

**Town of Manheim Planning Board
Site Plan Review Report
And
Advisory Opinion to the Zoning Board of Appeals
on
FOUR BRANCH FARM LLC'S
Special Use Permit Application**

June 23, 2026

The Planning Board has reviewed the site plans and supporting data ("Site Plans") submitted by Four Branch Farm LLC (the "Applicant") with its application for a special use permit which included a request for an area variance with respect to front, side, and rear yard "setback" requirements¹ to operate a commercial sand and gravel mine on lands owned by Four Branch Farm LLC located at 7689 State Route 5 in the Town of Manheim, County of Herkimer, New York (the "Project"). Public comments and additional information received by the Planning Board from the Applicant and nearby neighbors Sargeant and Aney were also reviewed to ensure that the Site Plans for the Project meet the requirements and performance standards of the Town of Manheim Zoning Ordinance (the "Zoning Ordinance").

PLANNING BOARD ADVISORY OPINION AND RECOMMENDATION

Pursuant to sections 303, 310 and 503 of the Zoning Ordinance, the Planning Board is required to conduct a site plan review of all special use permit applications and to provide the Zoning Board of Appeals with a report containing its advisory opinion and recommendations.

A copy of the Planning Board's Site Plan Review made in connection to Four Branch Farm LLC's application the Zoning Board of Appeals for a special use permit to operate a commercial sand and gravel mine at 7689 State Route 5 in the Town of Manheim, County of Herkimer, New York (the "Project") is made a part hereof and attached hereto as **Exhibit 1**.

Based on the Site Plan Review, the Planning Board submits this Advisory Opinion and Recommendations to the Zoning Board of Appeals in connection to Four Branch Farm LLC's application for a special use permit to operate a commercial sand and gravel mine on the portions

¹ On September 10, 2025 the Applicant withdrew its request for a variance related to front, side and rear yard "set-backs" as such yard requirements were not applicable because no new buildings were being proposed as part of the Project.

of land owned by the Applicant (Tax Map Parcel Nos. 115.4-2-5.2 and 115.4-2-4) in the Town of Manheim and lying within the Life of Mine Limit set forth in the DEC Mining Permit.

ADVISORY OPINION AND RECOMMENDATIONS

Section 312 of the Zoning Ordinance provides that the Planning Board may recommend to the Zoning Board of Appeals additional standards be imposed. The Planning Board has reviewed the Revised Site Plans and determined that no additional standards to protect the health and safety of the public are required.

Recommended Conditions:

A. Safety Berm and Signage.

Given the proximity of the Life of Mine Limit to Weaver's southern boundary line (25 feet) and the sharp drop in elevation between Mr. Weaver's open crop land and the floor of the Applicant's mine, the Planning Board recommends that an earthen berm of a size approved by the ZBA and signage with content and language approved by the ZBA be installed on the Applicant's land between the Life of Mine Limit and Weaver's southern boundary line warning of the sharp change in elevation be considered as a condition to the issuance of a special use permit.

B. Compliance with DEC Mining Permit.

The Planning Board recommends that the ZBA consider making compliance with the DEC Mining permit a condition to the issuance of a special use permit.

C. DOT Recommendations.

The Planning Board recommends that the ZBA consider making compliance with the with the DOT comments and requirements set forth in its February 7, 2025 letter to the Planning Board a condition to the issuance of a special use permit.

D. Hours of Operation.

The Planning Board recommends that the ZBA consider limiting the days of operation of the mine to between April 1 and November 30 and excluding Easter, Memorial Day, Independence Day (July 4), and Thanksgiving or the day following those holidays, and Sundays, and limiting the hours of operation for Monday through Friday from 7:00 AM to 4:30 PM and Saturdays from 8:00 AM to 12:00 PM (Noon) as a condition to the issuance of a special use permit.

E. No Cut Buffer Zone.

The Planning Board was satisfied that the existing wooded areas bordering the Project site adequately screen the Project from off-site views to the extent practicable and mitigate other potential impacts. However, due to the role the mature trees, understory, and wooded areas growing on the Applicant's land play in screening the Project from view and mitigating other potential impacts, the Planning Board recommends that a "no-cut buffer zone" between the Life of Mine Limit Line and the Applicant's property boundary line on both the west and east sides of the Project be considered as a condition for the issuance of a special use permit.

SUMMARY

Based on its Site Plan Review of the Project and its Findings of Fact, the Planning Board recommends that, subject to the recommendations summarized above, the Zoning Board of Appeals grant the Applicant a special use permit to operate a commercial sand and gravel mine on the portions of land owned by the Applicant (Tax Map Parcel Nos. 115.4-2-5.2 and 115.4-2-4) in the Town of Manheim and lying within the Life of Mine Limit set forth in the DEC Mining Permit.