

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [APA Regulatory Programs Comments](#)  
**Cc:** [kmosen@frontiernet.net](mailto:kmosen@frontiernet.net)  
**Subject:** APA Project 2022-0037 Public Comments  
**Date:** Tuesday, October 18, 2022 12:07:15 PM

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If this is an error, please contact the New York State Adirondack Park Agency at 518-891-4050 or by sending an email to [RPcomments@apa.ny.gov](mailto:RPcomments@apa.ny.gov).  
Please copy "2022-0037, Barbara J Mosenthin, [kmosen@frontiernet.net](mailto:kmosen@frontiernet.net)" into your message for our reference.

\*\*\*\*\*

Attn: Bart Haralson  
Comments from: Barbara J Mosenthin  
Email from: [kmosen@frontiernet.net](mailto:kmosen@frontiernet.net)  
Address: 3400 state highway 10 johnstown New York 12095  
Re: Agency Project 2022-0037, Carver Sand and Gravel LLC

My Comments:

To start at 6am is too early for noise; 7am is much better ( the time work starts now). At present time of 7am I can hear the work going on and I believe that has made me wake up sometimes, in other words disturbs my sleep. With more hours of work and blasting at the quarry I believe the dust will increase more than the amount that is noticeable now. An increase of 200 trucks a day is an approximate amount of 1 truck every 4 minutes in a 12 hour day! My other concerns are degrading property values--who would want the noise and dust especially if increased? Effects on ground water with increased blasting and effects on foundations and wells is a consideration! Thank you for your time.

**From:** [Robert Irvine](#)  
**To:** [APA Regulatory Programs Comments](#)  
**Subject:** "No Access"  
**Date:** Tuesday, October 11, 2022 3:20:38 PM

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Attn: Bart Haraison

I Robert Irvine, owner of property (tax#172600-130.-1-79, parcel 79) located @ State Highway 10; adjacent to Carversand and gravel LLC in the Town of Ephratah in Fulton County.

With regards to APA project. No2022-0037~My concern, is that I have owned the above mentioned property for the past 14 yrs, yet each attempt I have made to gain access to my land has been unsuccessful, as I've been given the run around and no one seems to have any knowledge. However, i pay taxes on a timely and consistent manner.

It is very unfair to have the blasting done and I cannot get on my land. In addition, notification for the blasting is given in short notice time and there appears to be no end time of this project.

Respectfully,

Robert Irvine

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [APA Regulatory Programs Comments](#)  
**Cc:** [David Gibson](#)  
**Subject:** APA Project 2022-0037 Public Comments  
**Date:** Friday, October 7, 2022 1:22:06 PM

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Please copy "2022-0037, David Gibson, Managing Partner, Adirondack Wild: Friends of the Forest Preserve, [dgibson@adirondackwild.org](mailto:dgibson@adirondackwild.org)" into your message for our reference.

\*\*\*\*\*

Attn: Bart Haralson  
Comments from: David Gibson, Managing Partner, Adirondack Wild: Friends of the Forest Preserve  
Email from: [dgibson@adirondackwild.org](mailto:dgibson@adirondackwild.org)  
Address: Adirondack Wild: Friends of the Forest Preserve P.O. Box 9247. Niskayuna, NY New York 12309  
Re: Agency Project 2022-0037, Carver Sand and Gravel LLC

My Comments:

Mr. Haralson,

Many of the proposed changes appear excessive. I would hate to be neighbor of a mine in the Adirondack Park where truck trips are allowed to increase by 2-3 times ,from 75 trips per day to 200 truck trips per day. This proposed increase seems entirely unreasonable, unjustified, and out of character within a Resource Management zone. or within any Adirondack Park community.  
Also, the proposed increase in yearly blasting from 18 to 30 blasts per year seems excessive, as does the request to begin operation at 6 AM instead of 7 AM. Beginning mine operations at 6 AM appears entirely unreasonable - and unjustified - to the human communities having to live near the mine operation.  
In sum, the dramatic increase in # of truck trips per day, the increase in hours of operation so early in the morning, and the increase in blasts appear to push the envelope of this project beyond what the APA Act allows and, together, constitute an undue adverse impact to Park resources and communities.

**From:** [Frank](#)  
**To:** [APA Regulatory Programs Comments](#)  
**Subject:** APA Project NO. 2022-0037  
**Date:** Friday, September 30, 2022 5:39:36 PM

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Hello, and thank you for taking the time to address my concerns.

My main issue (and has been for years) is the speed at which daily commuter's and trucks fly through Rockwood on 29 along with the dangerous intersection where State Highway 10 north intersects.

I've taken these concerns to the town and the state and they have no intentions on fixing this issue. Now where adding more traffic and noise in a basically residential setting.

We have children in this area, with school bus stops and I can't count how many times they have been almost rear-ended by vehicles speeding over the hill going eastbound, and also my family and my neighbors familys also getting rear-ended or hit pulling in and out of our driveways.

I understand progress but someone needs to adjust the speed limits in this area and extend that speed zone west of State Highway 10. I would personally like to see 30mph from the east end of Rockwood to State Highway 10 going south.

I can't stress enough how dangerous this section of road is.

Thanks for your time.

**From:** [Kenneth Mosenthin](#)  
**To:** [Haralson, Bart H \(APA\)](#)  
**Subject:** apa project no. 2022-0037  
**Date:** Monday, April 4, 2022 8:22:21 PM

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We are against this permit being approved for the following reasons:

- 1 Dust...dust still travels outside property boundaries now and we have seen dust clouds travel beyond highways bordering the quarry.  
Our vehicles are covered with a film of dust daily and we seldom open our windows facing the quarry during working hours.
- 2 Noise... noise may be within approved limits but it is still very noisy and especially when you hear it all day.
- 3 ...water well... we are concerned about our water table being drawn down.
- 4... traffic... although most trucks do not pass our house we can still hear them when they are in the quarry.
- 5.. Greed... We can not see why a business feels it must run those hours disrupting peace and quiet at early hours and running past normal Business hours.

Our property is 130-1-67 and 130-1-68 and you can see that said application surrounds us Pretty much and we would be greatly impacted by these changes.

Thank you for reaching out to us. We do like Mr.Laraway.

Sincerely  
Kenneth and Barbara Mosenthin



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**From:** [Devon Percival](#)  
**To:** [Petith, Stephanie L \(APA\)](#); [Haralson, Bart H \(APA\)](#)  
**Cc:** ["Gerald Delaney"](#); [david.howard@frontiernet.net](mailto:david.howard@frontiernet.net); ["Scott Henze \(Fulton County Planning Director\)"](#); ["Scott Horton \(Fulton County LGRB\)"](#); [albaneselaw@nycap.rr.com](mailto:albaneselaw@nycap.rr.com); [townofephratahclerk@citlink.net](mailto:townofephratahclerk@citlink.net)  
**Subject:** Permit application P2022-0037 Response, Carver Sand and Gravel - Rockwood Mine  
**Date:** Thursday, March 10, 2022 6:24:43 AM  
**Attachments:** [mining toe.pdf](#)  
[APA response permit 2022-0037.pdf](#)

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Thank you Stephanie,

Bart,

Attached is the Town of Ephratah concerns with the modification of the Carver Sand and Gravel permit changes for the Rockwood mine. I have attached the letter of concerns. Also I have attached an guideline we have been trying to work with Carver on to make our residents and carver be able to work together. Carver had attended a couple of the town board meetings but as of the last few meeting no one has shown.

Any other question please give a call

Thanks

Devon Percival

Code Enforcement office

Town of Ephratah

518-928-9360

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**From:** Petith, Stephanie L (APA) [mailto:Stephanie.Petith@apa.ny.gov]  
**Sent:** Friday, March 04, 2022 3:56 PM  
**To:** devon\_p@frontiernet.net  
**Cc:** Gerald Delaney; david.howard@frontiernet.net; Scott Henze (Fulton County Planning Director); Scott Horton (Fulton County LGRB)  
**Subject:** P2022-0037

## Stephanie L. Petith

Administrative Assistant 1

### NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | [Stephanie.Petith@apa.ny.gov](mailto:Stephanie.Petith@apa.ny.gov)

[www.apa.ny.gov](http://www.apa.ny.gov)

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# TOWN OF EPHRATAH FULTON COUNTY, NEW YORK



Bart Haralson

Adirondack Park Agency

P.O. Box 99

1133 NYS Route 86

Ray Brook, NY 12977

/ref/ APA Project NO. 2022-0037

Mr. Haralson,

In Reference to the APA Project 2022-0037, application from Carver Sand and Gravel, the Town of Ephratah council and town residents have expressed serious concern over the expansion of the mine and work activities at the Fulton County Site. I have listed the concerns that have been brought to our attention below

1. Blasting operations. On several occasion Carver has blasted when the weather has been overcast conditions and have exceeded the limits of blasts per month.
2. Starting operations before 7am and exceeding past the permitted time.
3. Not completing dust control on the mine and roads. Causing silica and limestone dust to cover residents personal properties .
4. Trucking companies not covering loads and losing material at the intersection of 10N/29 and also at the intersection of 10/29
5. Excess speeds into the hamlet of Rockwood
6. Lack of notifications of blasting to residents that have requested
7. The hours of operation has raised major concern with the town residents. Rockwood is home to a majority of retired and elderly resident. With hours starting a 6am that would disrupted many of the residents still sleeping. With the hours being extended to 8pm, many of the residents would not be able to enjoy the peaceful area for dinners or enjoy their homes in the evening hours. On school days, trucks traveling down the hill from 10N/29 may have issues stopping on inclement weather days also. Most school buses for the OESJ district are traveling that route between the hours of 6:30am to 7:30 am
8. Increase of blasting without limiting the sound pressure. Leave Carver open to do all large blasts





# TOWN OF EPHRATAH FULTON COUNTY, NEW YORK



The Town of Ephratah has had several board meeting willing to work with Carver Sand and Gravel to ensure a smooth process of operations between the Town Residents and the work required to be performed on site. We have come up with some guidelines that the town would like to have implemented as to the blasting limits and also restricting hours of blasting. we believe the town has come up with recommendations that allows carver to operate their business with minimal restrictions and allows the residents in the local community to enjoy their homes as they have intended to

We have attached

Any further questions please feel free to contact me

Devon Percival  
Code Enforcement officer  
Town Of Ephratah

## **1 Findings and legislative intent.**

A. The Town Board hereby finds and determines that the existence and continued operation of blasting operations at quarries and elsewhere within the Town of Ephratah has potential for adverse effects upon residents and property, not only due to the existence of heavy trucking, noise, dust and debris associated with such operations, but also because there is hazard to life and property from the direct and indirect effects of blasting at quarries and elsewhere within the Town of Ephratah. It is the intention of the Town of Ephratah to request the regulation the hours of operation and the degree of blasting that takes place at quarries and elsewhere so as to ensure that such business operations do not result in impairment of the health and safety of Town residents or unduly expose private and public property to risk of damage.

B. Because the dimension of nuisance is added to intrusions affecting health and safety when quarries and others engaging in blasting activities operate during hours when Town residents expect relative tranquility, the Town Board hereby asserts its right to designate acceptable hours for blasting operations and to control the degree of velocity and displacement of vibrations during those hours when blasting is authorized.

## **2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

### **BLASTS and BLASTING**

Includes any activity whereby layers of earth and rock are dislodged or torn apart by the use of any explosive, and includes the displacement of any vegetation, ground cover, earth or rock by the explosion or detonation of any explosive material.

### **Maximum charge per delay**

Maximum charge per delay is the maximum quantity of explosive charge detonated on one interval (delay) within a blast. It is the charge detonated within any 8 ms interval over the entire duration of the blast

## **3 Hours of operation.**

A. No blasting shall be permitted in the Town of Ephratah except between the hours of 11:00 a.m. and 4:00 p.m., excluding Sundays and public holidays, when no blasting shall be permitted at any time.

B. Whenever blasting is to be conducted, the Code Enforcement officer and Town Supervisor shall be notified 24 hours in advance of blasting, the location and intended time of such blast specified by the blaster.

#### **4. Ground blast and air blast standards.**

A. During the hours when blasting is permitted, peak particle velocity and overpressure produced by any blast, at a distance measured by the distance from the blast to the closest structure or building not owned or used by the entity conducting the blast, shall not exceed 0.5 inch per second for frequencies less than 40 hertz or 2.0 inches per second for frequencies of 40 hertz or more. In addition, air pressure levels emanating from such blasts shall not exceed 120 decibels\*.

*\*Exception (5 of the total planned blasts may exceed air blast level as set forth in 4.A to a maximum level of 133 decibels)*

B. Blasting shall not be completed in any adverse weather conditions, which shall include but not limited to: Rain, Fog, Snow and heavy cloud cover.

C. Limits to amount of blaster per month shall be limited to no more than 4 blasts per month, with a yearly limit of 30 blasts.

#### **5 Recordkeeping requirements.**

A. It shall be the responsibility of any person, firm or organization which engages in blasting to maintain verified records of the place, date, time and amount of the charge set for each blast and also to monitor and maintain a permanent record of all blasts with measurements at distances indicated in 4. Such person, firm or corporation shall, not less than quarterly and upon demand, provide to the Code Enforcement officer of the Town of Ephratah all such records and other proof of compliance to the standards established by 4. Seismograph and air pressure readings of blasts shall be taken by a person regularly or routinely employed in the processes of seismograph readings and competent to qualify as an expert witness as to the results.

##### **B. Monitoring of blast.**

A log of all such blasts must be maintained, and proof of compliance with the standard of maximum charge per delay shall be furnished to the Town upon demand.

#### **6 Exemption from maximum charge standards.**

None

#### **7 Illegal blasting operations.**

A. Any failure to comply with the recordkeeping requirements established by 5 and any blasting which exceeds the ground blast and air blast standards established by 4 shall constitute an offense punishable as provided in 8.

B. Any failure to comply with the recordkeeping requirements of 5 shall constitute a separate and distinct offense punishable as provided in 8.

**8 Penalties for offenses.**

A. As dictate by the Adirondack Park Association

**From:** [jude@citlink.net](mailto:jude@citlink.net)  
**To:** [Haralson, Bart H \(APA\)](#)  
**Subject:** APA Project #2022-0037  
**Date:** Wednesday, March 9, 2022 10:56:11 AM

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In regards to proposed mine expansion. We are totally against the proposed Carver Sand and Gravel expansion. My brother in law, Jon Downing and myself , purchased the adjoining land over 40 years ago to enjoy hunting, camping, hiking and the quietness that it brings.

Just to make you aware, there is a wetland stream that flows year round that starts on state land and flows through our land and on to the proposed expansion site, creating several beaver dams. As for creating a buffer, I don't understand how that can be achieved ,when the proposed expansion site land has been clear cut in just the last few years.

If you have any questions and wish to reach me, my email is [jude@citlink.net](mailto:jude@citlink.net), my phone number is 518-848-6447

Sincerely

Ted Minch

MAR 21 2022

3-16-22

I'm writing with concerns about APA Project No. 2022-0037.

At the meeting you had giving them permission to blast the mines I sent 8" x 10" pictures of the Rockwood Dam. The dam is over 100 yrs old and the report card has been an F for many years failure. The dams undergirding has worn away. The dam has a crack from top to bottom in the middle and a whole in the middle where the water is pouring out. It needs to be rebuilt or torn down. Many people live by this creek and their lives are in danger if this dam gives way because of the blasting.

We also live on the creek in Rockwood and when they blast and not microblasting our house and windows shake. What is this doing to the dam?

Also Saroga dam, down stream is rated F too.

Giving them permission to blast up to 30 times a year is too dangerous and puts many peoples lives in danger.

Also, the bridge in Rockwood is in desperate need of repair. There are holes in it that you can see the creek through. Who's going to replace that when up to 150 trucks a day may use it.

I thought the APA was here to protect nature

MAR 11 2005

and the people from danger & the environment from being polluted.

There is much farring, dust & noise pollution and we do not need any more.

I ask you to please reconsider expanding their blasting and truck activity.

We love our community & pray that you will make the decision for the best of the community & not for the money.

Sincerely, Rose Woodley

Rose Woodley  
142 Church Rd.  
Johnstown, N.Y.  
12095