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July 29, 2021

Devan Korn
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

RE: Public Comments on Thomas Sunderlin and Red Rock Quarry Associates, LLC, APA Project 2021-0075

Dear Devan Korn:

Protect the Adirondacks has a number of concerns about the newly proposed Thomas Sunderlin and Red Rock Quarry Associates, LLC, (APA Project 2021-0075) mining project in the western Adirondack Park in the Town of Forestport, Oneida County. We have been contacted by a number of area residents and landowners near the mine and around White Lake. They have many concerns about the disruptive impacts of a new industrial use in a largely residential and tourist resort area.

The project is on a largely forested 56-acre tract on Stone Quarry Road, south of Route 28. Around 27 acres of this site will be actively mined over the life the proposed new mine. The site has not been a functioning mine for decades. The site has not been active for nearly 90 years, while there has been significant residential and small business development around the area's lakes.

The applicant proposes to start with a 5-acre area where the trees, flora and soils will be removed to expose the granite bedrock layer. Soil will be stockpiled on site. Large pits, with 40-foot-high walls, will be opened as the mine pits are steadily enlarged. Large granite "bricks" will be cut using "diamond wire saws" and then loaded on trucks. Blasting will be necessary at times to break apart or break open the bedrock for mining operations.

This tract has history. The tract has been enrolled in NYS Preferential Forest Tax Law programs for years, which provide a subsidy to maintain productive forest lands. Nearly 20 years ago there was an effort to open a new mine at this site, which was very controversial, and the applicant eventually withdrew the application. This was followed by an effort to develop the tract for residential properties. We believe that the lands in question should be used for residential purpose or for sustainable forest management. For a variety of reasons, Protect the Adirondacks opposes this project and finds it unsuitable for the residential White Lake area. This project should either be denied or ordered to an official adjudicatory public hearing.

Protect the Adirondacks

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Land Characteristics: The 56 acres in question for the proposed Thomas Sunderlin and Red Rock Quarry Associates project include lands classified as Moderate Intensity Use and Rural Use under the Adirondack Park Agency (APA) Land Use and Development Plan. Most of the Rural Use lands will be dedicated to a buffer along the railway corridor on the south side of the project. All of the mining activities will be located on the Moderate Intensity Use (MIU) areas. In the Land Use and Development Plan, Section 805 3d (1) lists the character description of MIU areas as “those areas where the capability of the natural resources and the anticipated need for future development indicate that relatively intense development, primarily residential in character, is possible, desirable and suitable.”

Section 805 3d (2) states “Moderate intensity use areas will provide for development opportunities in areas where development will not significantly harm the relatively tolerant physical and biological resources. These areas are designed to provide for residential expansion and growth and to accommodate uses related to residential uses in the vicinity of hamlets where community services can most readily and economically be provided. Such growth and the services related to it will generally be at less intense levels than in hamlet areas.”

Whereas single family dwellings used for residential purposes are a “primary use” on Moderate Intensity Use areas “mineral extraction” and “mineral extraction buildings” are a secondary use. Residential use is the dominant use of MIU areas across the Adirondack Park.

The proposed Thomas Sunderlin and Red Rock Quarry Associates project facility and operation is best suited for an Industrial Use area under the APA Act. In the 50 years of the APA Act, local officials in Forestport have never sought to change the land classification for the mine site to Industrial Use to pave the way for modern intensive mining activities. The proposed mine is not appropriate for a Moderate Intensity Use Area.

Hydrological Impacts: There is a fear that the proposed mining activities will disrupt the subsurface component/water budget of White Lake, which will have cascading impact on the physical, chemical, and biological characteristics of White Lake. The current application is weak of a hydrogeology analysis of the area and the proposed mining operations. This is an important matter as the White Lake property values are important to the Town of Forestport and local school districts and changes to water chemistry from mining activities will have a detrimental impact. A serious hydrology study is needed for this area.

Groundwater Impacts: As mentioned above, White Lake is primarily spring fed. The depth of the water table at the proposed mining location needs to be assessed and scrutinized. The application’s statements about the depth to groundwater are not accurate and must be supported with test pits or some other method(s) acceptable to the APA. This is important information given how groundwater factors in the White Lake water budget.

The project is located over a principal aquifer according to NYSDEC’s online EAF Mapper tool. Principal aquifers are “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.” The impacts this aquifer from the proposed granite quarry should be assessed.

Noise: The noise data submitted for the Thomas Sunderlin and Red Rock Quarry Associates project is inadequate to evaluate the potential impacts of this project. The applications states:

A list of the simultaneously operating noise sources at the proposed mine site is as follows.

Sound levels of operating equipment measured at 50 feet (noise sources):

1. Front-end loader = 82.8 dB(A) Caterpillar 988F
2. Portable rock drill = 98.0 dB(A) Tam Rock 120 or equivalent
3. OTR flat-bed truck in operation = 71.2 dB(A)
4. Diamond wire saw w/portable generator = 84.0 dB(A)
5. Combined sound level at the source = **98.3 dB(A)**

The application states that the “ambient sound level” around the property is estimated at 58 db(A) from traffic on Route 28. This is based on the traffic levels from Route 28 at around 2,500 cars per day. This assessment did not take into account the speed limit at 45 mph. The 58 db(A) level for the current noise level would not likely survive scrutiny from an independent noise assessment, and the surrounding residential neighborhoods are much quieter.

The noise impacts from potential mining activities are all over the 20 db(A) thresholds for new activities that the mining application states are “objectionable or intolerable” when changed from current conditions. The project seeks to introduce new noise levels 40 db(A) higher. The noise impacts from the mining activities will be intensely disruptive and change the character of the surrounding residential neighborhoods.

The noise attenuation models and projections provided are unlikely survive scrutiny from an independent noise assessment. The application projects that the topography of the land will mitigate industrial activities because they will be separated from residential areas by a small ridge, though the closest residence is within 600 feet. Much more information is necessary. This application is especially weak on its noise intrusion analysis given that noise is the principal change to the surrounding community from the proposed mine.

Blasting: The application talks about blasting of two or more large blasts per day. There is no information about a warning system for local residents, a schedule, and the application is weak about the noise produced. Much more information is needed to assess the impacts of blasting associated with this project.

Dust and Airborne Particulate: The application states that the surrounding forest and ridge will somehow protect area residents from fugitive dust. While some dust may be filtered out by the forest there is a high likelihood that dust will be carried by prevailing winds above the tree line and to White Lake, the highway, and nearby residences. The application fails to examine the full range of impacts from fugitive dust.

Truck Traffic: The application included no traffic study. The application states that materials produced in this mine will be hauled off site by trucks. The application is weak about the number of truck trips per day, the route these trucks will take to access the property, the make and model of these trucks, the noise from these trucks, or the condition of Stone Quarry Road. The applicant failed to provide information on its legal rights for ingress/egress of the property. Much more information is needed about truck traffic that is associated with the projected mining activities.

Safety of Route 28 Intersection: The proposed project is a burden on the local government because the current access road is inadequate for the proposed level of truck traffic and the

intersection on Route 28 is inadequate for 40 truck trips (20 per day) entering and exiting that road. There will need to be an upgrade to this intersection. The application was inadequate on a highway intersection study.

Hours of Operation: The application proposes a schedule to work long hours Monday to Friday from April to November as well as Saturday mornings. The application proposes hours of operation from 6AM to 7PM Monday to Friday and 7AM to noon on Saturdays. Given the negative impacts of a new industrial operation in a residential area, which will be the only industrial operation in the area, these long hours proposed by the applicant are just plain mean and punitive to local residents.

Official Adjudicatory Public Hearing: In the APA Rules and Regulations Section 580.2 “Determination to conduct public hearing” seven principal criteria are listed for the APA to make its decision about whether a proposed project merits an official adjudicatory public hearing. This project qualifies for a public hearing based on six of these criteria. A project is appropriate for a public hearing if just one of the seven criteria is applicable and this project triggers six of the criteria. Here are the criteria:

- “The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected.” This project is an industrial operation in a residential area. It may have negative impacts on the water quality, forests and open space, residential quality of life, and local tourism/resort economy.
- “The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations.” The number of public comments more than satisfies these criteria. Beyond the sheer numbers, the concerned citizen population in the general White Lake area also invested in an independent mining consultant to review application materials.
- “The presence of significant issues relating to the criteria for approval of the project.” This letter details five significant issues relating to the approval of this project including impacts to the hydrology of White Lake, noise from blasting/mining operations, traffic study/safety, particulate matter/dust, and impacts on the local residential quality of life and tourism/resort economy. Independent experts must be allowed to provide information. The applicant’s experts must be subject to cross-examination.
- “The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed.” Given other mining projects that have gone to public hearing, such as NYCO Minerals, Inc., where a long list of mitigation measures was adopted in the permit to protect the local environment and rural quality of life, it’s a near certainty that a public hearing for this project would produce a permit substantially different from a permit issued without the benefit of a public hearing.
- “The possibility that information presented at a public hearing would be of assistance to the agency in its review.” The APA staff do not possess a mining expert, traffic expert, noise expert or a hydrogeologist. Such expert testimony provided by the intervening parties would greatly assist the APA in its review of this project and it developing a factual record for the APA Board to make its decision.
- “The extent of public involvement achieved by other means.” The Town of Forestport

Planning Board has tabled this application until the APA makes a decision. The only meaningful way for the hundreds of concerned local residents and property owners to participate in this project is by intervening in an official adjudicatory public hearing.

- “Whether an environmental impact statement will be prepared pursuant to the State Environmental Quality Review Act.” This is a Class A regional project where the APA review serves the purposes of SEQRA.

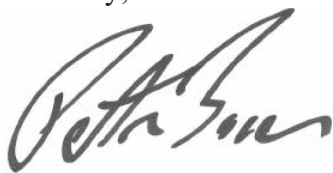
Viable Economic Alternatives: The landowner has viable economic alternatives for the site other than granite mining. First, the land is enrolled in a Preferential Forest Tax Law program that minimizes carrying costs and helps to make forest management viable. Second, the property could easily be subdivided for residential purposes. Third, the property could be sold to another timberland owner.

Conclusion: As stated above, the location of the proposed Thomas Sunderlin and Red Rock Quarry Associates project has not been an active industrial site for many decades, and the greater White Lake area has changed dramatically in that time and is now dominated by residential uses, vacation homes, and small businesses in the tourism/resort industry. The lands in this project were zoned under the APA Land Use and Development Plan primarily for residential uses as a Moderate Intensity Use area. The application as it currently exists is inadequate to fully assess the disruptive impacts of a new industrial facility in a residential neighborhood. The best use of these lands is for either residential development or sustainable forestry.

The APA needs to fully assess this project. The information in the application should be independently verified, and new information provided, through an official adjudicatory public hearing if this project is to move forward.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments on this proposed development.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer,
Executive Director