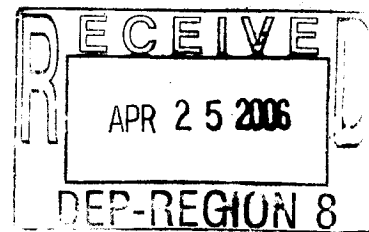


TOWN OF SHELBY
County of Orleans
4062 Salt Works Road
PO Box 348
Medina, NY 14103



Office of Town Clerk 585-798-3120
Office of Highway Supt. 585-798-3248
Office of Assessor 585-798-3465

Please respond to:
David C. Schubel
Webster and Schubel, LLP
343 Main Street, P.O. Box 606
Medina, NY 14103
(585) 798-2250

April 20, 2006

NYS DEC
Region 8 Office
6274 East Avon Lima Road
Avon, NY 14414-9519

Re: Lead Agency Determination
DEC 8-3436-00033/00001 MLR 800823
Frontier Stone LLC – New Shelby Quarry
Shelby (T), Orleans County of Orleans

Dear Sir or Madam:

The Town of Shelby is in receipt of your correspondence with respect to the above in which you advise the Town of the Department's policy to seek lead agency for purposes of SEQRA review for all mining projects, and in this instance, to serve as lead agency for the above.

The Town of Shelby has carefully considered your request. Please be advised that the Town is in agreement that the Department should serve in this capacity and proceed with the environmental impact review of this application.

Please be further advised that it is the position of the Town of Shelby that the Town is an involved agency with respect to this application. Accordingly, the Town requests to be copied with all relevant correspondence concerning the SEQRA review process and copies of all documentation which is submitted by the applicant in this matter.

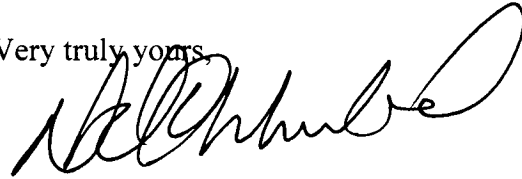
The Town is particularly concerned that all issues which will impact upon the Town are duly and properly considered including such matters as noise, dust, water table impacts, and traffic arising from the potential operation of a quarry in the proposed area.

The Town notes that at this time, you have served notice on the applicant that the status of its application is incomplete. The Town is hereby requesting that your office notify the Town when you have made the determination that the applicant's application is complete.

In addition to the concerns of the Town enumerated above, the Town wishes to be heard on all reclamation plans.

Should you wish any further input from the Town at this point, please advise the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Schubel', written in a cursive style.

David C. Schubel
Shelby Town Attorney

DCS/cw

cc: Merle L. Draper, Supervisor
David Bushover, Code Enforcement Officer