

Exhibit D

Grading Permit and Excavation Permit

004233

**Building Department
TOWN OF MARCY
County of Oneida . State of New York**

Examined 6/5/2019Approved 6/5/2019

Denied _____

of the _____

Because _____

Card No. _____

Permit No. 2019-32**Not in conformance with the following**
BUILDING INSPECTOR**APPLICATION FOR**Office of the
Building Inspector8801 Paul Becker Rd.
Marcy, New York 13403
Phone 768 - 4800 Ext. 234

- ☒ PERMIT FOR CONSTRUCTION / ALTERATION
☐ PERMIT FOR OCCUPANCY
☐ TEMPORARY PERMIT
☐ CERTIFICATE FOR EXISTING USE
☐ SPECIAL PERMIT

Application

Date : 5/20/2019

PB Approval

Date : 4/15/2019

ZBA Approval

Date : _____

 Location Edic Road / Split Zoning District
 Parcel Location (Street Number & Street Name) (Zoned District)
Tax Map No / Block / Lot 293.000-1-48.1Name and Address of Owner of Premises Fort Schuyler Management, 257 Fuller Road, Albany, NY 12203 Ph # _____

Email Address of Owner of Premises _____

Name and Address of Contractor O'Connell Electric inc., 830 Philips Rd., Victor, NY 14564 Ph # 585-424-3472Contractor Email Address / Permit # christopher.oberman@oconnellelectric.com / _____
 Application is hereby made to :
 a structure valued at \$ \$8,000,000.00 Fee \$100.00 + CO Fee _____

 Construction Type : Site Grading for Building Type : Commercial Fee Total : \$100.00

Floor Plans

☒ are included
☐ are not

 A complete set of plans
 stamped by a N.Y. State
 Licensed Architect or Engineer

☒ are included
☐ are not

The Structure will be as follows :	<u>NA</u>	Front Yard set back (in feet from front property line)
<u>Construction</u>	<u>NA</u>	Left set back (in feet)
<u>0 / Height (stories and feet)</u>	<u>NA</u>	Right set backs (in feet)
<u>0 Number of family units</u>	<u>NA</u>	Rear setback (in feet)
<u>Dimensions of lot</u>		Parking Spaces
<u>Corner or Interior lot</u>	<u>NA</u>	Dimensions of building

 All Construction is subject to the New York State
 Uniform Fire Prevention and Building Code and
 the New York State Energy Code.

 Prior to occupying or using this building a
CERTIFICATE OF OCCUPANCY is required.

Plot plan showing location of lot and of buildings on premises, relationships to adjoining premises or public streets or areas, and giving a detailed description of property must be drawn on the separate diagram which shall be part of this application.
Receipt of Payment this 5 day of June, 2019

Applicant Signature

Rec'd ✓ # 462959

\$100.00

O'Connell Electric Company, Inc.

6/5/19

Deputy Town Clerk

ONEIDA COUNTY DEPARTMENT OF PUBLIC WORKS
5999 JUDD ROAD, ORISKANY, NY 13424
PHONE: 315-793-6221

APPLICATION AND PERMIT FOR WORK WITHIN THE RIGHT-OF-WAY
Issued under Section 136 of the NYS Highway Law
Shoulder Excavation; Driving under Pavement; Line Installations

DATE: 03-21-2019

Application is hereby made by the undersigned for permission to excavate within the highway boundary, but not to cut the pavement (following data must be given):

Road name: SUNY PARKWAY Town: MARCY

Reference: 175' NORTH OF CL. OF TECHNOLOGY DR (Distance in feet to nearest intersecting road or landmark)

Describe work and why needed: ELECTRIC DUCT BANK BORED UNDER PARKWAY FOR SUNY POLY QUAD C_c)

Owner's name: FORT SCHYLER MANG. CORP Scott Bateman/
O'CONNELL ELECTRIC CO Proposed date of operation: JUNE 17,2019- JUNE 28,2019

Owner's address: 257 Fuller Road Albany, NY 12203

Does work require pipe or casing to be driven under the road? YES, 36" STEEL CASING FOR DUCT BANK DRILLED HORIZONTALLY

It is understood that the following conditions constitute a part of this permit and are agreed to by the undersigned.

1. The applicant is to keep in good repair all appurtenances which may be placed within the bounds of the highway under terms of this permit and hereby agrees to hold the County harmless from all claims and damages which may accrue against the County or any part of its personnel by reason of the granting of this permit or the location in the highway right-of-way of the items installed under this permit.
2. The applicant agrees upon notice from the County to make any repairs for the protection and preservation of the highway. Applicant further agrees, if the applicant fails to make such repairs and the repairs are done by the County, the applicant shall reimburse the County for the repairs. Applicant shall be responsible for reimbursing the County for repairs that are solely within their property boundaries.
3. The applicant or contractor shall maintain and protect traffic as required in the "Manual on Uniform Traffic Control Devices" and so conducting construction operations that the traveling public is subjected to a minimum of delay and hazard. Any additional traffic protection required by the County Department of Public Works shall be provided at the applicant's expense. During winter conditions, highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.

No construction materials or equipment shall be left on the shoulders or pavements after working hours, nor shall any construction equipment or material be placed in any manner or location that will obstruct drainage courses and highway or railroad warning signs.

The applicant shall keep the traveled way free of foreign objects, such as rocks, timber, and other items that may fall from transporting vehicles. Spillage of material carried by or dropped from the under-carriage of any carrying vehicle resulting from applicant's way shall be removed immediately and such traveled way, both within and outside of the work limits, shall be kept free of such spillage by the applicant.

4. The work shall progress with as little delay as possible and shall not be started until necessary materials and equipment are available. Notify County Department of Public Works five (5) days before work commences. If work is begun without notification, this permit will be immediately revoked.
5. All underground crossings shall be placed beneath the pavement and shoulder areas without disturbance to the areas and any appurtenances placed within the bounds of the highway right-of-way must be placed either on the back side of the drainage ditch or no closer than ten (10) feet from the pavement edge, unless otherwise approved.
6. UFPO NOTIFICATION: Contractor to call 811 Dig Safely, NY **BEFORE** any excavation can begin. Contractors must have approved tickets on site for inspection from a County representative.

7. Excavation within shoulder area:
 - a. Excavations shall be at least ten (10) feet from pavement edge.
 - b. Wherever the edge of the trench excavation is greater than the distance from the edge of the pavement or paved gutter, and/or within areas normally used by traffic, the backfill shall be placed in 12-inch layers and each layer thoroughly compacted; the top 12 inches of backfill shall consist of run-of-bank gravel unless otherwise specified.
 - c. Where the depth of the trench excavation is greater than the distance from the edge of the pavement to the edge of the trench, sheeting may be required and left in place if so ordered by representative of the County Department of Public Works. The backfill of the sheeted area shall proceed as stated above.
8. Excavation outside of pavement and shoulder areas:
 - a. The backfill in trenches beyond the shoulder and pavement areas but within the roadway area shall be maintained level with the original surface at all times.
 - b. All surplus material between the ditch lines shall be removed.
9. Any non-conforming features to current roadside safety that exist within the current highway boundary and are proposed to be removed/relocated/alterd will be done so in conforming manner. For example:
 - a. Driveway and driveway culverts shall conform to current NYSDOT standards.
 - b. Personal property items such as light poles, fences, trees, shrubs, etc. to be removed or relocated shall not be done so within the highway boundary unless it conforms to current roadside design standards.
10. Warning and regulatory signs on County roads shall not be disturbed, damaged, or moved by any person, contractor, or corporation granted this permit. When work allowed under this permit requires that warning or regulatory signs be moved or taken down, the contractor or person performing work under this permit shall notify the County Department of Public Works Traffic Control Division by telephone (315-793-6229) between 8:30AM and 4:00PM, Monday through Friday. The County Traffic Control Division will then take down, move, and later erect any signs. The cost of repairing or replacing any such signs damaged in the work area shall be charged to and paid by the contractor, corporation, or person acquiring this permit.
11. *Completion of Work:* The applicant shall be required to restore shoulders and ditches, and clean up the highway as work progresses. All driveways shall be restored with material in kind and to their original conditions. Any existing pipes damaged by construction shall be replaced by the applicant, with either corrugated metal or concrete pipe of the diameter specified by the County.
12. A cash deposit, certified check, or bond may be required, returnable not less than 12 months after the date of completion of the work. The applicant may be required to furnish insurance coverage naming the County as additional insured before this permit is issued; this shall be determined at the discretion of the County Department of Public Works after review of the application. The County Department of Public Works shall be notified, in writing, of the starting date and when the restoration has been completed, with reference to the permit number.
13. If future road improvements and/or traffic conditions occur, applicant will move or remove any structure that is within property boundaries at their expense when notified to do so by the County Department of Public Works.
14. Inspection by the County Department of Public Works may be required for all work performed within the right-of-way. Cost of the inspection will be borne by the applicant.
15. The applicant shall comply with plans and specifications as approved by the County Department of Public Works.
16. The applicant shall comply with the attached subsurface utility as-built policy.

The County may, upon failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove or require the applicant to remove anything installed pursuant to this permit.

NOTE: Section 136 of the NYS Highway Law allows fines up to \$1,000 per day for violations of working within the right-of-way without a valid permit.

SUBSURFACE UTILITY AS-BUILT WITHIN THE RIGHT-OF-WAY

This permit requirement applies to relocated or newly placed underground facilities within Oneida County's right-of-way.

The Utility shall be located by Northing, Easting, and Elevation tied into the New York State Plane Coordinate System with a location accuracy of one-tenth of a foot at any change in direction. Intervisible control will be established along the entire length of the utility, with ties. A Coordinate list and plot of the above will be certified by a New York State Licensed Land Surveyor or Professional Engineer and furnished to the Oneida County Department of Public Works Division of Engineering as a hard copy and digital in AutoCAD 2010 format.



Applicant's name: CHRISTOPHER OBERMAN Address: 390 SYSTEMS RD ROCHESTER, NY 14623
Applicant's signature:  Phone: 585-295-6811
Contractor's name (if different): O'CONNELL ELECTRIC CO

Approved by and granted:

Dated: OFFICE USE ONLY Deputy Commissioner: Division of Highways & Bridges
Permit expires: OFFICE USE ONLY
Deposit required: \$200.00 Permit fee: \$20.00 Receipt: OFFICE USE ONLY
Received on deposit: OFFICE USE ONLY Receipt #: OFFICE USE ONLY
Actual starting date: _____
Date work completed: _____ (Maintenance responsibility ends **one year from completion**)
Final Disposition: _____ Approved by: _____
District Supervisor
Permit #: OFFICE USE ONLY