

**PERMIT WRITING FORM – P2021-0075**

Assigned EPS: **Devan Korn** Reviewed by: **DRAFT** Date: **Click or tap to enter a date.**

**APPLICANT**

Project Sponsor(s): **Thomas J. Sunderlin Jr.**  
Landowner(s): **Red Rock Quarry Associates, LLC**  
Authorized Representative: **David Shank, Strategic Mining Solutions**

**PROJECT SITE**

Town/Village: **Forestport** County: **Oneida**  
Road and/or Water Body: **Stone Quarry Road, White Lake Outlet Brook**  
Tax Map #(s): **8.000-1-8**  
Deed Ref: **Instrument Number 2012-004274: Thomas J. Sunderlin, Jr. to Red Rock Quarry Associates LLC, dated March 14, 2021, and recorded March 16, 2021**  
Land Use Area(s): H MIU LIU RU RM IU  
Project Site Size: **56.5± acres**  
Same as Tax Map #(s) identified above  
Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above  
Other (describe):**NA**  
Lawfully Created? Y N Pre-existing subdivision: **NA**  
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: **NA**  
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

**PROJECT DESCRIPTION**

Operation of a mineral extraction of dimensional stone with a maximum area of 8.8 acres to be affected under the permit term. Mineral extraction operations to occur seasonally April through October, Monday through Friday 7am-6pm and on Saturdays 7am-12pm with a maximum of 20 truck trips during any day of operation.

*805(35) – “Mineral extraction” means any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, granite, [petroleum products or other materials,] except for commercial sand, gravel or topsoil extractions; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.*

**JURISDICTION (including legal citation)**

**810(1)(b)(11) – Mineral Extraction (secondary use) in MIU – Class A regional project**  
**810(1)(d)(12) – Mineral Extraction (secondary use) in RU – Class A regional project**

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

**None**

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

## Lakes, Ponds, Navigable Rivers and Streams

Check if none

### Non-Navigable Streams in proximity to development

Check if none

Permanent Stream  Intermittent Stream Classified?  Y  N

[DEC Environmental Resource Mapper](#) stream classification: C: 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. There are two existing culverts under Stone Quarry Road White Lake Outlet crossing that leads to the project site. The north side of the crossing is improved with pre-existing stone and concrete wingwalls.

### Wetlands

Y  N Jurisdictional wetland on property

If Y: Part of a larger complex with > 20 acres within the mean high water mark White Lake Outlet  
→ Covertypes: Forested, shrub swamp and emergent marsh  
→ Value rating: 1

Y  N Proposed development < 100 feet of wetlands  If Yes, stormwater management, including erosion and sediment control, reviewed and approved by RASS engineer

Y  N Wetlands are a basis of development jurisdiction

### Ecological / Wildlife

Y  N Natural Heritage Sites/listed species or habitat present, including bat

Y  N Forest management plan existing or proposed  If Yes, RASS forestry analyst consulted

Y  N Biological Survey required by RASS Biologist 2 or Supervisor  If Yes, completed

Y  N Aquifer  If Yes, RASS engineer consulted

### Special Districts

Y  N Agricultural District

### Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0 - > 25% Building area(s) if authorizing development: N/A: The affected area consists of slopes less than 8% with the exception of the extraction area associated with the existing exposed granite bedrock which includes near vertical slope aspects.

### Soils

Y  N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst

NRCS Mapped Soil Series or Other Comments: Adams, Becket-Turnbridge, and Turnbridge-Lyman soils adjoin the granite bedrock outcroppings on the project site. These series are described as well-drained sand and gravel derived from gneiss and not generally associated with farmland. The groundwater table within the Excavation Area is anticipated between approximately 1,350 – 1,440 feet above Mean Sea Level.

### Stormwater

Y  N Greater than 1 acre disturbance

Y  N Wetland less than 100 ft from proposed ground disturbance

### Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: Private residential and forest land adjoin the property to the north, west and south of the project site. An isolated portion of the Black River Wild Forest is located to the southeast of the site which is separated by a privately-owned portion of the New York Central Railroad Adirondack Division Historic District corridor.

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: Nearby development, including residential and commercial uses, is readily visible along NYS Route 28 to the west and south of the project site. No development is visible from Stone Quarry Road.

**Additional Existing Development** (ex: dam on site, etc.): Access to the project site from Stone Quarry Road is gated just past the White Lake Outlet crossing. Various piles of large previously extracted blocks of granite exist on the project site near the proposed Excavation Area from prior extraction activities abandoned in the 1920s. Woods roads and skidder trails are present throughout the project site.

**Existing Development**  
**PRINCIPAL BUILDINGS**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
None

**ACCESSORY STRUCTURES**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
None

**Proposed Development**  
**PRINCIPAL BUILDINGS**

Check if portions or all below are NJ   
Check if proposed as a non-building lot:

Structure Footprint Height # Bedrooms Slopes  
None

Have necessary density? Y N

# remaining potential principal buildings = 37 in MIU and 1 in RU from survey or estimate

**ACCESSORY STRUCTURES**

Structure Footprint Height Slopes  
None

**MINERAL EXTRACTION**

Life of Mine Excavation Area Affected Area  
26.6 Ac. 5.2 Ac. 8.8 Ac.

**ACCESS**  
mile

\*Consult RASS engineer for driveway > 12% slope / \*consult RASS ecologist for driveway > 1/4

Driveway is existing / proposed Length: 1,000 feet Width: 12 feet

Sight distance evaluated? Y N Slopes: < 8%

Need Clearing/Grading? Y N

Need hwy access permit? Y N

Need easement? Y N

Need signs?  Y  N

Comments: Stone Quarry Road is a seasonal gravel road owned by the Town of Forestport that extends approximately one-quarter mile from NYS Route 28 to a crossing over White Lake Outlet, which forms the southern property boundary of the project site. NYS Department of Transportation (DOT) has recommended improvements be made to the intersection with the state highway, including widening Stone Quarry Road, signage and vegetation removal for the proposed use and a Highway Work Permit is required for any work performed within the right-of-way of NYS Route 28. It is anticipated that the Town of Forestport will include a condition in any approvals issued for the project requiring that the intersection be improved pursuant to engineered plans reviewed and approved by the DOT and that the quarry operator will be responsible for any required intersection improvements and maintenance of Stone Quarry Road going forward.

### VISUAL / AESTHETIC

Y  N Proposed development visible from public areas (list) **No structures are proposed. All site development and on-site activities associated with the extraction will not be visible from off-site locations.**

Y  N Existing topography / vegetation will screen, if retained

Y  N Planting plan proposed  If Yes, RASS forestry analyst consulted

### WASTEWATER TREATMENT (WWTS) \*Consult RASS engineer for engineered plans

Individual on-site  Municipal  Community  None

Comments: *No on-site WWTS is proposed or required.*

### WATER SUPPLY

Individual on-site  Municipal

Y  NA All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

Comments: *A drilled well is proposed within the affected area that will be used as necessary during operation of the mineral extraction in association with stone cutting, drilling and dust reduction requirements. A residential-grade submersible well pump will provide a maximum of 10 gallons per minute when in use.*

### STORMWATER / EROSION & SEDIMENT CONTROL \*Consult RASS engineer

Y  N/A Does proposed development maintain existing drainage patterns?

Comments: *The proposed extraction will affect a maximum of 8.8 acres during the permitted 5-year term. Timber removal and subsequent topsoil stripping activities are proposed to be undertaken incrementally in small areas within the 8.8 Affected Area to accommodate one to two seasons of production. Stormwater will be managed internally within the Affected Area. Topsoil will be stockpiled on site to be used for reclamation activities and disturbed areas will be revegetated as the affected portions of the site reach final grade. All excavation will occur a minimum of five feet above the groundwater table. Erosion and sediment control devices will be deployed as necessary downgradient from disturbed areas within the Affected Area.*

## UTILITIES

Available on site?  Y  N  Overhead  Underground  
Available at road?  Y  N  Overhead  Underground  
Proposed for site?  Y  N  Overhead  Underground

Comments: Any power required for electrical equipment operation will be provided by a portable generator.

## FINDINGS OF FACT – COORDINATED REVIEW

Y  N Archeologically Sensitive Area, according to OPRHP  OPRHP consulted  
 Y  N Structures > 50 years old on or visible from site  OPRHP consulted  
 Y  N Within Lake George Park  If Yes, LGPC consulted / application submitted  
 Y  N Greater than 1 acre disturbance / SWPPP/MLUP required  DEC application submitted  
 Y  N Public water supply  If Yes, DEC / DOH application submitted  
 Y  N Greater than 1,000 gpd wastewater  If Yes, DEC application submitted  
 Y  N Disturbing bed or bank of water body  If Yes, DEC application submitted  
 Y  N Creating 5 or more lots less than 5 acres each  If Yes, DOH application submitted  
 Y  N Army Corps involvement  If Yes, ACOE consulted  
 Y  N Agency-approved Local Land Use Program  If Yes, Town/Village consulted  
 Y  N Other local land use program  Town/Village consulted  
 Y  N Direct access to State Highway  DOT consulted

Comment: OPRHP provided a letter stating that the project would have no impact on historic resources and further discussion with staff indicates that their determination included review of the geological feature referred to locally as "Putt's Monument." The DEC had a complete mining permit application for the project on August 18, 2021 and held a legislative public comment hearing on September 2, 2021. The Town of Forestport has had public meetings during the Agency's review period where this project was discussed and further review of the Town Board is pending decisions by the APA and DEC.

## PERMIT CONDITIONS AND IMPACT ANALYSIS

### Merger

Justification if merger required: NA

### Deed Covenant

Non-building lot being created?  Y  N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: NA

### Easement

Easement proposed or required?  Y  N

If Y, consult with Legal for conditions. Justification: NA

### Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review?  Y  N

→ If Y: Structure height limit and justification: NA

Structure footprint limit and justification: **NA**

→ If N:

→ Acceptable development sites identified for all subdivision lots Y NA

→ Review of future development required? Y N

→ If Y, justification: **Minimize potential impacts to on-site resources and nearby land uses.**

**Guest Cottages (if authorizing a dwelling)**

**Check if none**

**Boathouses (if project site contains shoreline)**

**Check if none**

**Docks (if project site contains shoreline)**

**Check if none**

**Outdoor Lighting (if authorizing development)**

Plan proposed and reviewed? Y N

**Building Color (if authorizing development)**

If color condition required, justification: **NA**

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? Y N

If Y, consult with RASS for conditions. Justification: **NA**

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

on entire site outside affected area and limits of clearing

within \_\_\_\_\_ feet of limits of clearing

within \_\_\_\_\_ feet of road

within \_\_\_\_\_ feet of river/lake/etc

Other: **NA**

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited

Cutting of trees of \_\_\_\_\_ diameter dbh prohibited

Other: **Trees, shrubs, or other woody stemmed vegetation**

Justification: **Avoid impacts to wetlands and surface water and minimize potential visual and auditory impacts to nearby and adjoining land uses.**

**Plantings**

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: **Creeping Red Fescue (20lbs/acre), Redtop (2lbs/acre), and Birdsfoot Trefoil (8lbs/acre). Revegetation of the affected area will be conducted in accordance with requirements of 6 NYCRR Part 422.3.**

Justification: **Minimize potential for stormwater runoff, erosion, sedimentation and provide dust mitigation.**

**Wetlands**

Consult with RASS for conditions. Justification: A minimum undisturbed buffer of 100 feet between all new land use and development and the wetland boundary will avoid any impacts to the wetland complex associated with White Lake Outlet.

**Density (may be different for each subdivision lot)**

Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: No Principal Buildings or other structures exist on the project site.

Mathematically available # of new PBs (in addition to existing or replacement): 40 in MIU and 1 in RU

Extinguishing PBs? Y N If Y, number: NA

**Wastewater (if authorizing construction of a new PB without further review)** Check if N/A

**Stormwater Management (if authorizing development)**

Consult with RASS for conditions. Justification: Mined Land Use Plan includes stormwater management practices so that stormwater will be managed internally within the affected area.

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Justification: Mined Land Use Plan includes erosion and sediment control practices to be utilized as needed in downslope areas within and at the limits of the Affected Area.

**Infrastructure Construction (if authorizing development)**

Construction necessary before lot conveyance: NA

Justification: NA

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed: No building color condition included because no structures are proposed or authorized.

**Additional Site / Project-Specific Concerns / Conditions Needed**

Signage, Operations (Crushing, Drilling, Blasting, Trucking, Reclamation) Invasive Species Control, and Permit Term

Justification: Minimize potential impacts to nearby land uses and spread of invasive species into the project area. A 5-year permit term will ensure compliance with permit conditions and allow for Agency review of future activities associated with the proposed Life of Mine.

Y N **Public comments received**

**Comments:** The Agency notified the adjoining landowners as identified by the application, Town, County and Local Government Review Board Officials and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act.

Additionally, the Agency made the file materials available to the public on the Agency's website throughout the review process.

Approximately 56 individual comments were received prior to a complete application and 314 individual comments were received during the formal public comment period held between July 7 and July 29, 2021 (multiple form letters and petition statements identifying additional concerned individuals were also received). The Agency received another 77 comments after July 29 and oral comment was received at the July, November and December Agency Meetings. Public comments were submitted by nearby and adjoining landowners as well as other interested individuals and parties including technical reviews of application materials prepared by private consultants.

Staff reviewed all public comments, including all attachments. All of the comment letters received were in opposition to the proposed mineral extraction, except for several that were from area residents and individuals in support of the project. The public comments generally reflected concerns about potential impacts to nearby and adjoining land uses, the character of the area, wetlands, water quality, wildlife, and other natural resources. Many of these comments indicated confusion or misinformation as to the scope of the project and the Agency's review authority.

**Y**    **N**   **Applicant submitted response**

The applicant and the applicant's authorized representative responded to the public comments received in addition to providing technical responses to comments.