows:

a. 6:00 AM to 7:00 PM Monday through Friday;

b. 7:00 to 12:00 on Saturdays;

c. There shall be no operations (including, but not limited to, motorized equipment, trucks and/or mining equipment) on Sundays and the following holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

d. Monday through Friday -- blasting shall be limited to the hours of 10:00 a.m. to 5:00 p.m. unless the licensed blaster determines that unanticipated safety or weather considerations dictate that blasting must occur at an alternative time.

e. Notwithstanding the foregoing subparagraphs, CSP shall be permitted to operate:

i. as necessary in the case of sudden instances of immediate demand due to emergency circumstances threatening public health, safety and welfare; and

ii. outside the aforesaid hours of operations or weekends on construction and/or paving projects which require nighttime and/or weekend work.

f. Notwithstanding the foregoing subparagraphs, temporary operations during periods other than these operating hours may be authorized in advance by the NYSDEC in writing.

6. Buffer Area. No mining activities will take place within the 600 foot buffer area shown on **Exhibits E and F**. CSP shall not disturb or permit the disturbance of the vegetative cover by mining activities within the 600 foot buffer. CSP reserves the right to sell or convey some or all of the 600 foot buffer to be used for any lawful and permitted purpose other than mining.

7. Noise Mitigation.

a. CSP agrees that all CSP-owned or controlled off road rolling stock on the CSP Site employing audible warning devices while said equipment is in reverse gear or motion shall be equipped with warning devices which make use of "white noise" Audible back up alarms shall be those manufactured by Brigade Electronics, Inc. or equivalent. These devices shall be installed within 180 days of the effective date of this Stipulation.

b. The Parties understand that the stipulated back-up warning devices are presently approved for use by the Federal Regulatory Agency known as the Mine Safety and Health Administration ("MSHA") for the uses proposed by CSP at the subject

site. If at some later time such devices are no longer approved for use by MSHA, CSP agrees to replace such devices on all CSP-owned or controlled off road rolling stock with an approved warning device system that minimizes noise impacts.

c. All vehicles on the CSP Site owned or controlled by CSP are to be in good working condition with legally acceptable and functioning mufflers. CSP agrees to use all reasonable mining practices to minimize noise impacts of equipment to the extent practicable.

8. Road Improvements.

a. CSP will pave the unpaved section of Eastern Ave (within the Town) within 180 days of the effective date of this Stipulation, weather permitting.

b. The aforesaid highway improvements shall be at the sole cost and expense of CSP, and shall be accomplished by an overlay pave of the unpaved portion of the Eastern Ave. In the event that such work is undertaken by CSP, or any contractor of its choosing, CSP shall defend, indemnify and hold harmless the Town of Schoharie from any and all claims arising during the performance of such highway improvement work. This duty of defense and indemnification shall be secured by a policy of insurance with a minimum of $100,000 per incident for property damage and $1,000,000 per incident involving personal injury, with the Town to be named as an additional insured on said policy to be obtained at CSP's expense. Prior to commencement of any highway improvement work, CSP shall supply the Town of Schoharie with a certificate of insurance setting forth such coverage.

9. Dust Mitigation.

a. All CSP trucks leaving the CSP Site carrying product will be covered with adequate tarping as required by the New York State Tarp Law.

b. Eastern Avenue will continue to be swept as needed to reasonably suppress dust.

c. Upon the request of the Town, after receiving a valid dust complaint arising from mud, dirt or other debris on public roads from the CSP Site, CSP will arrange for street cleaning to address the complaint.

d. In addition, CSP will continue to sweep streets near the plant as required to reasonably suppress the dust.

10. Town of Schoharie Zoning.

a. The Parties recognize that the CSP Site is a source of construction aggregates and bituminous concrete for the Town and region as a whole.

b. The Town and CSP agree that the CSP Site is a vested, non-conforming use and that other approvals from the Town for the approval or operation of mining in the Modification Area are not required. The Town further agrees that CSP has a vested nonconforming use right to use its existing Life of Mine as well as the Modification Area property for mining notwithstanding the Town's current 2015 Zoning Law or a future zoning/land use law.

c. This provision applies only to the lands identified in this Stipulation of Settlement as the "CSP Site". This provision does not apply to any other lands which are now, or in the future, owned by CSP in the Town of Schoharie.

11. Groundwater Protection. CSP will mitigate impacts to private water supplies impacted by its operations in accordance with all applicable provisions of any NYSDEC permit issued for the Modification Area. The Parties acknowledge that NYSDEC has exclusive jurisdiction to enforce the above permit condition.

12. Challenge to the 2015 Zoning Law. In consideration of the Town's acknowledgment that CSP has a vested nonconforming right to mine the CSP Site including the Modification Area, CSP agrees that it will not pursue a challenge to the 2015 Zoning Law. In addition, CSP will take no action to support any effort to challenge the 2015 Zoning Law. However, due to the Statute of Limitations on challenging the 2015 Zoning Law, the Parties agree that CSP will commence an Article 78 and or Declaratory Judgment proceeding challenging the enactment and/or substance of the 2015 Zoning Law. Said proceeding will be considered immediately stayed and the Town or its agencies shall have no obligation to respond to the proceeding. If at the end of the four month statute of limitations to challenge this Stipulation of Settlement there has been no challenge commenced, the proceeding on the 2015 Zoning Law will be dismissed with prejudice. If there is a proceeding challenging this Stipulation of Settlement, the proceeding on the 2015 Zoning Law will be stayed until the challenge to this Stipulation of Settlement is finally resolved. If the Stipulation of Settlement is finally sustained, the proceeding on the 2015 Zoning Law will be dismissed with prejudice. If the Stipulation of Settlement is finally annulled, the proceeding on the 2015 Zoning Law will proceed and CSP with have 45 days to amend it petition/complaint. The parties agree that the stay of the proceeding challenging the 2015 Zoning Law shall not constitute failure to prosecute or abandonment within the meaning of the CPLR, particularly CPLR 3404.

13. Challenge to the 2005 Zoning Law. CSP agrees that this Stipulation of Settlement resolves all outstanding claims and matters related to the 2005 Zoning Law and agree to disposition of this matter in accordance with the Stipulation of Settlement.

14. Improvements to the Existing Quarry Operation.

a. The open sides of the primary crusher building will be closed in (the southern and western sides are presently open) and the building walls insulated with 2" foamboard or 2" of sprayfoam to reduce noise and dust. This work will occur by or before April 1, 2017.

b. The crusher and screening portion of the secondary crusher building walls will be insulated with 2" foamboard or 2" of sprayfoam by or before April 1, 2017. Because the open side of this building faces away from the Village, it was determined that enclosing it would not reduce the noise to nearby receptors.

c. CSP will relocate the primary crusher into the interior of the quarry consistent with the timing and approval from NYSDEC as to depletion of reserves and reclamation of the existing areas, but not later than 30 years from the effective date of this Stipulation. The approximate location of the primary crusher is shown on **Exhibit E**.

d. CSP will relocate the secondary crusher (plant) into the interior of the quarry (anticipated to be located near the north face of the existing quarry area), the earlier of 30 years from the date of the agreement or when CSP moves mining to the Modification Area.

15. Land Donation to Lasell Park. CSP will donate a portion of its lands to the Village of Schoharie to expand Lasell Park for $1.00. The lands to be donated consist of the area adjacent to the park formed by extending the existing boundary line of the Park/CSP lands in a southwesterly direction to its intersection with Warner Hill Road. The land on the northwest side of the boundary line extension will be conveyed to the Village. An exhibit showing the lands to be conveyed is attached hereto as **Exhibit G**. In the event that the Village refuses to accept the donation, the lands will be donated to the Town of Schoharie for $1.00.

16. The Town Board shall not support in any manner, including monetary support, any challenges to CSP's right to mine the property as outlined in this stipulation or any actions taken to contest the validity of this Stipulation of Settlement, including authorizing or approving money for other boards, representatives or agencies of the Town of Schoharie to challenge CSP's rights under this Stipulation of Settlement.

17. Contempt Relief. In addition to any other remedy to which the parties may be entitled by law, the Parties contemplate and agree that this Stipulation of Settlement shall be presented to a Justice of the Supreme Court to be signed, entered and filed as an Order of the Court, so that any violations of the provisions herein by any Party hereto may be punishable by application for contempt.

18. Special Violations. A material violation of any of the terms contained in paragraphs 7a, 8, 14(a-d) and 15 of this Stipulation of Settlement shall hereby be deemed to constitute "Special Violations" for purposes of the following provisions of this Stipulation of Settlement. In the event of any application by the Town for contempt relief against CSP due to such "special violations," the Parties hereby waive the maximum statutory penalty under the Judiciary Law for fines upon contempt adjudications and hereby vest the assigned Justice of the

Supreme Court with consensual discretion to fix such monetary penalties as are deemed warranted under the circumstances for purposes of deterring any future such violations. With respect to any such contempt application for agreed "special violations," the prevailing party shall be entitled to an award of reasonable attorneys' fees. The determination of reasonable attorneys' fees shall be made by the assigned Justice on the contempt application.

19. Condition Precedent to Contempt Action. As a condition precedent to the commencement of any contempt proceedings for purposes of enforcement, the Party making application for contempt relief shall provide the alleged offending Party with written notice of the violation of the terms of this Stipulation of Settlement upon which a contempt proceeding may be based and ten (10) days from receipt of notice to cure said alleged violation(s).

20. Injunctive Relief.

a. In the event of an application by the Town for injunctive relief to enjoin a "special violation," as identified above, CSP agrees that the Town shall not be required to establish "irreparable harm." In any proceeding for injunctive relief, the prevailing party shall be entitled to an award of reasonable attorneys' fees.

b. In all other instances in which injunctive relief is sought, the Party seeking the injunction shall have the burden of establishing the standards of irreparable harm and balancing of the equities in order to be entitled to the granting of injunctive relief and the prevailing party shall be entitled to an award of reasonable attorneys' fees.

c. Each Party to this Stipulation of Settlement retains all rights it has under law to enforce the terms and conditions of this Stipulation of Settlement and, except as

noted in Section 17 through 19, each Party retains any and all defenses it has under law to the enforcement of this Stipulation of Settlement.

21. Miscellaneous.

a. Notices. Except as otherwise expressly provided in this Stipulation of Settlement, all notices, requests and demands to or upon the respective Parties hereto shall be given by First-Class, Registered or Certified Mail, Return Receipt Requested, postage prepaid, as follows:

If to CSP:
Cobleskill Stone Products, Inc.
112 Rock Road
Cobleskill, New York 12043
Attn: President

With a copy to:
Rosemary Stack, Esq.
Stack Law Office
5180 Velasko Rd., Suite 220
Syracuse, New York 13215

If to the Town:
Town Supervisor
Town of Schoharie
P.O. Box 544
Schoharie, New York 12157

With a copy to the Town Attorney:
c/o Town of Schoharie Town Clerk
Town of Schoharie
P.O. Box 544
Schoharie, New York 12157

or to such other address as a Party may hereafter designate in writing in the manner provided herein.

b. Amendments and Waivers. This Stipulation of Settlement may not be changed, waived, discharged or terminated, except by an instrument in writing signed by all of the Parties hereto.

c. Applicable Law. This Stipulation of Settlement and the obligations of the Parties hereunder shall be construed and interpreted under the laws of the State of New York.

d. Binding Effect. This Stipulation of Settlement shall be binding upon, inure to the benefit of and be enforceable by the Parties and their respective successors, assigns, officers, directors, agents, employees, heirs, devisees and grantees, except as otherwise expressly provided in this Stipulation of Settlement.

e. Partial Invalidity. (i) If any provision of this Stipulation of Settlement with the exception of those pertaining to the vested nonconforming use rights of CSP to use its property, including the Modification Area for mining purposes, is held to be invalid or unenforceable, such invalidity or unenforceability shall not invalidate this Stipulation of Settlement as a whole, but this Stipulation of Settlement shall be construed as though it did not contain the particular provision or provisions held to be invalid or unenforceable and the rights and obligations of the Parties shall be construed and enforced only to such extent as shall be permitted by law. (ii) In the event that any provision specifically recognizing the vested, nonconforming use rights of CSP to use its property including the Modification Area for mining purposes or those provisions that provide there is no need for local approval from the Town for this use, are invalidated, then this Stipulation of Settlement shall be null and void.

f. Headings. The headings used herein are for convenience only and do not constitute matters to be considered in interpreting this Stipulation of Settlement.

22. Waiver of Claims. The Parties hereby waive any claims, causes of action or proceedings challenging CSP's ability or authority to conduct mining, processing and sale activities on the CSP Site (pursuant to the terms hereof) under (a) the current and future local laws and regulations of the Town; and (b) the granting of any permit by NYSDEC or the provisions of SEQRA. The Parties to this Stipulation of Settlement do not waive any rights, claims or causes of action, except as specifically set forth herein.

23. Attorney's Fees. Each Party agrees that it will bear its own attorney's fees, costs and expenses associated with this matter, including those associated with the permitting before the NYSDEC or any other agency.

24. Authorization. Each Party certifies, and the undersigned representatives of each Party certify, that they are fully authorized by the Party for whom they are signing to enter into the terms and conditions of this Stipulation of Settlement and to execute and to legally bind such Party to the terms and conditions of this Stipulation of Settlement. The Resolution of the Town of Schoharie Town Board authorizing the entering into of this stipulation of settlement by Respondents the Town of Schoharie and the Town Board of Schoharie is attached hereto as **Exhibit H**.

25. Execution in Counterparts. This Stipulation of Settlement may be executed for the convenience of the Parties hereto in one or more counterparts, each of which for all purposes shall be deemed to have the status of an executed original and all of which together constitute one and the same agreement.

26. Effective Date. This Stipulation of Settlement shall be effective upon the Parties' execution of the same, except that the Parties' participation in the pending NYSDEC Proceeding will be adjourned until the Stipulation of Settlement is so ordered by a Justice of the Supreme Court. If the Court disapproves of the Stipulation of Settlement and refuses to "so order" the Stipulation of Settlement, this Stipulation of Settlement shall be deemed null and void upon the date of refusal.

COBLESKILL STONE PRODUCTS, INC.

By: _____
Rosemary Stack, Esq.
Attorneys for Plaintiff-Petitioner
Cobleskill Stone Products, Inc.

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared Rosemary Stack, personally known to me or proved 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 she executed the same in her capacity, that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____ of _____, County of _____, State of New York.

_____
Notary Public

By: _____
Emil Galasso, President
C*obleskill Stone Products, Inc.*

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared Emil Galasso, personally known to me or proved 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 executed the same in his capacity as President of Petitioner-Plaintiff Cobleskill Stone Products, Inc., that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____ of _____, County of _____, State of New York.

_____
Notary Public

YOUNG, SOMMER, WARD, RITZENBERG,
BAKER & MOORE, LLC

By: _____
David C. Brennan, Esq.
Attorneys for Defendants-Respondents
Town of Schoharie and
Town Board of the Town of Schoharie

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared David C. Brennan, personally known to me or proved 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 executed the same in his capacity, that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____ of _____, County of _____, State of New York.

_____
Notary Public

TOWN OF SCHOHARIE AND TOWN BOARD OF SCHOHARIE

By: _____
_____, Town Board Member
Town of Schoharie and
Town Board of the Town of Schoharie

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved 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 executed the same in his capacity as Town Board member of the Town of Schoharie and pursuant to a duly adopted Town Board resolution authorizing him to sign this Stipulation of Settlement on behalf of the Town of Schoharie and Town Board of the Town of Schoharie, that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____ of _____, County of _____, State of New York.

_____
Notary Public

SO ORDERED:

_____
Hon. James H. Ferreira, A.J.S.C.

Date: _____

EXHIBIT LIST

A. "Progression of Mining Reserves Map" by Griggs-Lang Consulting Geologists, Inc. dated May 2, 2010

B. "Map Showing Parcel Acquisitions" by Griggs-Lang Consulting Geologists, Inc. dated May 21, 2010

C. The original (2004) mining plan for the Modification Area shown on a map entitled "Reclamation Plan Map" by Griggs-Lang Consulting Geologists, Inc. dated December 3, 2004

D. Map showing Location of Modification Area and proposed (2004) limits of excavation. The map is entitled "Map Showing Locations of Core Holes/Monitoring Wells" by Griggs-Lang Consulting Geologists, Inc. dated February 25, 2011

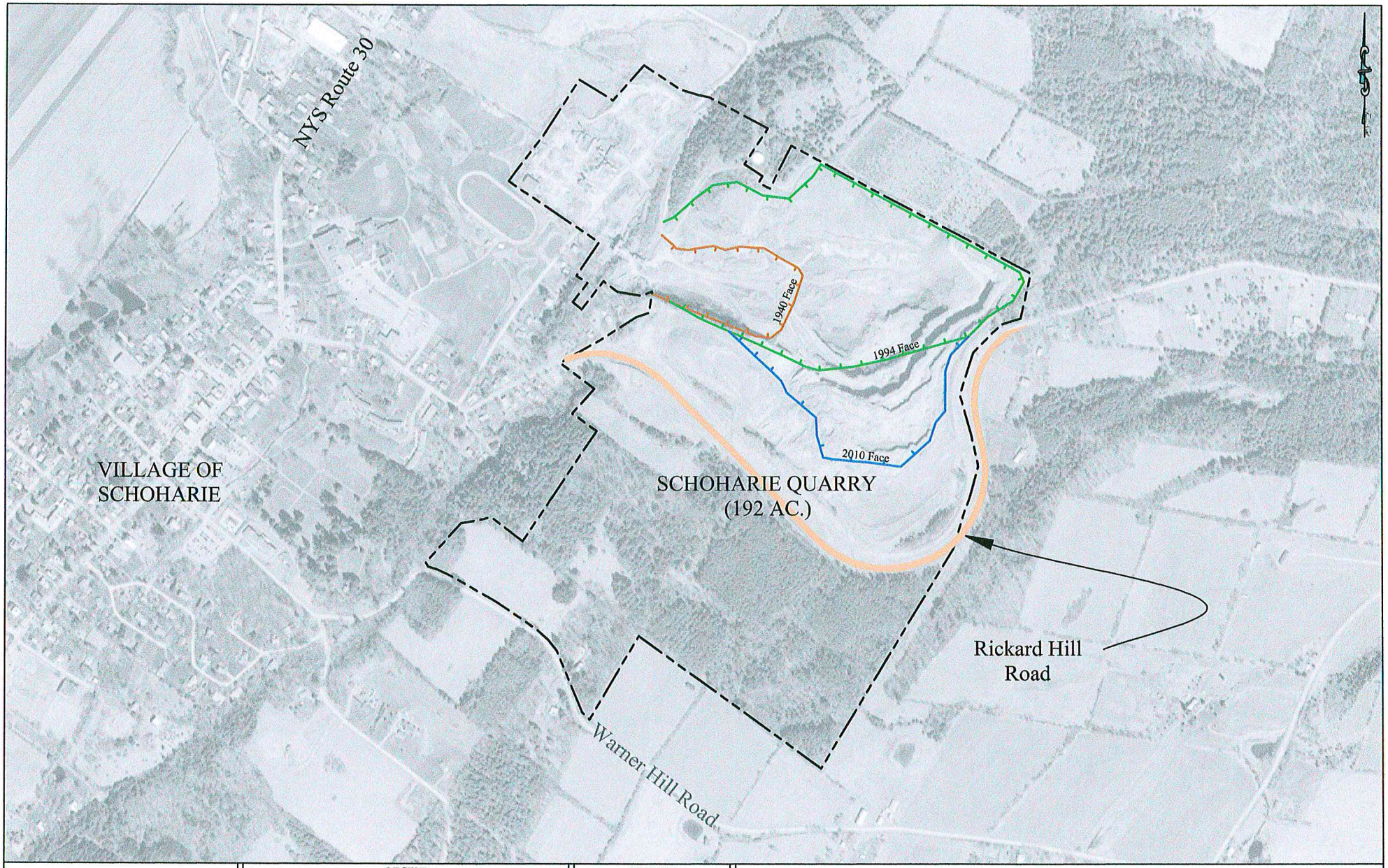
E. Map of the Reduced Size Project and Preferred Alignment of Rickard Hill Road. The map is entitled Map entitled "Reclamation Plan Map (Alternative, Showing Primary Crusher Location)" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 9/19/14

F. Map of the Reduced Size Project without the Relocation of Rickard Hill Road. The maps are entitled Map entitled "Mining Map Plan" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 4/7/14 and Map entitled "Reclamation Plan Map" by Griggs-Lang Consulting Geologists, Inc. dated 11/30/05 and last revised 4/7/14

G. Map of Lasell Park Land Donation

H. Town Board Resolution Authorizing Stipulation of Settlement

EXHIBIT A



COBLESKILL STONE PRODUCTS, INC.
Schoharie Quarry
Town and Village of Schoharie, Schoharie County, New York

PROGRESSION OF MINING RESERVES MAP

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

LEGEND

- Property Line
- Location of Mine Face in 1940
- Location of Mine Face in 1994
- Location of Mine Face in 2010

DETAILS

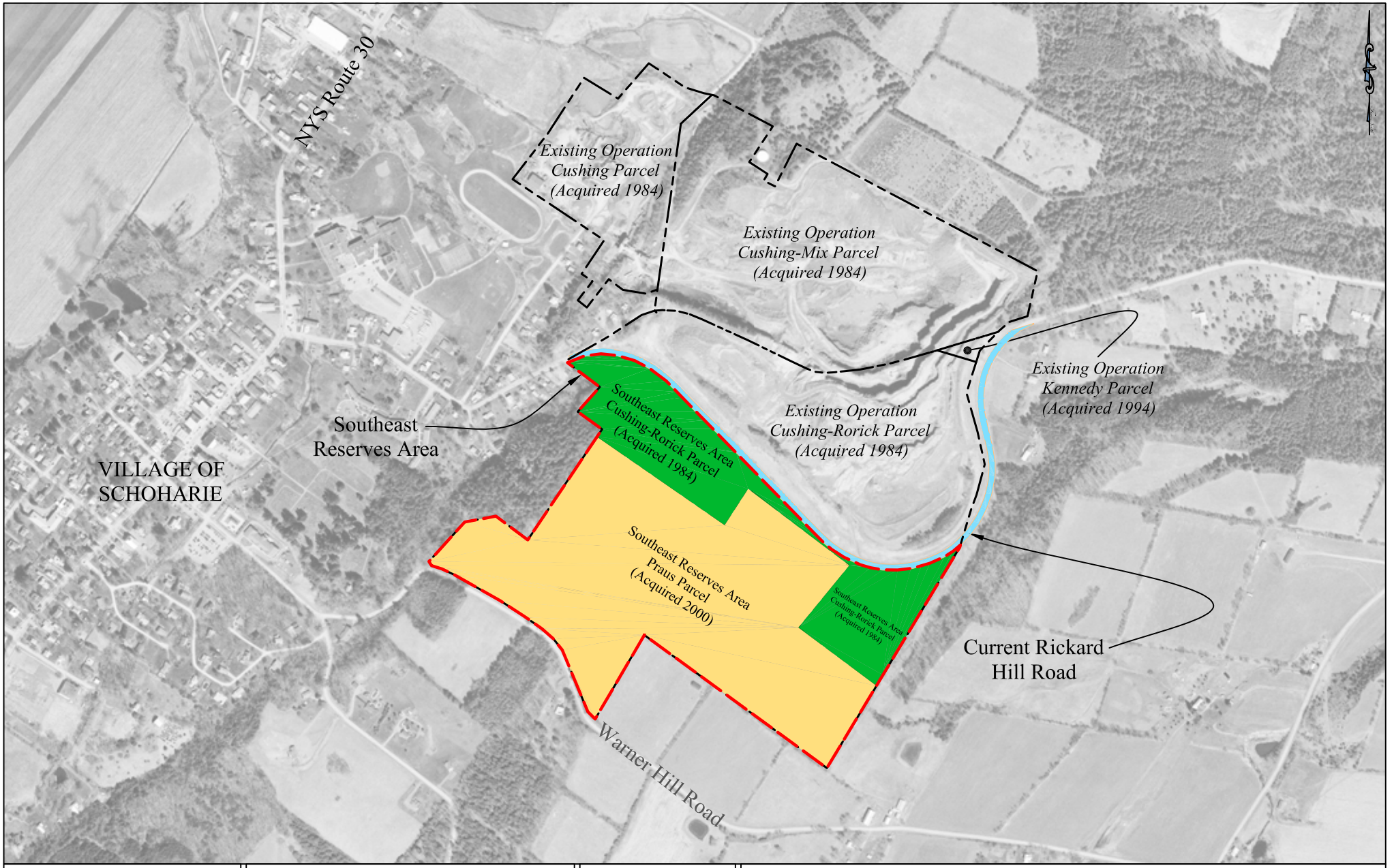
Date: 5/21/10
Scale: Scale 1"=800'
Contour Interval: NA
Datum: MSL
USGS Base: Schoharie 7.5'
Project Manager: PHG
Drafted by: IRW/PHG
Checked by: PHG

Base Map(s):
1) Mining Plan Map dated 3/15/06
2) 2004 NYSGIS Aerial Photos
3) Schoharie Tax Maps

Scale: 1"=800'

800 0 800 1600

EXHIBIT B



COBLESKILL STONE PRODUCTS, INC.
Schoharie Quarry
Town and Village of Schoharie, Schoharie County, New York

MAP SHOWING PARCEL ACQUISITIONS

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

LEGEND

- Parcel Boundary
- Southeast Reserves Area (Acquired 1984)
- Southeast Reserves Area (Acquired 2000)
- Southeast Reserves Area

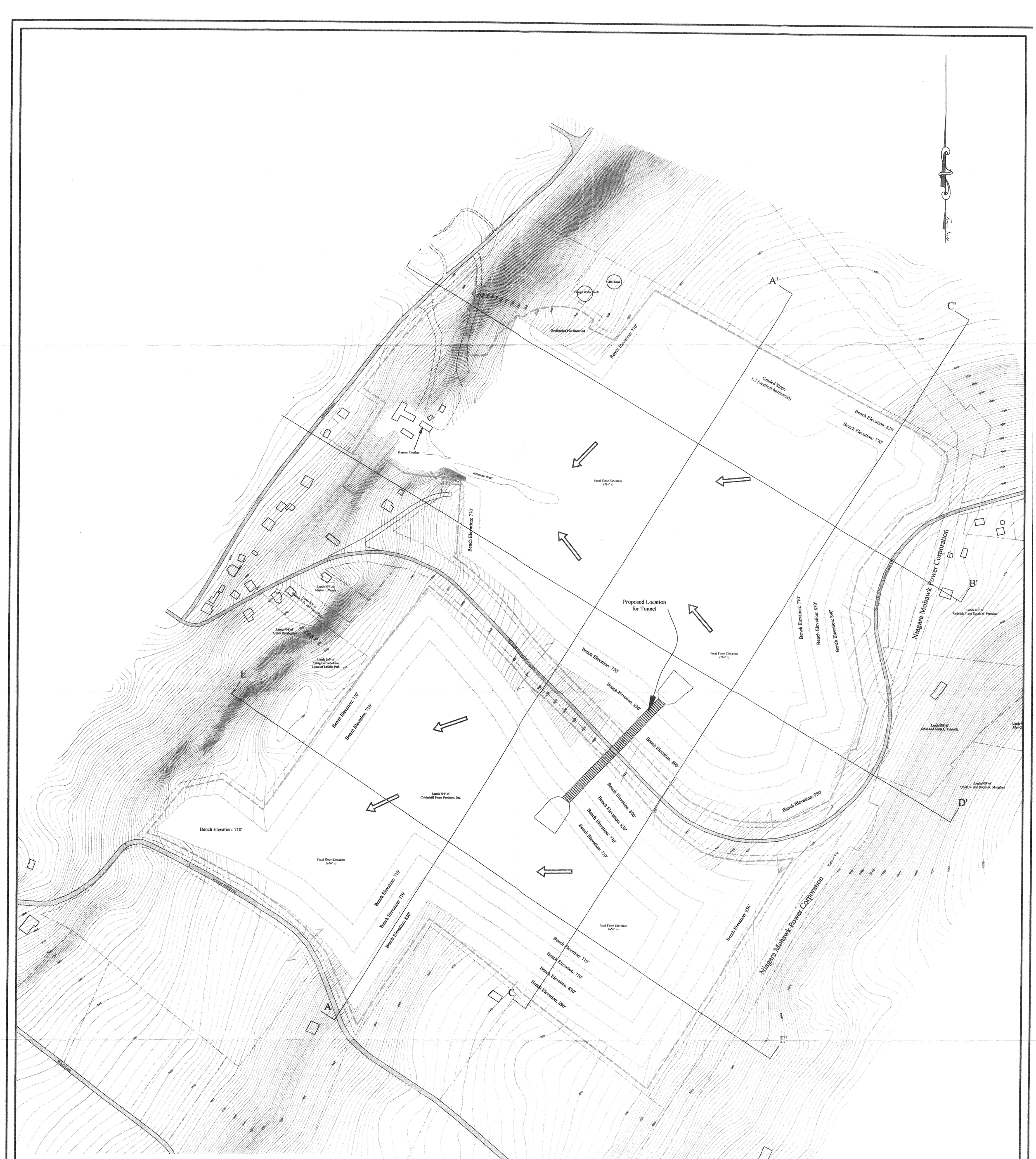
DETAILS

Date: 5/21/10
Scale: Scale 1"=800'
Contour Interval: NA
Datum: MSL
USGS Base: Schoharie 7.5'
Project Manager: PHG
Drafted by: IRW/PHG
Checked by: PHG
Base Map(s): 1) Mining Plan Map dated 3/15/06 2) 2004 NYSGIS Aerial Photos 3) Schoharie Tax Maps

Scale: 1"=800'

800 0 800 1600

EXHIBIT C



Scale: 1"=200'

200 0 200 400 600 800

COBLESKILL STONE PRODUCTS, INC.

Schoharie Quarry

MLF#: 409-3-21-0094

Town of Schoharie, Schoharie County, New York

RECLAMATION PLAN MAP

for

New York State Department of Environmental Conservation

Griggs-Lang Consulting Geologists, Inc.
679 Plank Road Clifton Park, New York 12065
Phone: (518) 373-7078 Fax: (518) 373-7080

MAP REVISIONS

BY	DESCRIPTION	DATE

DETAILS

Date:	12/3/2004
Scale:	1"=200'
Contour Interval:	2'
Datum:	MSL
USGS Base:	7.5' Schoharie Quadrangle
Project Manager:	PHG
Drafted by:	JAJ
Checked by:	PHG

Base Map(s):
1) Reclamation Plan Map, George L. Marshall LLC Engineering Geologists, RL (1/17/2000)
2) Mining Plan Map, Griggs-Lang Consulting Geologists, Inc., JAJ (12/3/2004)

NOTES

1.) The final floor of the quarry will be at the lowest elevation of the Manlius Limestone Formation, which marks the bottom of the economically important geologic formations in the area.

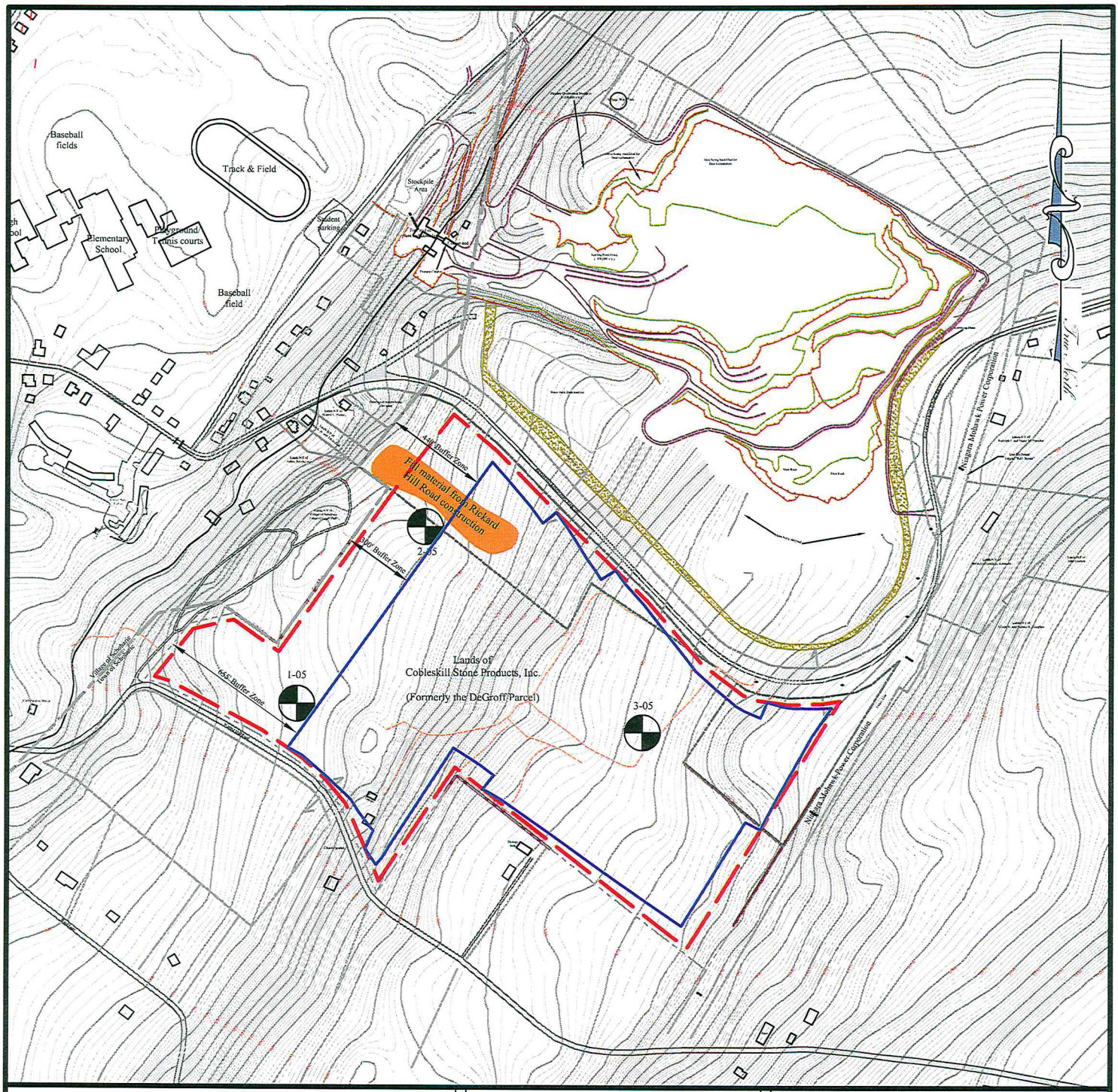
Affected land to be reclaimed over the life of the mine (155+/-acres)

LEGEND

Property Line	Haul Road	Utility Pole/Tower
Proposed Life of Mine	Paved Road	Building/Structure
Crest	Unpaved Road	Direction of Drainage
Graded Crest	Field Road/Driveway	
Toe	Trail	
TOS Edge of Stripping	Fence	
Stockpile	Stone Wall	
500 Contour, 10'	Edge of Water	
Contour, 2'	Benches Planted to Trees	
×382.7 Spot Elevation	Tree Line	

R000000666

EXHIBIT D



COBLESKILL STONE PRODUCTS, INC.

Schoharie Quarry

Town of Schoharie, Schoharie County, New York

MAP SHOWING LOCATIONS OF CORE HOLES/MONITORING WELLS

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, New York 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

DETAILS

Date: 2/25/11
Scale: 1"=600'
Contour Interval: 2'
Datum: MSL
USGS Base: 7.5' Schoharie Quadrangle
Project Manager: PHG
Drafted by: JWR
Checked by: PHG

Base Map(s):
1) Mining Plan Map, 3/15/06
2) Town of Schoharie Tax Map Section 072.00, last revised: 8/04
3) Schoharie 7.5' Quadrangle, Digital Elevation Model

ACREAGE SUMMARY

Modification Excavation Area (49± acres)

Southeast Reserves Area (69± acres)

Core Hole/Monitoring Well

EXHIBIT E

True North

Village of Schoharie
Town of Schoharie

Warner Hill Road

Rickard Hill Road

Blacktop Plant Stockpile Area

Approximate Elevation 675

Plant & Stockpile Area

Blacktop Plant

Stockpiles

Equipment Shed

Scale

Office

Toilet

Existing Parking (31)

Aggregate Stockpiles

Village Water Tank

Track & Field

Stockpile Area

Student parking

Elementary School

Playground/ Tennis courts

X

Baseball field

Fines end of plant and stone bins

Coarse end

Primary Crusher

Area set aside for possible ACOE wetland mitigation, 11± acres

Bench Elevation: 770'

Graded Slope 1:2 (vertical:horizontal)

Bench Elevation: 830'

Bench Elevation: 770'

Road Blocked

770' Bench

Floor Elevation ~710'

Bench Elevation: 770'

Bench Elevation: 830'

Bench Elevation: 890'

Rickard Hill Road (Scenic Rte 18)

National Grid Power Line

Lands N/F of Rudolph J. and Susan M. Preucher

Iron Pin Found Tagged "R.D. Snyder"

Lands N/F of Brian and Linda L. Kennedy

Lands N/F of John Conboy

Lands N/F of Clyde V. and Norma R. Maughan

Premium Water

Lands N/F of Marsh L. Pierce

Lands N/F of Frank K. Jr. and Susan Ann

Lands N/F of Arthur Reinheimer

Demolished worn house (for sale)

5' Screening Berm

300' Buffer Zone

710' Bench

Floor Elevation ~670'

Senior Home Parking

Lands N/F of Village of Schoharie Lease of Lasell Park

Rickard Hill

Pool 3 Spa

Watercourse begins

Watercourse ends

Cave El. 681'

Lands N/F of Cobleskill Stone Products, Inc.

(Formerly the Preus Parcel)

Floor Elevation ~680'

710' Bench

770' Bench

830' Bench

890' Bench

950' Bench

5' Screening Berm

National Grid Power Line

X'

Village of Schoharie
Town of Schoharie

Warner Hill Road

600' Buffer Zone

Rickard Hill Road (Co-rte Route 18)

Cleared

Cleared/ graded

Storage bldg.

600' Offset from CL Warner Hill Road

Barn

Scale: 1"=200'

200 0 200 400 600 800

COBLESKILL STONE PRODUCTS, INC.

Schoharie Quarry

MLF#: 40094

Town of Schoharie, Schoharie County, New York

RECLAMATION PLAN MAP

(Alternative)

for

New York State Department of Environmental Conservation

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

MAP REVISIONS

BY	DESCRIPTION	DATE
JAJ	Revisions as per NYSDEC 1/27/06 NOIA comments	3/15/06
JWR	Alternative scenario for moving Rickard Hill Road	4/7/14
PHG	Provide more detail on elevation of final floor	9/19/14

DETAILS

Date: 11/30/05
Scale: 1"=200'
Contour Interval: 2'
Datum: MSL
USGS Base: 7.5' Schoharie Quadrangle
Project Manager: PHG
Drafted by: JAJ/IRW
Checked by: PHG

Base Map(s):
1) Reclamation Plan Map, George L. Marshall LLC Engineering Geologists, P.L. (1/17/2000).
2) Mining Plan Map, Griggs-Lang Consulting Geologists , Inc., JAJ (12/3/2004).

Notes

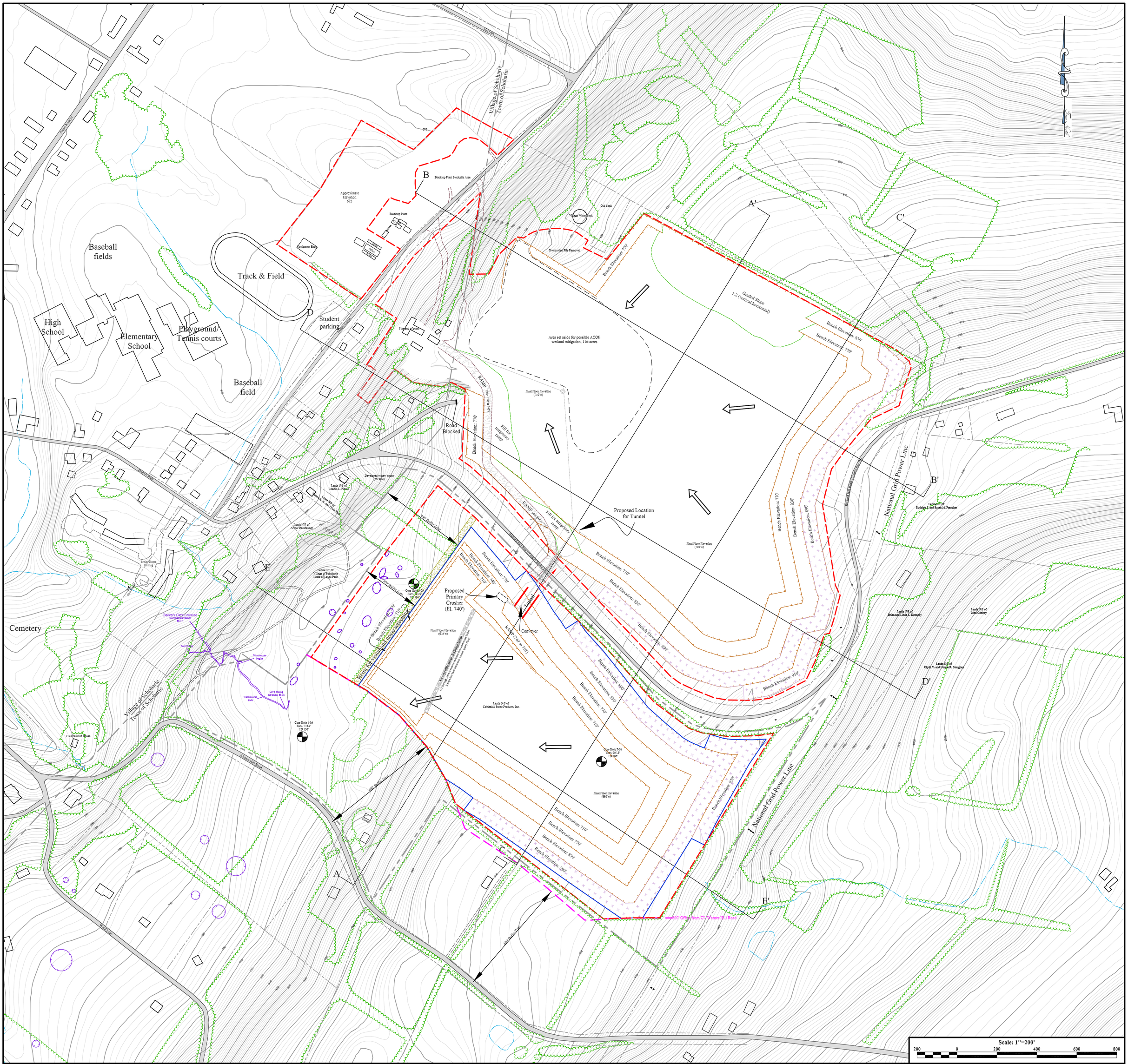
1) Property lines are approximate where shown.
2) The existing Rickard Hill Road will be relocated at Cobleskill Stone's (CSP) expense in conjunction with the Schoharie County Department of Public Works (DPW).
3) The relocated road will be designed to DPW specifications.
4) CSP will quarry through the existing road after the road has been relocated.
5) The west end of the relocated road will join the existing road at a T-intersection.
6) The existing road east of the T-intersection will be closed.
7) The relocated road will have a gentler grade than the existing road.

LEGEND

- Property Line
- Life of Mine Area - Existing
- Life of Mine Area - Proposed
- Crest
- Toe
- Berm/Topsoil Storage
- Stockpile
- 500 Contour, 10'
- Contour, 2'
- Haul Road
- Paved Road
- Unpaved Road
- Field Road/Driveway
- Stone Wall
- Edge of Water
- Edge of Wetland
- Treeline
- Benches Planted to Trees
- Utility Pole/Tower
- Building/Structure

EXHIBIT F

Baseball fields
Track & Field
Elementary School
Playground/ Tennis courts
Baseball field
Student parking
Plant & Stockpile Area
Approximate Elevation 625
Blacktop Plant Stockpile Area
Blacktop Plant
Equipment Shed
Office
Scales
Existing Parking (51)
Stockpile Area
Aggregate Stockpiles
Primary Overburden Stockpile (~200,000 c.y.)
Village Water Tank
Area being backfilled for final reclamation
Settling Pond Fines (~100,000 c.y.)
Primary Crusher
Fines end of plant feed stone pile
Coarse end
Proposed Conveyor (Approximate Location)
Road Blocked
Waste rock from road cut
Proposed Location for Tunnel
Lift One
Lift Two
Lift Three
Lift Four
Lift Five
Surfacing Bins
Village of Schoharie
Town of Schoharie
Old Shale Pit
National Grid Power Line
Lands NF of Rudolph F. and Shaun M. Fruscher
Iron Pin Found Tagged "P.D. Snyder"
Lands NF of Brian and Linda F. Kennedy
Lands NF of Joel Conboy
Lands NF of Clyde V. and Norma B. Hartman
Lands NF of Martin L. Pierro
Lands NF of Arthur Reichelmo
Developed water house (for sale)
Lands NF of Village of Schoharie Lease of Lasell Park
Snyder Home Siding
Decker's Cave Entrance Surveyed elevation 684'
Pond (dry)
Watercourse begins
Watercourse ends
Cave Fl. 681'
1-1/2 Peaked House
Core Hole 1-05 Elev. 773.4' ID 120'
Core Hole 2-05 Elev. 791.9' ID 136'
Core Hole 3-05 Elev. 907.3' ID 786'
Lands NF of Cobleskill Stone Products, Inc. (formerly the Fraix Parcel)
Wetland B 1.0± acres
Wetland A 2.7± acres
Proposed silt fence for undisturbed intermittent stream - to prevent sediment runoff from adjacent mining areas.
Excessed and covered "spring"
Storage bins
Cleared/graded
Proposed Soil Storage Area
Temporary Screening Berm
Tunnel
Proposed Stockpile Area
Sinkhole Area
Solution-widened joints
Ramp--El. 800' to El. 740' at 9%
Proposed Primary Crusher (El. 740')
Cut down to 710' for tunnel entrance
Field to be planted to conifers
Waste rock from tunnel excavation
Lands affected by mining from 4/1/75 to present (97± acres).
Lands to be reclaimed during the 2015-2020 permit term (0± acres).
Lands not previously affected by post 4/1/75 mining to be affected during the 2015-2020 permit term (8± acres).
Lands to be affected by mining during the 2015-2020 permit term (105± acres).
Area of stone excavation in modification area (41± acres).
Lands to be affected by mining over the life of the mine (148± acres).
Property Line
Parcel Line
Crest
Graded Crest
Toe
Edge of Stripping
Berm/Topsoil Storage
Stockpile
Contour, 10'
Contour, 2'
Haul Road
Paved Road
Unpaved Road
Field Road/Driveway
Trail
Proposed Silt Fence
Stone Wall
Edge of Water
Edge of Wetland
Tree Line
Utility Pole/Tower
Building/Structure
Drill Hole Location
Spot Elevation
Karst features, Sinkholes (drawn to scale on CSP property)
Notes:
1) Property lines are approximate where shown.
2) Contours in wooded areas are approximate where shown.
3) Mine faces updated per Quarry Map, Griggs-Lang Consulting Geologists, 12/3/13
Seeded to Grass
1.5
1
Perimeter Swale
Vegetated Topsoil Berm
Silt Fence
Schematic Section of Planned Topsoil Berms
Berm Heights: 10', 15', 35'
(based on recommendations made in the Noise Impact Assessment - Appendix D of the DEIS)
10' Berm (Noise mitigation)
15' Berm (Noise mitigation)
35' Berm (Noise mitigation)
600' Offset from Ctr. Warner Hill Road
DETAIL (see inset)
DETAIL - Initial Cut for Ramp Construction
Scale: 1"=100'
SYMBOL
SILT FENCE
WOVEN WIRE FENCE (MIN. 14 1/2 GAUGE W/ MAX. 6" MESH SPACING)
10' MAX. C. TO C.
36" MIN. LENGTH FENCE POSTS DRIVEN MIN. 16" INTO GROUND.
HEIGHT OF FILTER = 16" MIN.
8" MIN.
FLOW
PERSPECTIVE VIEW
36" MIN. FENCE POST
WOVEN WIRE FENCE (MIN. 14 1/2 GAUGE W/ MAX. 6" MESH SPACING) WITH FILTER CLOTH
20"MIN.
UNDISTURBED GROUND
COMPACTED SOIL
16"MIN.
EMBED FILTER CLOTH A MIN. OF 8" IN GROUND.
SECTION VIEW
CONSTRUCTION SPECIFICATIONS
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.
U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE,
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE
Core Hole 3-05 Elev. 791.9' ID 136'
Tunnel
Temporary Screening Berm
Proposed Soil Storage Area
Ramp--El. 800' to El. 740' at 9%
Proposed Primary Crusher (El. 740')
Cut down to 710' for tunnel entrance
Proposed Stockpile Area
Proposed Soil Storage Area
Scale: 1"=200'
200 0 200 400 600 800
COBLESKILL STONE PRODUCTS, INC.
Schoharie Quarry
MLF#: 40094
Town of Schoharie, Schoharie County, New York
MINING PLAN MAP
for
New York State Department of Environmental Conservation
Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922
MAP REVISIONS
BY | DESCRIPTION | DATE
JAJ | Revisions as per NYSDEC 1/27/06 NOIA comments | 3/15/06
JWR | Downsize Life of Mine Area | 4/7/14
DETAILS
Date: 11/30/05
Scale: 1"=200'
Contour Interval: 2'
Datum: MSL
USGS Base: 7.5' Schoharie Quadrangle
Project Manager: PHG
Drafted by: JAJ
Checked by: PHG
Base Map(s):
1) Mining Plan Map, George L. Marshall LLC Engineering Geologists, RL (1/17/2002).
2) Town of Schoharie Tax Map Section 07?.00, last revised: 8/04
3) Schoharie 7.5' Quadrangle, Digital Elevation Model
ACREAGE SUMMARY
GRAPHIC SCALE



Scale: 1"=200'

200 0 200 400 600 800

COBLESKILL STONE PRODUCTS, INC.

Schoharie Quarry

MLF#: 40094

Town of Schoharie, Schoharie County, New York

RECLAMATION PLAN MAP

for

New York State Department of Environmental Conservation

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

MAP REVISIONS

BY	DESCRIPTION	DATE
JAJ	Revisions as per NYSDEC 1/27/06 NOIA comments	3/15/06
JWR	Downsize Life of Mine Area	4/7/14

DETAILS

Date:	11/30/2005
Scale:	1"=200'
Contour Interval:	2'
Datum:	MSL
USGS Base:	7.5' Schoharie Quadrangle
Project Manager:	PHG
Drafted by:	JAJ
Checked by:	PHG

Base Map(s):
1) Reclamation Plan Map, George L. Marshall LLC Engineering Geologists, PE. (1/17/2000).
2) Mining Plan Map, Griggs-Lang Consulting Geologists , Inc., JAJ (1/13/2004).

NOTES

1.) The final floor of the quarry will generally be at the lowest elevation of the Manlius Limestone Formation, which marks the bottom of the economically important geologic formations in the area.
2.) The final floor of the quarry will be sloped at 1-2% to provide positive drainage toward the west side of the excavation area.

Affected land to be reclaimed over the life of the mine (148± acres)

Area of stone excavation in modification area (41± acres).

LEGEND

- Property Line
- Planned Life of Mine
- Crest
- Graded Crest
- Toe
- Edge of Stripping (EOS)
- Contour, 10'
- Contour, 2'
- ×382.7 Spot Elevation
- Berm/Topsoil Storage
- Haul Road
- Paved Road
- Unpaved Road
- Field Road/Driveway
- Trail
- Fence
- Stone Wall
- Edge of Water
- Edge of Wetland
- Benches Planted to Trees
- Tree Line
- Utility Pole/Tower
- Building/Structure
- Direction of Drainage
- Drill Hole Location
- Karst features, Sinkholes (drawn to scale on CSP property)

EXHIBIT G

COBLESKILL STONE PRODUCTS, INC.
Schoharie Quarry

Town and Village of Schoharie, Schoharie County, NY

AERIAL PHOTO MAP SHOWING LAND TO BE CONVEYED TO VILLAGE OF SCHOHARIE

Griggs-Lang Consulting Geologists, Inc.
8 Brunswick Road Troy, NY 12180
Phone: (518) 270-5920 Fax: (518) 270-5922

	MAP REVISIONS	
BY	DESCRIPTION	DATE

DETAILS	
Date: 2/3/16	
Scale: 1"=100'	
Contour Interval: N/A	
Datum: MSL	
USGS Base: Schoharie 7.5'	
Project Manager: PHG	
Drafted by: JWR	
Checked by: PHG	
Base Map(s): 1) Mining Plan Map last revised 1/20/16 2) 2014 NYSGIS Aerial Photo	

LEGEND

Land to be conveyed from Cobleskill Stone Products, Inc., to the Village of Schoharie

EXHIBIT H