

**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2021-0075</b></p>
<p>In the Matter of the Application of</p> <p><b>THOMAS J. SUNDERLIN, JR. and RED ROCK QUARRY ASSOCIATES, LLC</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: <b>XXXX</b></p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p><b>1. Red Rock Quarry Associates, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a mineral extraction in an area classified Moderate Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Forestport, Oneida County.

This authorization shall expire unless recorded in the Oneida County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when any of the authorized activities associated with the mineral extraction begin.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

## **PROJECT SITE**

The project site is an approximately 56.5-acre parcel of land located on Stone Quarry Road in the Town of Forestport, Oneida County, in an area classified Moderate Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 8, Block 1, Parcel 8, and is described in a deed from Thomas J. Sunderlin, Jr. to Red Rock Quarry Associates LLC, dated March 14, 2021, and recorded March 16, 2021 in the Oneida County Clerk's Office under Instrument Number 2012-004274.

The project site is currently vacant except for blocks of granite and tailings piles from prior extraction activities abandoned in the 1930's. The site has been used for on-going forest management activities, and woods roads and skidder trails are present throughout the property.

White Lake Outlet forms the southern property boundary of the project site and flows from White Lake west of NYS Route 28 into the Graham Creek as part of the Black River watershed. The project site contains a portion of a value "1" forested, shrub swamp and emergent marsh wetland complex associated with the White Lake Outlet.

Adams, Becket-Turnbridge, and Turnbridge-Lyman soils adjoin the granite outcroppings on the project site. These series are described as well-drained sand and gravel derived from gneiss and not generally associated with farmland.

Existing access to the project site is from Stone Quarry Road, a town-owned, gravel road extending approximately one-quarter mile from NYS Route 28 to the boundary of the project site. There is no public access on Stone Quarry Road past the White Lake Outlet.

Private residential and forested land adjoins the property to the north, west, and south of the project site, with development visible along NYS Route 28. An isolated portion of the Black River Wild Forest is located to the southeast of the site; this land is separated from the project site by a privately-owned portion of the New York Central Railroad Adirondack Division Historic District corridor.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the operation of a mineral extraction of dimensional stone with a maximum area of 8.8 acres to be affected under the permit term.

Slopes in the affected area are less than 8%, except for some near vertical slopes of exposed granite bedrock, portions of which are associated with previously abandoned extraction activities.

No structures are proposed. All on-site development and activities associated with the extraction will be screened from off-site locations.

The project is shown on the following maps, plans, and reports (Project Plans):

- “White Lake Granite Quarry, Mined Land Use Plan,” prepared by Strategic Mining Solutions LLC and dated April 2021 (Mined Land Use Plan);
- A letter dated April 22, 2021, prepared by Strategic Mining Solutions LLC and addressed to NYSDEC – Region 6 Utica Sub-Office-Permits;
- A letter dated April 28, 2021, prepared by Strategic Mining Solutions LLC and addressed to Adirondack Park Agency;
- A letter dated July 17, 2021, prepared by Strategic Mining Solutions LLC and addressed to NYSDEC – Region 6 Utica Sub-Office-Permits;
- “Mine Plan Map,” prepared by Strategic Mining Solutions LLC, dated February 15, 2021 and revised September 7, 2021;
- “Reclamation Plan Map,” prepared by Strategic Mining Solutions LLC, dated February 15, 2021 and revised September 7, 2021; and
- “Typical Sections,” prepared by Strategic Mining Solutions LLC, dated February 15, 2021 and revised September 7, 2021.

A reduced-scale copy of the Mine Plan Map is attached as a part of this permit for easy reference. The original documents described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any mineral extraction on Moderate Intensity Use or Rural Use lands in the Adirondack Park.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Oneida County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: “The lands conveyed are subject to

Adirondack Park Agency Permit 2021-0075, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

5. This permit authorizes the undertaking of a mineral extraction within the Affected Area and Limits of Clearing shown on the Mine Plan Map and as described in the Project Plans. The project shall be undertaken in compliance with and as described in the Project Plans. Any change to the Mined Land Use Plan, Mine Plan Map or other aspect of the Project Plans shall require prior written Agency authorization. Any mineral extraction activities or storage of equipment or material outside of the Affected Area and Limits of Clearing shown on the Mine Plan Map shall require a new or amended permit.
6. The undertaking of any new land use or development on the project site, including the construction of accessory structures, shall require prior written Agency authorization.
7. Any lighting associated with the mineral extraction shall require prior written Agency authorization.
8. Any signs associated with the mineral extraction on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
9. Outside of the Affected Area and Limits of Clearing shown on the Mine Plan Map, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
10. The undertaking of any activity involving wetlands shall require a new or amended permit. Any maintenance, replacement or expansion of the existing crossing of Stone Quarry Road over the White Lake Outlet shall require prior written Agency authorization.
11. The mineral extraction shall only operate April 1 through October 31, Monday through Friday, 7am-6pm and on Saturdays, 7am-12pm. No operations shall occur on Memorial Day, Juneteenth, Independence Day, Labor Day or Columbus Day. Any change to the operating season or hours of operation shall require prior written Agency authorization.
12. All drilling shall only occur April 1 through October 31, Monday through Friday, between the hours of 8am and 5pm. No drilling shall occur on Saturdays, Memorial Day, Juneteenth, Independence Day, Labor Day or Columbus Day.
13. All blasting shall only occur April 1 through October 31, Monday through Friday, 9am-3pm. No blasting activities shall occur on Saturdays, Memorial Day, Juneteenth, Independence Day, Labor Day or Columbus Day. There shall be no more than two blast events on any day of operation and no blast shall exceed a

maximum charge of 100 pounds without prior written Agency authorization. Any blasting on the project site shall be supervised by a NYS Department of Labor certified Blaster.

14. Any crushing on the project site shall only occur for a maximum of thirty days during the April 1 through October 31 operating season, Monday through Friday, 7am-6pm. No crushing activities shall occur on Saturdays, Memorial Day, Juneteenth, Independence Day, Labor Day or Columbus Day. There shall be no crushing activities that result in a maximum output of greater than 150 tons per hour without prior written Agency authorization.
15. All trucking associated with the transportation of extracted stone, processed material, and any associated materials and equipment shall only occur during the hours of operation authorized in Condition 11 above. There shall be no more than 20 truck trips to or from the project site on any day. The transportation of any material to the project site for on-site stockpiling or disposal shall require prior written Agency authorization.
16. This permit shall expire, and all authorized activities shall cease on the project site five years after the date the permit is recorded in the County Clerk's Office unless a request for a renewed permit term is received by the Agency at least one month prior to that date.
17. Reclamation shall occur concurrently in accordance with the Reclamation Plan Map and as described in the Project Plans. Any change to the Reclamation Plan shall require prior written Agency authorization.
18. When brought from off-site, all equipment to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Moderate Intensity Use and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use and Rural Use land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this        day  
of                               , 2021.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Robert J. Lore  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                                in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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 they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public