

PACE ENVIRONMENTAL LITIGATION CLINIC, INC.

ELISABETH HAUB SCHOOL OF LAW

78 NORTH BROADWAY

WHITE PLAINS, NEW YORK 10603

PHONE: 914.422.4343

FAX: 914.422.4437

SUPERVISING ATTORNEYS

KARL S. COPLAN

TODD D. OMMEN

ADMINISTRATOR

JENNIFER RUHLE

January 12, 2022

VIA Email (AgencyMeeting.PublicComment@apa.ny.gov)

Mr. John Ernst, Chair
New York State Adirondack Park Agency
P.O. Box 99
1133 NY State Route 86
Ray Brook, NY 12977

Re: P2021-0075 (Red Rock Quarry Associates, LLC)

Dear Mr. Ernst:

The Pace Environmental Litigation Clinic respectfully submits this comment on behalf of Protect the Adirondacks and the Adirondack White Lake Association (“AWLA”) with respect to the recently published draft permit and related documents for P2021-0075 (the “Red Rock Application”). As the Adirondack Park Agency (“APA”) is aware, the Red Rock Application has generated a tremendous amount of public opposition, including a detailed engineering assessment of still unexplored environmental concerns. In view of these concerns, and as summarized below, it is patently obvious that the APA must conduct an adjudicatory public hearing on the Red Rock Application. Indeed, granting the permit as it now stands would be entirely contrary to the procedures the APA is required to follow.

This application comes in the context of a disturbing practice at the APA of refusing to hold *any* adjudicatory public hearings. As you are well aware, the agency has not held a single adjudicatory hearing in over a decade. This dereliction of the express mandate to hold hearings is especially concerning given the regulatory context of the APA’s review process. First, APA holds an almost unique position in the environmental review process. All state permitting agencies are required to comply with the State Environmental Quality Review Act (“SEQRA”), one of the most robust state environmental review statutes in the country, before granting a permit. But many applications overseen by the APA are granted Type II status under SEQRA, which, as a general rule, exempts those applications from being subject to a full SEQRA environmental review including an Environmental Impact Statement. The theory behind this

exemption is that the APA has (and actually undertakes) a “SEQRA-like” environmental review process that, in theory, supplants SEQRA. *See* DEC SEQR Handbook at p. 8; *see also* Adirondack Park Agency Act, § 805(4). Thus, as here, where the APA fails to conduct a full review, projects that may well be environmentally devastating can slip through the cracks and be approved without any significant environmental review being conducted by any state agency.

Second, APA’s failure to conduct any adjudicatory hearings is further exacerbated by the fact that APA lacks the authority to simply deny a permit without a hearing. As such, refusal to conduct a hearing essentially means guaranteed approval of an application.

This combination of factors makes the APA’s ongoing refusal to conduct any adjudicatory hearings simply untenable. Affected parties, like the hundreds of commentors on the Red Rock Application, are left entirely without a voice or a remedy. Any applicant with the resources to paper over faults in an application is virtually guaranteed approval, often without any significant environmental review. This practice must stop, and the Red Rock Application cannot be allowed to proceed without a hearing. This application *requires* an adjudicatory hearing under the APA regulations, and the draft permit must not be approved.

I. An adjudicatory public hearing is required.

Pursuant to Part 580.2 of the APA’s Rules and Regulations, the determination whether an adjudicatory hearing should be held is based on a number of factors. The APA’s decision to send a project to public hearing can be triggered if just one factor is met. In the case of the Red Rock Application, at least six separate factors are met.

1. The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected [580(a)(1)]

The Red Rock Application seeks approval for extraction, drilling, blasting, crushing and transportation of mineral resources in a well-settled residential and recreational area. As such, it has direct effects on the local municipality and potential (and still not explored) effects the otherwise pristine White Lake and the surrounding environment.

2. The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations [580.2(a)(2)]

As the APA is aware, the Red Rock Application has generated an extraordinary level of public interest. It has also drawn an unprecedented level of concern by local residents, including our clients. In addition to the numerosity of public comments, the APA has before it a detailed engineering study from the LA Group, discussed further below, providing substantive questions that remain unresolved. Since the draft permit was issued on the afternoon of January 7th, more than 175 new public comments have been submitted to the APA calling for an adjudicatory public hearing. There are very few private land development projects in the last two decades that have engendered more public involvement or concern as this project. Accordingly, this factor, too, suggests that a hearing is necessary.

3. The presence of significant issues relating to the criteria for approval of the project and the possibility that information presented at a public hearing would be of assistance to the agency in its review [580(a)(3) and (5)]

In addition to addressing the dozens of significant issues raised in individual comments, AWLA submitted a detailed engineering analysis from the LA Group on July 28, 2021. The multiple issues raised in that report have largely not been addressed. We are aware that the applicant attempted to respond on November 15, 2021, but that response did not add any significant new information or address many of the issues raised in the LA Group report. *See* December 21, 2021, email to APA from Kevin Franke. Just to take a few examples, the project does not include the required SWPPP and the noise impacts – especially given the close proximity of local residents – have not been appropriately studied. Moreover, as discussed in detail in the LA Report and the attached analysis (annexed hereto as Exhibit A) by C.J. Randall, there are many unanswered questions with respect to access to the site that appear to cast doubt on the ability to legally enter the site at all. Finally, another stakeholder has shown through a 1990 deed (annexed hereto as Exhibit B) that the public was granted an easement on the entirety of the Stone Quarry Road. If true, and if, as shown on some maps, the road traverses the entire quarry site, then any operation of the mine would seem to violate this easement.

All of these issues implicate the criteria for approval of the permit and should be addressed at a public hearing. Such a hearing would provide invaluable guidance for the APA's determination on the Red Rock Application.

4. Whether an environmental impact statement will be prepared pursuant to the State Environmental Quality Review Act [580.2(a)(7)]

DEC has already determined that the Red Rock Application is a type II SEQRA action, so it will not require preparation of an EIS. If the APA does not require an adjudicatory public hearing, it is apparent that no significant environmental review will be conducted.

5. The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed [580.2(a)(4)]

Any of the issues cited above and raised in public comments could require major modifications prior to approval of the project. Addressing access issues and avoiding, mitigating or abating environmental damages will likely require significant changes. As such, this factor, too, indicates that a public hearing is necessary.

In a presentation to the APA Board on December 16th, an APA attorney stated that the regulatory affairs staff uses the threat of an adjudicatory public hearing to reshape projects or bring them into compliance. Given that this project has changed very little since its initial application was filed, that it is significantly short of what the APA previously determined in 2000 to be necessary prior to approval (discussed below), and all of the disputed and unresolved issues about potential negative impacts to area landowners, we do not see how the APA can forgo an official adjudicatory public hearing.

II. APA's review contains insufficient factual basis for approval.

The draft permit contains no Findings of Fact upon which the issuance of the permit can be sustained. This raises significant legal and practical issues. We understand that in an effort to streamline the review of Minor Projects (single family dwelling, mobile home or two-lot subdivision) the APA has eliminated Findings of Fact from permits. This practice, however, is wholly inappropriate for complex projects such as White Lake Quarry for the following reasons.

First, agencies must have a "rational basis" for their regulatory decisions. It is impossible to tell, based upon the information in the permit, whether the draft conditions are sufficient and how the applicable development considerations have been applied to the project in order to support the purported finding of no undue adverse impact. Second, looking to SEQRA case law by analogy, agencies must provide a "reasoned elaboration" of key facts and rationale for their decisions. Given that the APA permit contains no findings of fact, it is impossible to determine whether it took the requisite hard look at this project nor whether its decision adequately considers adjacent landowners and the environment. Third, as discussed above, the Red Rock Application has long faced factual questions regarding environmental harms, road access, and sufficiency of scientific support. In the absence of any significant analysis and conclusions regarding these facts, there would not be any apparent basis for granting the permit.

III. Approval of the Red Rock permit now would be an unexplained reversal of a prior APA determination that additional environmental review is required.

As APA is aware, an agency cannot simply reverse a prior determination without a sufficient explanation. For a largely identical mining application at the same site, the agency required substantially more environmental information prior to approval. Specifically, a similar application for granite extraction at this very location was submitted to the APA in 2000. During that 2000 permit review, APA staff required the following to be performed:

- A professionally prepared study of noise related impacts of actual versus anticipated decibels conducted in concert with the APA staff;
- A professionally prepared study of visual impacts employing well known APA tools and methods of siting and analyzing visual impacts;
- A detailed written study of all proposed water usage, storage, treatment, and flow management;
- A hydrological study of the area including site specific ground water location, depth to groundwater at the project site, a water table map, flow direction and transmissivity since the proposed quarry lies above a principal aquifer;
- A dust control study;

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- An engineering study, conducted in coordination with the town highway department, assessing the adequacy of Stone Quarry Road to perform as required by the application, including what is required for its long-term maintenance;
- Professional study of blasting and ground vibration related to blasting, to be scoped in coordination with APA staff;
- Alternative potential uses of the proposed quarry, including the economic implications of feasible alternative uses versus the desired use as a granite quarry.

LA Group Report, Attachment 3.

While there are minor differences between the two applications, the area and nature of the project are the same, as are the citizen concerns. The failure of the APA to require substantially the same additional information is inexplicable here. With no explanation or justification, this reversal of a prior determination is the very definition of arbitrary and capricious.

For all of these reasons, the APA must hold an adjudicatory public hearing prior to deciding whether to issue a permit for the Red Rock Application. Thank you for your careful consideration of this matter.

Sincerely,



Todd D. Ommen

Exhibit A

January 11, 2022

NYS Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

RE: Potential Mining Operations adjacent to White Lake, APA Project No. 2021-0075

NYSDEC Application ID: 6-3038-00081
OPRHP Project No: 21PR1815

Dear Adirondack Park Agency and Board:

Please accept these comments on the proposed operation of mineral extraction of 125,000 yards of dimensional stone consisting of an initial five-year permit, to excavate an initial 5.2-acre area located within a 26.6-acre Life of Mine in Town of Forestport, Oneida County (Tax Parcel No.: 8.000-1-8).

I am a municipal land use planner (resume attached) with ten years of experience in City and Town development review (site plan and subdivision), zoning and land use regulations, local roads, and environmental quality review in New York State relative to both actions on private property and government operations. The following are my observations regarding the review process, which I have been following since May 2020:

1. DRAFT Permit Writing Form ‘Findings of Fact – Environmental Setting - Character of Area’ contains factual errors with respect to Proposed Development, Buildings / Structures.

The draft APA Permit references Project Plans but the referenced link omits the [Survey “Lands of Thomas J. Sunderlin, Jr. and Martin Zarnock, Sr.”](#) prepared by Parker Land Surveying, P.C. dated 01/10/2012 (revised 05/06/2014) included in the Mined Land Use Plan, which is required to be signed and sealed by a Professional Land Surveyor but is missing both a stamp and signature from Thomas A. Parker, L.S. #050268. Omission of this survey from the final Mined Land Use Plan documentation is misleading about the extent and scope of proposed operations; the aforementioned Survey indicates a 30’ x 50’ pole barn to be constructed on the property.

Per New York State Uniform Code, a Building Permit is required for 30’ x 50’ structures, and for the Town of Forestport to issue a Building Permit for construction of that structure, access to the site must be suitably improved or a performance bond be issued under Town Law §280-a(2). This is for life-safety

reasons, largely revolving around adequacy of emergency vehicle access to structures, and both of the following requirements must be satisfied before a Building Permit may issue: 1) it must be demonstrated that the road providing access to the lot upon which construction is proposed is possessed of a formal status; and 2) the roadway must be suitably improved per specifications set by the Forestport Town Board.

2. DRAFT Permit Writing Form ‘Findings of Fact – Environmental Setting - Character of Area’ contains factual errors with respect to Access as Applicant fails to demonstrate suitable, titled access to Tax Parcel No. 8.000-1-8 and authorizing Permit for project across the lands of Registered Owner Joseph Turczyn Tax Parcel No 8.000-1-1 as described his 1980 deed.

The White Lake Granite Quarry’ April 2021 MLUP materials submitted to both APA and NYSDEC included the aforementioned unsealed, unsigned land survey suggesting that the access point (AKA ‘Stone Quarry Road’) to the project site via NYS-28 is a Town Road per an alleged conversation with the Town Highway Superintendent on 1/18/2012.

Adequate evidence or proof of sufficient title or interests in title could include: (i) an express deed of conveyance or cross-easement or (ii) an ALTA/NSPS survey to verify legal titled access. It is incumbent on the applicant – not the Town nor APA nor NYSDEC – to demonstrate this. An ALTA survey will verify Applicant’s assertion that project has direct access to a public highway (NYS-28) or if access is by easement across TPN 8.000-1-1. DRAFT Permit Writing form seems to suggest that these access issues will be sorted out at a future (unknown) date.

There also seems to be misunderstanding as respects to the NYS Highway Law as the Town’s approval, rejection, or filing or non-filing of a certificate of abandonment does not change the status of the road. If the road was ever a public highway, and if it was abandoned by non-use as a public highway per the meaning and intent of NYS Highway Law, it remains abandoned even if the Town never filed a certificate of abandonment. Likewise, the use is not merely any use, it is use in a manner that a public highway is used, along the normal course of the roadbed. Use as a driveway, occasional use for access, or by hunters and hikers is not sufficient.

3. DRAFT Permit Writing Form ‘Findings of Fact – Environmental Setting - Character of Area’ contains factual errors with respect to seasonal roads.

Highway Law §205-A requires that the Town Highway Superintendent annually designate town highways as seasonal limited use highways and those are “without occupied residence or commercial buildings dependent on such highways for access.” As the purpose of Town Law §280-a(2) is to insure that

provision is made for suitable access to land before a Building Permit is issued, a proposal that includes erection of new structures must meet this standard.

- 4. Project does not meet the minimum standards of ECL § 23-2713 (a) which requires “The mining plan shall consist of a written and graphic description of the proposed mining operation including the boundaries of the land controlled by the applicant...”**

The applicant has definitively **not** demonstrated titled access or full site control. The adjacent owner (R.O. Turczyn) claims that road was abandoned long ago per his deed and thus is not a public highway providing titled access to the proposed quarry site through his land. It is unclear to me whether the potential access (labeled ‘Stone Quarry Road’ on some map services but notably absent from others, including the Oneida County Tax Map 8.00, prepared by LiRo GIS and Survey, P.C., dated 12/3/2018) was ever a true public highway. The absence of the road from the County Tax Maps indicates that the access is likely to be a private drive as these maps often form the basis for emergency services (per the aforementioned Town Law 280-a).

Also of note:

The applicant’s original application for a mineral extraction was submitted to the Adirondack Park Agency in 2000. At that time, the agency asked for more robust submittals to deem the application complete. The applicant submitted a nearly identical application in 2021, and neither the DEC nor the APA requested any of these more supplemental materials relative to potential environmental impacts that were requested during the 2000 application review.

The tenor of APA communications within some sections of the DRAFT Writing Permit that suggest that the public is circulating misinformation about the project. Perhaps the public and interested parties would be best served with a basic info sheet or a staff report on the complexity of a coordinated review between the Town of Forestport, Adirondack Park Agency, and New York State Department of Environmental Conservation.

Thank you for considering these comments and for your service!

Respectfully submitted,

C.J. Randall, LEED AP ND
Land Use Planner
(607) 252-6710



C.J. Randall, LEED AP ND, is a researcher and planner with experience in development review, transportation demand management, sustainability, and environmental quality review as they relate to long-term planning and government operations. Her professional focus is the strategic implementation of local and regional planning as essential components of effective governance and sustainable energy policy.

EDUCATION

Cornell University, M.R.P., City and Regional Planning, 2011

Concentration in Land Use and Environmental Planning

Coursework in Methods of Planning Analysis; Public & Spatial Economics; Devolution, Privatization & the New Public Management; Legal Aspects of Land Use Planning; Legal Aspects of Public Administration; Affordable Housing Policy; Labor & Employment Law; Geographic Information Systems Analysis; Economic Development

Florida Atlantic University, B.A., Multimedia Journalism; minor, Biological Sciences, 2008

Coursework in Site Planning; Planning & Growth Management; Biodiversity; Chemistry; Physics; Media Coverage of Public Affairs; Feature & Freelance Writing; Mass Communication Law & Regulations; Media Studies; Public Opinion and Modernity; Broadcast Journalism; Multimedia Journalism

ACCREDITATIONS

U.S. Green Building Council, LEED AP in Neighborhood Development, August 2014

SELECTED EXPERIENCE

Director of Planning, Town of Lansing, May 2019-present

- Supervise and direct all activities of the department, including annual work plan and daily activities of Clerk, Building Inspector, Code Enforcement Officer, and Planner
- Supervise the execution and implementation of specialized planning projects, including transportation system upgrades and other municipal long-term capital projects
- Assist the Planning Board and Town Board in the implementation of the Comprehensive Plan via implementation of land use regulations
- Perform completeness and compliance reviews for development review applications to ensure all documentation required for applications is submitted; provide background information and draft Resolutions for the Planning Board and Zoning Board of Appeals for consideration of approval/denial of applications
- Direct the organization, maintenance, and preservation of records for all development review applications, including meeting minutes for site plan review, variances, zoning permits, Certificates of Compliance / Occupancy, subdivision plats, and other planning related records required by ordinances and of the hearings and actions
- Review, draft, and present proposed annual budget to the Town Board for approval; maintain the adopted departmental budget throughout the year and ensure all expenditures are in compliance with all applicable rules and requirements
- Prepare administrative reports outlining progress and activities provided to statutory boards and councils and Town Board
- Prepare and deliver presentations to citizens groups, the Town Board, Planning Board, and others as needed

- Maintain the official map and associated GIS data
- Appoint and/or hire, with the approval of the Town Board, technical professionals and other employees necessary to carry out the duties and functions of the department; prepare RFPs and contracts for special or temporary services as needed
- Attend a number of regularly scheduled evening Town meetings, including Broadband Committee, Conservation Advisory Council, Parks, Recreation, and Trails Advisory Committee, and Lansing Advisory Committee on the Power Plant Future, Planning Board, Town Board, and Zoning Board of Appeals
- Conduct long-range sustainability planning, including implementation of NYSEG LED streetlight conversion project, monitoring of NYSEG Lansing Non-Pipe Alternatives, coordination with Tompkins County Business Energy Advisers program for new construction, and preparation of successful grant application (\$31,000) to the Park Foundation for preparation of GEIS for Lansing Town Center including a Multi-Modal Transportation Impact Assessment and Stormwater Management Study
- Act as Floodplain Development Administrator
- Assisted with preparation of successful Appalachian Regional Commission (ARC) Partnerships for Opportunity and Workforce and Economic Revitalization (POWER) grant application (\$404,170) with Ithaca Area Economic Development (IAED, formerly TCAD) and Cayuga Operating Company to fund broadband expansion to former Milliken Station Power Plant
- Conduct/oversee various research studies necessary for planning and policy development
- Develop and oversee implementation of administrative procedures and policies
- Promote an image of professional, courteous service as a representative of the Town of Lansing, and maintain positive relations with public, county, state, and federal officials

Planner, Town of Danby, May 2015-April 2019

- Responsible for drafting and administering the Town's planning and zoning regulations, including lot line adjustments, rezonings, special use permits, variances, subdivisions, environmental quality review, aquifer protection, and historic preservation
- Performed review of project applications and submittals and capital improvement projects for compliance with federal, state, and local laws and prepare resolutions for Board / committee vote
- Performed research, planning, codes administration and GIS operations
- Provided professional and technical staffing for Planning Board and advisory boards plus technical support and policy analysis for infrastructure development, including a successful New York State Department of Environmental Conservation Water Quality Improvement Program (WQIP) Non-point source grant for Brown Road Streambank Stabilization Project to reduce sediment load to Cayuga Inlet
- Prepared reports and briefs regarding Town's land use, environmental quality review, infrastructure, and cultural and natural resources to the Town Board, Planning Board, Conservation Advisory Council, and Board of Zoning Appeals
- Conducted long-range sustainability planning, including NYSDEC Climate Smart Communities and NYSERDA Clean Energy Communities certification; prepared successful New York State Energy Research & Development Authority Clean Energy Communities Southern Tier region Block 1 Grant (\$100,000) for improvements to Highway Building
- Developed and implemented Town Open Space and Natural Resources Inventory
- Completed Zoning Audit on behalf of the Planning Board to advise the 2019-2024 Department Work Plan
- Acted as Fair Housing Officer, implementing and applying for Community Development Block Grants (CDBG) housing grants
- Prepared successful New York State Department of Transportation BRIDGE NY grant application with Dondi Harner, P.E., T.G. Miller, P.C. (\$499,274) for three culvert replacement projects using North Atlantic Aquatic Connectivity Collaborative (NAACC) data collected by Tompkins County Soil & Water Conservation District

Principal, Randall + West Planners, September 2011-May 2019

Ithaca Green Building Policy Project, City of Ithaca, 2017-2018

- Coordinated with multidisciplinary team (STREAM Collaborative Architecture + Landscape Architecture, DPC and Taitem Engineering, PC) to study and evaluate the potential of various green building policy approaches
- Assisted with and supervised completion of Development Forecasts and Building Stock Survey and Green Building Policy Study and Social Impacts Study

Zoning Update, Town of Ulysses, 2015-2018

- Conducted audit of the Town's existing zoning in relation to the existing Comprehensive Plan and Agriculture & Farmland Protection Plan
- Drafted text and created GIS maps for three new zoning districts: (1) the Hamlet of Jacksonville, (2) agricultural lands, and (3) commercial/mixed use areas
- Developed updated Subdivision Regulations referencing the Town's new Natural Resources Inventory

Schuyler County Guide to Environmental Planning, 2017-2018

NYSERDA and the Southern Tier Central Regional Planning Board

- Prepared a guide to assist municipalities adopt environmentally-sensitive regulations including model local laws, zoning regulations, conservation subdivision standards based on a Natural Resource Inventory, and model comprehensive plan amendments

Chain Works District Redevelopment

UnChained Properties, LLC, City + Town of Ithaca, NY, 2015-2019

- Assisted with preparation of the master site plan and development program for the 95-acre former industrial site targeted for LEED for Neighborhood Development Gold level certification
- Drafted Town Planned Development Zone code and City Planned Unit Development Zone code
- Coordinated with multidisciplinary team to complete GEIS, LEED certification submittals, and NYSERDA contract management
- Coordinated with multidisciplinary team to submit successful NYS Energy Research & Development Authority's Cleaner Greener Communities program grant application (\$1,750,000)

Ithaca Form-Based Code Project, NYSERDA, 2013-2015

- Prepared successful grant application to NYS Energy Research & Development Authority's Cleaner Greener Communities program (\$175,000) for drafting of a sample unified development ordinance for the City and Town of Ithaca
- Project received an Honorable Mention at the 2014 and 2016 American Institute of Architects Southern New York Biennial Design Awards

Collegetown Crossing Parking Study, Ithaca, NY, 2012

- Conducted extensive technical research and inventory of parking to assist with determining the feasibility of dense infill development without addition of new surface or structured parking

Greenways Market Report, Ithaca Neighborhood Housing Services, Ithaca, NY, 2012

- Developed a market report for a proposed development of 48 for-sale townhomes utilizing Census demographic information and data analysis to draw conclusions about the state of the market for townhome units targeted to households earning less than 80% of AMI

Planner, Genesee/Finger Lakes Regional Planning Council, August 2013-May 2015

Seneca Lake Watershed Management Plan, 2014

- Prepared Assessment of Local Laws, Programs and Practices Affecting Water Quality including analysis of the federal, state, and municipal planning regulatory and programmatic environment for Seneca Lake, a NYS Department of State project

- Coordinated the efforts of 40 municipalities, five County Water Quality Coordinating Committees, five County Soil and Water Conservation Districts, two regional planning councils, a project advisory committee, landowners, and public groups

Keuka Lake Watershed Management Plan, Wayne, NY, 2014

- Prepared the Assessment of Local Laws, Programs and Practices Affecting Water Quality including analysis of the federal, state, and municipal planning regulatory and programmatic environment for Keuka Lake
- Facilitated the internal evaluation of eight municipal local law frameworks as well as the external comparison of local laws between neighboring municipalities within the watershed. She helped coordinate the efforts of eight municipalities, two counties, two regional planning councils, a steering committee, landowners, and public groups for the project

Black and Oatka Creek Watershed Management Plans, 2013

- Prepared Assessment of Local Laws, Programs and Practices Affecting Water Quality including analysis of the federal, state, and municipal planning regulatory and programmatic environment as part of 9 Key Element Watershed Plan to implement US EPA TMDL 303(d) requirement
- Facilitated the internal evaluation of six municipal local law frameworks as well as the external comparison of local laws between neighboring municipalities within the watershed and coordinated the efforts of six municipalities, two counties, two regional planning councils, a steering committee, landowners, and public groups
- Organized and submitted funding request for streambank erosion and sedimentation control through Great Lakes Restoration Initiative with support from NYSDEC

HONORS

Professional Award for Implementation, American Planning Association NY Upstate, 2018

Honorable Mention, AIA Southern New York Biennial Design Awards, 2014 and 2016

Clarence S. Stein Institute for Urban and Landscape Studies research award, 2012

The Sustainability Consortium, Energy Fellow, 2010

American Planning Association Judith McManus Price Scholar, 2009

AFFILIATIONS

American Planning Association

City of Ithaca Comprehensive Plan Committee, 2013-2015

City of Ithaca Planning & Development Board, member 2013-2016, 2020-present

City of Ithaca Conservation Advisory Council, member 2012-2015

Tompkins County Planning Advisory Board, Chair, 2019-present

SKILLS AND EXPERTISE

- | | | |
|-----------------------------------------------|--------------------------------------|------------------------------------------------|
| • SEQRA / NEPA | • Growth Planning and Management | • Efficiency |
| • Site Plan Review | • Environmental Planning | • Strategic Communications |
| • Comprehensive Plans | • Policy Analysis | • Comprehensive Planning |
| • ArcGIS, QGIS | • Community and Economic Development | • Greenhouse Gas (GHG) Emission Inventory |
| • Adobe Creative Suite | • Project Management | • Form-based Codes and Zoning Code Calibration |
| • Stormwater Management | • Proposal and Grant Writing | • Agricultural Environmental Management (AEM) |
| • MS4 MCMs | • Sustainable Development | • Brownfield Opportunity Areas |
| • TMDL compliance | • Regional Planning | • Environmental Justice |
| • Transportation Demand Management (TDM) | • Planning and Design Guidelines | • Opportunity Zones |
| • Purchase and Transfer of Development Rights | • Energy Benchmarking and | |
| • Land Use and Zoning | | |

Exhibit B

THIS INDENTURE, made the 31st day of December, nineteen hundred and eighty-nine.

BETWEEN

THERESA M. GENTILE of 704 Jefferson Street, Utica, New York, KAREN GENTILE BUAS of 1206 Madison Avenue, Utica, New York, JOSEPH M. GENTILE of 1020 Beckwith Place, Utica, New York, and NICHOLAS J. GENTILE, JR. of 302 Hartford Place, Utica, New York, together being all the heirs at law of NICHOLAS J. GENTILE, SR., deceased.

party of the first part, and

NICHOLAS J. GENTILE, JR. of 302 Hartford Place, Utica, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -

ONE DOLLAR AND NO/100 - - - (\$1.00) dollars.

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

ALL THAT TRACT 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 1988 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 conveyed SUBJECT TO all easements, rights-of-way and restrictions of record.

The above-described premises are also conveyed SUBJECT TO the rights of the public in and to those portions of the premises situate within the highway boundaries of Stone Quarry Road and New York State Route 28.

Being the same premises conveyed to Nicholas J. Gentile and Joseph Gentile by deed dated September 28, 1970 and recorded in the Oneida County Clerk's Office on September 29, 1970 in Liber 1920 of Deeds at Page 346, the said Nicholas J. Gentile, (a/k/a Nicholas J. Gentile, Sr.), having died, intestate, a resident of the City of Utica, Oneida County, New York, on the 20th day of June 1979, leaving him surviving as his sole and only heirs at law, the

[Description is continued on reverse side hereof]



grantors herein, the said Joseph Gentile having thereafter conveyed his ownership interest in the said premises to Theresa M. Gentile, one of the grantors herein, by deed dated July 20, 1982 and recorded in the Cassida County Clerk's Office on October 15, 1982 in Liber 2133 of Deeds at 33, this deed being intended to convey all of the ownership interests of the grantors herein to Nicholas J. Gentile, Jr. so as to vest title in him, fee simple absolute, to the premises herein described.

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.

LIBR 2522 REC 76

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 costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the party of the first part covenants as follows:

FIRST.—That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

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

THIRD.—That the said premises are free from incumbrances, except as aforesaid;

FOURTH.—That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

FIFTH.—That said party of the first part will forever warrant the title to said premises.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires. **IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Theresa M. Gentile
Theresa M. Gentile

Karen Gentile Buss
Karen Gentile Buss

Joseph N. Gentile
Joseph N. Gentile

Nicholas J. Gentile, Jr.
Nicholas J. Gentile, Jr.

STATE OF NEW YORK, COUNTY OF ONEIDA

On the 31st day of December, 1989, before me personally came

Theresa M. Gentile and Karen Gentile Russ

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

James P. Roman
Notary Public, Madison County
My commission expires 3-30-91

STATE OF NEW YORK, COUNTY OF ONEIDA

On the 31st day of December, 1989, before me personally came

Joseph N. Gentile and Nicholas J. Gentile, Jr.

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

James P. Roman
Notary Public, Madison County
My commission expires 3-30-91

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Warranty Deed

WITH FULL COVENANTS

TITLE No.

GENTILE

TO

GENTILE

006457

RETURN BY MAIL TO

James P. Roman, Esq.
PO Box 277
Chittenango NY
By No. 13057

RECORDED

1989 APR 17 AM 11:16

SECTION

BLOCK

LOT

COUNTY OR TOWN

9 Madison County
ONEIDA COUNTY CLERK

10122522 77