

April 28, 2021

Adirondack Park Agency  
PO Box 99  
1133 NY Route 86  
Ray Brook, NY 12977-0099

Re: Project Permit: 2021-0075; Tom Sunderlin/White Lake Granite Quarry

Dear EPS Staab,

Thank you for comments outlined in your NIPA letter dated April 20, 2021. Please find the following summarized response in this letter Addendum and revised Mine & Reclamation Plans for the White Lake Granite Quarry project site.

Agency comments and responses of the applicant are presented in summary for the convenience of the reviewer.

- 1. General Information Request Item 13- Wetlands: Please revise the maps titled "Mine Plan Map and Reclamation Plan Map, prepared by SMS to also include the portion of wetlands described as being located on the southeastern property corner and depicted on the enclosed wetlands air photo interpretation, to show a 100-foot buffer from wetlands in this area to the proposed LOMB. Field verification of wetlands may be required if the proposal changes to include development or mining activities near the 100-foot wetland buffer.*

The proposed LOMB is revised as requested to avoid wetlands and the 100-foot buffer. The adjustment results in a 0.1+/-acre reduction in the proposed LOMA to 26.6+/-acres. Land disturbance of any kind is not proposed to occur in wetlands or the 100-foot buffer.

- 2. GIR Item 14- Local Government Notice Form: Please have the LGN form completed, signed by the appropriate town official and submitted to the Agency.*

The LGN Form was emailed to the Town of Forestport Town Clerk Tracy Terry on April 26, 2021.

- 3. GIR Item 2 - Current Property Owners: For the current deed of record for this project site, please provide the cover page filed in the Oneida County Clerk's Office that shows the recordation date and Book/Page or Instrument Number. Please also provide the following deeds of record:*

- Deed to Nicholas Gentile, Thomas Sunderlin, Jr. and Marin Zarnock from Nicholas Gentile, dated September 30, 1993 and recorded in Book 2664, page 360, including cover page; and*

- *Deed recorded on September 28, 2005 under the Instrument number 2005-020580, including cover page.*

Please find the requested deeds appended to this Addendum.

4. *Supplemental Information Request Item 5- Operation Profile: The proposed hours of operation for the mineral extraction, including facility construction, maintenance, extraction operations, material processing (i.e., screening and crushing), material loading and transportation, are proposed to operate from April-November, Monday -Friday 6am-7pm and Saturday 7am-12pm, with no operation occurring on Sundays or legal holidays.*

*Due to the proximity of the proposed mineral extraction with respect to numerous year-round and seasonal residences, please reduce the proposed hours of operation to start later and end earlier Monday-Friday to mitigate potential impacts to adjoining landowners.*

As a measure of good faith and out of respect to the neighbors the applicant will agree to reduce the proposed hours of operation, as requested. However, it should be noted that with regards to potential impacts from truck traffic and noise that neighbors should expect no change resulting from the proposed project, regardless of operational hours.

Truck traffic resulting from the operation, even as it is fully developed, will be 20 per day or less. **The proposed maximum volume of truck traffic represents a less than 1% increase over existing levels on NY Route 28. The vast majority of days truck traffic will be less than five and often zero.** This due to the nature of the proposed low-intensity dimension stone mining.

The potential impacts from noise from the proposed action were addressed in Section 4.2 (Noise Impact Assessment) of the MLUP. The NIA analyzed potential impacts from noise on the nearest and most sensitive receptors under a worst-case scenario and determined that the proposed activity will not result in an increase sound above the existing ambient level. Two main factors influence the affect of noise on the nearest receptors; the proposed mine is small in scale with methods and impacts very different than typical aggregate quarries. The project site is located behind topographic and forested barriers which very effectively attenuate sound from mining activities.

The applicant proposes the following reduced hours of operations for day-to-day activities at the project site; Monday-Friday 7am-6pm, Saturday 7am-12pm with no operations on Sundays or legal holidays.

*Please provide separate hours of operations for crushing and transportation activities appropriate for the dense residential character of the area to mitigate any potential adverse impacts to adjoining landowners.*

The applicant proposes the following reduced hours of operations for crushing (processing ancillary rock for use as aggregate) activities at the project site; Monday-Friday 8am-4pm, Saturday 8am-12pm with no operations on Sundays or legal holidays. Due to the necessity of flexible transportation options and minimal traffic volume, the applicant contends that truck traffic be permitted during normal hours of operations stated above (M-F 7am-6pm, Sat 7am-12pm, no Sundays or legal holidays).

5. *SIR Item 6 - Blasting Information: Please provide a Blasting Plan that addresses the following:*

- *Pertinent safety requirements;*
- *Limits of blasting work;*
- *Scheduled start date(s), frequency and length of blasting operations and blast monitoring operations;*
- *Demonstrate compliance with the project plans prepared for the site: and*
- *Include all steps necessary to ensure the proposed blasting activity does not damage neighboring properties.*

With regard to safety requirements, blasting operations conducted throughout NY State are regulated under 6 NYCRR 422.2 with specific Conditions of the MLR Permit written to address safety and environmental concerns unique to each project site. All proposed blasting is required to be supervised by a NY Licensed Blaster accredited by the NY Department of Labor Standard Occupational Classification #47-5301. Standards of conduct for blasting operations in NY are defined under the regulation 12 NYCRR 61-4.8. All aspects of blasting operations are to be conducted in accordance with the law which is designed to ensure the safety of those conducting blasting as well as the surrounding community. All blasting operations proposed at the White Lake Quarry will be supervised by a NY Licensed Blaster in accordance with the law.

Proposed limits of blasting operations at the project site shall occur within the 5.2+/-acre excavation area depicted on the Mine and Reclamation Plan Maps (dated February 15; last revised April 2021). It should be noted that blasting is proposed to be utilized only when necessary as an alternative to expandable grouts, mechanized removal and other means. Please refer to Section 3.2.1 of the MLUP where methods of extraction are described.

Blasting activities, when necessary, are proposed to occur during the seasonal operating period of mid to late April to early November. The hours during which blasting is proposed will be between the hours of 9am-3pm with no more than two events to occur in a single day. Blast monitoring will be conducted as required in the MLR Permit using a properly calibrated seismograph placed at a location designed to measure ground vibration and air overpressure at or near the property line of the project site.

All mining and support operations at the project site shall be conducted in compliance with all local state and federal laws and regulations. The operator should expect site inspections to occur at least annually to ensure compliance.

The proposed blasting activities are minimal in nature, as described in Section 3.2.1 of the MLUP. Blasting in the proposed dimension stone quarry operation uses a small fraction of explosive agent in comparison to aggregate quarries. This type of blasting does not induce measurable ground vibrations or air overpressure due to its minimal nature. The NY Licensed Blaster is required under the law to conduct blasting in a manner that ensures protection of those onsite

and within the surrounding community. Records of each event shall be kept for inspection by NYSDEC and/or APA staff as required.

6. *SIR Item 7 - Mine Plan Map: Please revise this map top also include the following:*

- *Proposed limits of vegetative clearing and a label for the existing limits of vegetative clearing;*
- *Revise the affected area and its corresponding calculation to also include the entire excavation area; and*
- *Wetland revisions described in Item 1 above.*

The limits of existing vegetative clearing are indicated on the revised Mine Plan Map with a "Treeline/Hedge" line and note. The maximum potential limits of clearing to the LOMB are shown on the revised Reclamation Plan Map. In reality, clearing will not reach the LOMB but rather will be constrained to the minimum space necessary to conduct safe and efficient operations. The operator is further incentivized to limit the area to be affected under the financial burden of the reclamation bond, which increases as more area is affected.

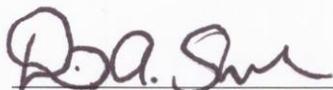
The proposed affected area for the initial five-year permit term has been revised to include 8.8+/-acres. Only the portion of the proposed excavation area shown in orange hatch is intended to be affected over the initial permit term. The area is depicted as such to aid NYSDEC in establishing an appropriate value to be held in the bond.

The proposed LOMB is revised as requested to avoid wetlands and the 100-foot buffer. The adjustment results in a 0.1+/-acre reduction in the proposed LOMA to 26.6+/-acres. Land disturbance of any kind is not proposed to occur in wetlands or the 100-foot buffer.

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Please feel free to contact me with questions. Thank you very much.

Sincerely,



David A. Shank, PG  
Strategic Mining Solutions, LLC

ec. Chris Lucidi, NYSDEC Mined Land Reclamation  
Andrew Abbott, NYSDEC Mined Land Reclamation  
Tom Sunderlin, Applicant/Owner

Enclosures:

- Deed: September 20, 2005
- Deed: March 14, 2012
- "MINE PLAN MAP" dated February 15, 2021; last revised April 2021
- "RECLAMATION PLAN MAP" dated February 15, 2021; last revised April 2021

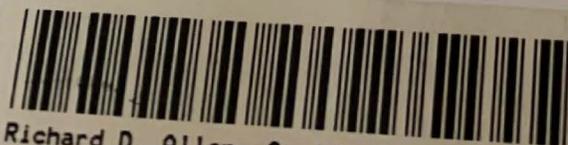
## SHERIFF'S DEED

This indenture made the 20<sup>th</sup> day of September, 2005, between Daniel G. Middaugh, 6065 Judd Road, Oriskany, New York, 13424 as Sheriff of the County of Oneida in the State of New York, party of the first part, and Martin Zarnock, Sr., 8192 Woods Highway, Whitesboro, New York, 13492, party of the second part.

WHEREAS, a certain execution was issued on the 24th day of May, 2005 on a judgment obtained in the Supreme Court of the County of Oneida, State of New York entered on October 30, 1995 in an action between John Catera, as plaintiff, and Nicholas Gentile, as defendant in favor of John Catera, the judgment creditor, against Nicholas Gentile, judgment debtor, in the amount of \$11,072.56, together with interest from October 30, 1995, as same appears on the judgment roll filed in the office of the Oneida County Clerk on October 30, 1995, and

WHEREAS, said execution was directed and delivered to the Sheriff of Oneida County commanding him to satisfy said judgment out of the real and personal property of the judgment debtor and said Sheriff, by virtue of and in obedience to the command of said execution, levied on and seized all right, title and interest which the judgment debtor, Nicholas Gentile so had of, in and to the premises herein conveyed and described, and on the 9<sup>th</sup> day of September, 2005, sold the premises at public auction at the Oneida County Courthouse, Utica, New York, and having first given public notice of the time and place of such sale by advertising, posting and serving such notice according to the law, at which sale such premises were struck off to Martin Zarnock, Sr. for the sum of One and 00/100 Dollars (\$1.00), he being the highest bidder and that being the highest sum bidden for such premises.

WHEREUPON, the Sheriff of Oneida County, after receiving from the party of the second part the sum so bidden as aforesaid, gave to



2005-020580

09/28/2005 11:44AM

Page: 1 of 4

Richard D. Allen, Oneida County Clerk D

Marty Zarnock, Sr. the proofs of publication, posting and service of the notice of such sale as directed by law to be given.

NOW THIS INDENTURE WITNESSETH, that said party of the first part, by virtue of the said execution, and in pursuance of the act in such cases made and provided, and in consideration of the sum of money so bidden, as aforesaid to him duly paid, has sold and by these presents does grant and convey to the said party of the second part, his heirs, successors and assigns, all of the estate, right, title and interest which the said defendant, Nicholas Gentile, had on the 30<sup>th</sup> day of October, 1995 or at any time thereafter, in and to all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Forestport, County of Oneida, State of New York, described as follows:

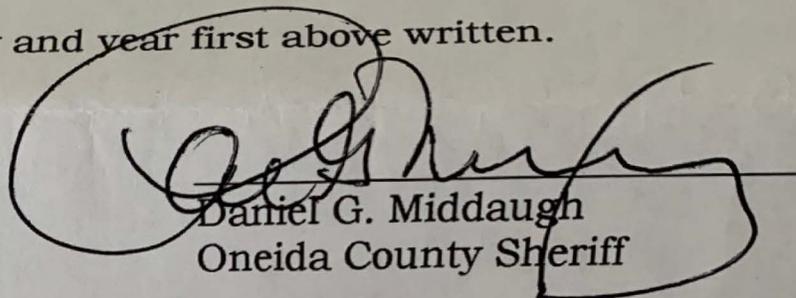
All that certain plot, piece or parcel of land, situate in the Town of Forestport, County of Oneida, and State of New York, beginning at a spruce tree being the northeast corner of Lot No. 8, Adgate's Eastern Purchase, Miller & Swanton Tract; running thence north 87 degrees W., along the northerly line of said Lot Eight 1000 ft. (more or less) to a spruce tree cornered and marked; thence southwesterly to a stake standing S. 80 degrees E., 500 ft., from S.W. corner of F. Gaus' camp site (now or formerly) on White Lake; thence south 60 ½ degrees E., to the corner of the outlet of White Lake; thence down the stream as it winds and turns 462 ft. to the center of the highway bridge (said highway being known in 1989 as Stone Quarry Road); thence down the center of said stream to the westerly bounds of the Mohawk and Malone Railway Company's property (now or formerly); thence northerly along the westerly bounds of said railway company's property to the place of beginning, containing 60 acres of land more or less.

The above described premises are the same premises which were conveyed to Nicholas Gentile, Thomas J. Sunderlin, Jr. and Martin Zarnock by Quitclaim Deed of Nicholas J. Gentile, dated September 30, 1993 and recorded September 30, 1993 in the Oneida County Clerk's Office in Book of Deeds 2664 at page 360.

To have and to hold the premises herein granted unto the party of the second part, his heirs, successors and assigns forever.

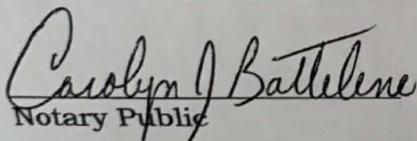
That said party of the second part shall quietly enjoy said premises.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal on the day and year first above written.

  
Daniel G. Middaugh  
Oneida County Sheriff

State of New York  
County of Oneida

On this 20<sup>th</sup> day of September, 2005, before me personally appeared Daniel G. Middaugh, to me personally known and known to me to be the Sheriff of Oneida County and the same person described who executed the within instrument and he acknowledged to me that he executed same.

  
Notary Public

Carolyn J. Battelene  
Notary Public, State of New York  
No. 01BA4978310  
Appointed in Oneida County  
My Commission Expires 2/25/07

## WARRANTY DEED WITH LIEN COVENANT

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made the 14th day of March, 2012, **between**

Martin Zarnock, aka Martin Zarnock Sr., residing at 249 Woods Road, Whitesboro, New York

Party of the First Part,

and

Thomas J. Sunderlin, Jr., residing at 2350 Douglas Avenue, Yorkville, New York 13495

Party of the Second Part,

**WITNESSETH**, that the party of the first part, in consideration of \$1.00 dollars, lawful money of the United States, paid by the party of the second part, and other good and valuable consideration, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

See Schedule "A" attached hereto and made a part hereof.

**SUBJECT** to covenants, conditions, restrictions and easements of record, and utility easements, whether or not of record.

**BEING** the same premises conveyed to Nicholas Gentile, Thomas J. Sunderlin, Jr. and Martin Zarnock by Quitclaim Deed from Nicholas J. Gentile dated September 30, 1993 and recorded in the Oneida County Clerk's Office on September 30, 1993 in Book 2664 of Deeds at page 360; and **BEING** the same premises as conveyed to Sheriff's Deed dated September 20, 2005, by Daniel G. Middaugh, Sheriff of Oneida County, as grantor, to Martin Zarnock Sr., as grantee, conveying the interest of Nicholas Gentile, said deed recorded in the Oneida County Clerk's Office on September 28, 2005, as Instrument 2005-020580.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

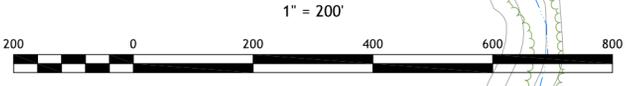
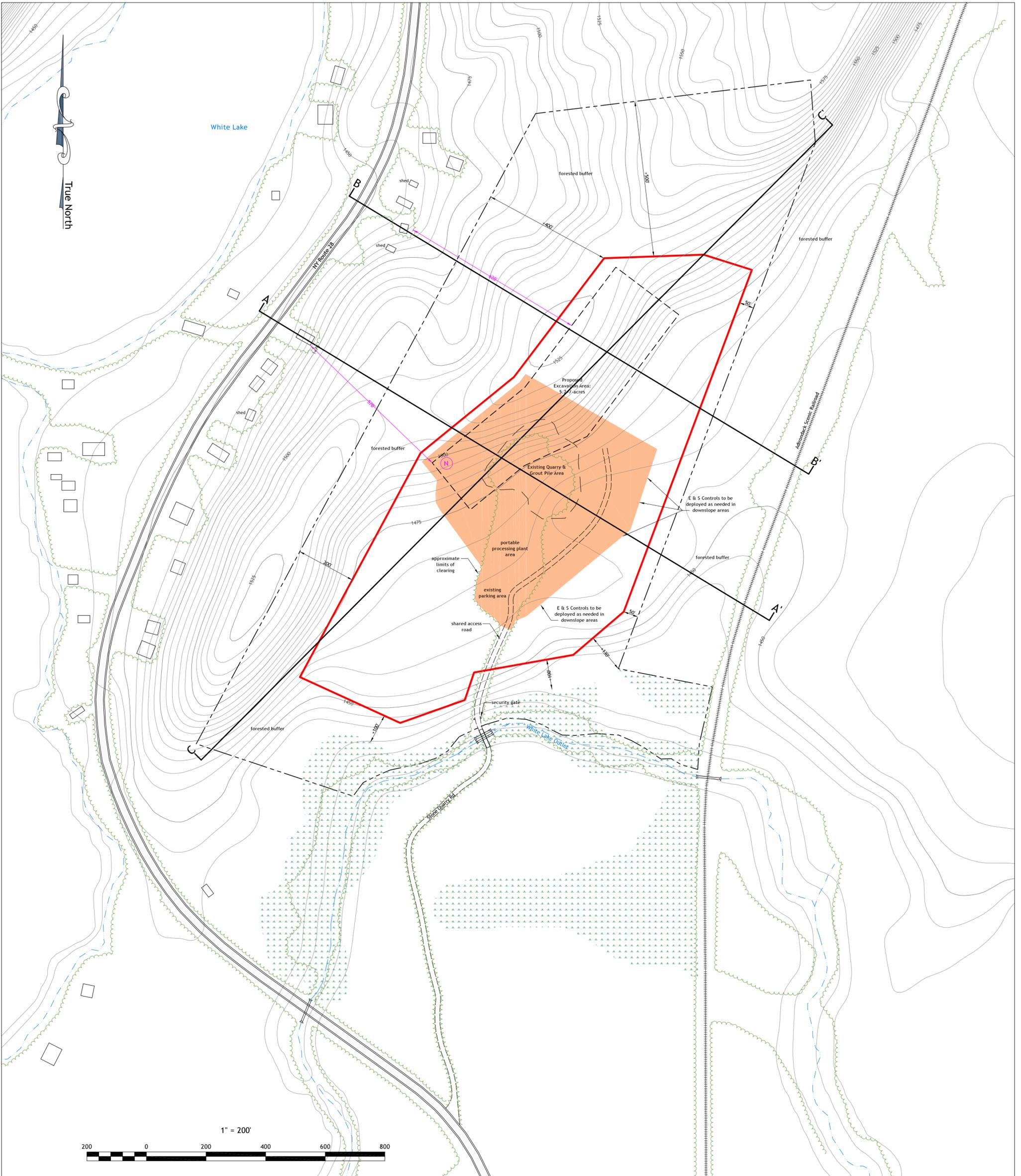
**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the



All that certain plot, piece or parcel of land, situate in the Town of Forestport, County of Oneida, and State of New York, beginning at a spruce tree being the northeast corner of Lot No. 8, Adgate's Eastern Purchase, Miller & Swanton Tract; running thence, north 87 degrees W., along the northerly line of said Lot Eight 1000 ft. (more or less) to a spruce tree cornered and marked; thence southwesterly to a stake standing S. 80 degrees E., 500 ft., from S.W. corner of F. Gaus' camp site (now or formerly) on White Lake; thence, south 60 1/2 degrees E., to the center of the outlet of White Lake; thence down the stream as it winds and turns 462 ft. to the center of the highway bridge (said highway being known in 1989 as Stone Quarry Road); thence down the center of said stream to the westerly bounds of the Mohawk and Malone Railway Company's property (now or formerly); thence northerly along the westerly bounds of said railway company's property to the place of beginning, containing 60 acres of land more or less.



# MINE PLAN MAP

White Lake Granite Quarry

NYSDEC Mine ID: pending

Town of Forestport/Oneida County, NY

Mapping & Consulting Services by:  
**strategic mining solutions**  
 prospecting • planning • permitting • problem solving

## MAP DETAILS

- Date: February 15, 2021
- Scale: 1 inch = 200 feet
- Datum: Mean Sea Level
- USGS Quad: Woodgate, NY
- Contour Interval: 5 feet
- Drafted by: DAS

## REVISIONS

Date	Description	By
4/2021	Revisions requested by APA & DEC.	DAS

## LEGEND

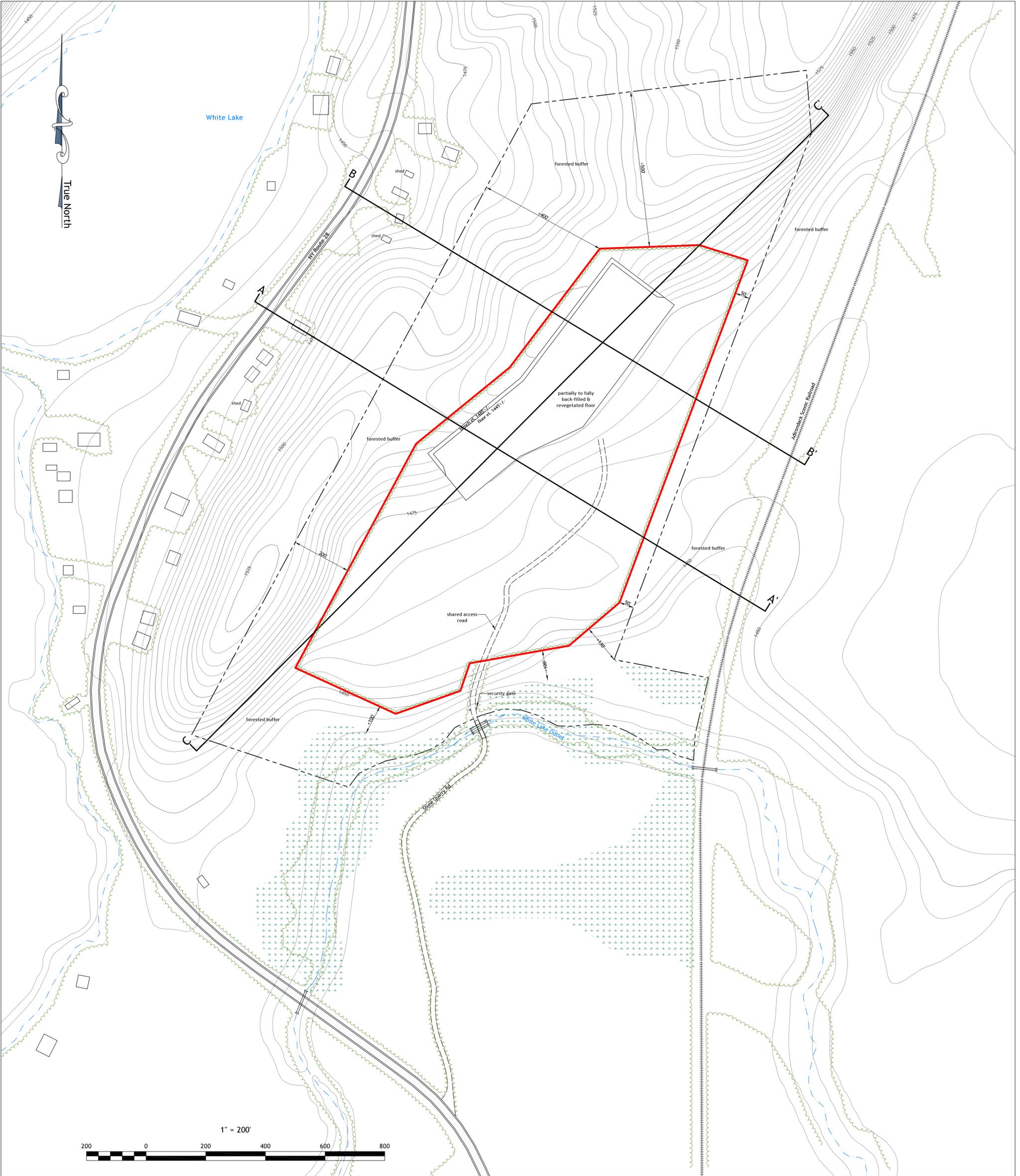
- Property Line (Red Rock Quarry Assoc.)
- Life of Mine Boundary (Proposed)
- Excavation Area (Proposed)
- Contour Line: 25'
- Contour Line: 5'
- Stream/Edge of Water
- Wetland Area
- Building/Structure
- Adirondack Scenic Railroad
- Road: Unpaved
- Road: Paved
- Tree Line/Hedge
- Culvert
- Minimum Distance for Noise Calculations

## ACREAGE SUMMARY

- Red Rock Quarry Assoc. LLC : 60.0 +/- acres
- Life of Mine Area: 26.6 +/- acres
- Affected Area (Permit term 2021-2026): 8.8 +/- acres

## NOTES

- Base topography from 10-meter DEM of Woodgate 7.5 min. USGS quadrangle.
- Surface features digitized from 2017 high-resolution (1-foot) natural color orthophoto.
- Wetlands: from USFWS National Wetlands Inventory application & delineation of northern wetland boundary.



# RECLAMATION PLAN MAP

White Lake Granite Quarry

NYSDEC Mine ID: pending

Town of Forestport/Oneida County, NY

Mapping & Consulting Services by:  
**strategic mining solutions**  
 prospecting • planning • permitting • problem solving

## MAP DETAILS

- Date: February 15, 2021
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## REVISIONS

Date	Description	By
4/2021	Revisions requested by APA & DEC.	DAS

## LEGEND

- Property Line (Red Rock Quarry Assoc.)
- Life of Mine Boundary
- Crest of Highwall
- Contour Line: 25'
- Contour Line: 5'
- Stream/Edge of Water
- Wetland Area
- Building/Structure
- Adirondack Scenic Railroad
- Road: Unpaved
- Road: Paved
- Treeline/Hedge
- Culvert

## ACREAGE SUMMARY

- Red Rock Quarry Assoc. LLC : 60.0 +/- acres
- Area to be reclaimed over the life of the mine: 26.6 +/- acres

## NOTES

- Base topography from 10-meter DEM of Woodgate 7.5 min. USGS quadrangle.
- Surface features digitized from 2017 high-resolution (1-foot) natural color orthophoto.
- Wetlands: from USFWS National Wetlands Inventory application & delineation of northern wetland boundary.