


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2002-0058C</b></p>
<p>In the Matter of the Application of</p> <p><b>UPSTONE MATERIALS, INC.</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 29, 2022</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Upstone Materials, Inc.</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a mineral extraction, commercial sand and gravel extraction and industrial use in an area classified Low Intensity Use and Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lewis, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

### **PROJECT SITE**

The project site is approximately a 267.8±-acre parcel of land located on the east side of NYS Route 9 in the Town of Lewis, Essex County, in areas designated Low Intensity Use and Industrial Use on the Adirondack Park Land Use and Development Plan Map. A portion of the project site is located within ¼ mile of the North Branch Boquet River, which has been designated to be studied for potential inclusion under the Wild, Scenic, and Recreational Rivers System Act.

The project site is comprised of Town of Lewis Tax Map Parcel 38.4-1-2.200 and the Low Intensity Use and Industrial Use portions of Tax Map Parcel 38.3-1-20.002. The project site is described in a deed from Graymont Materials (NY) Inc. to Upstone Materials, Inc., dated May 12, 2017, and recorded May 24, 2017 in the Essex County Clerk's Office under Instrument Number 2017-2207 at Book 1874, Page 193.

The project site contains wetlands and is partially within the North Branch Bouquet River Study River Area. The project site is improved by an existing mineral extraction, a commercial sand and gravel extraction and industrial use as authorized by Agency Permit 2002-0058B.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the continued operation of the existing mineral extraction, commercial sand and gravel extraction and industrial use for an additional five-year term.

The project site is subject to NYS Department of Environmental Conservation (NYSDEC) Permit #5-1532-00009/00001, NYSDEC Mined Land Reclamation Permit MLF #50056, and NYSDEC Air State Facility Permit #5-1532-00009/00011.

The project is shown on the following Project Plans:

- Single sheet "Mine Plan Map," prepared by Strategic Mining Solutions, dated last revised December 3, 2022 and received by the Agency on December 13, 2022 (Mine Plan Map);
- Single Sheet "Reclamation & Planting Plan," prepared by The LA Group, last revised June 16, 2003 (Reclamation Map);
- Five-page "Reclamation Plan," received by the Agency on October 3, 1996 (Reclamation Narrative); and
- "Stormwater Pollution Prevention Plan," prepared by CLA Site, dated September 2018 (SWPPP).

A reduced-scale copy of the Mine Plan Map for the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any mineral extraction, commercial sand and gravel extraction and industrial use on Low Intensity Use lands and Industrial Use lands in the Adirondack Park.

Condition 14 of Agency Permit 2002-0058B required that the Agency receive an application for a new operating term prior to the expiration of Permit 2002-0058B on January 30, 2023.

**CONDITIONS**

**THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the mineral extraction, commercial sand and gravel extraction and industrial use continues on the site. Copies of this permit and the Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2002-0058B. The terms and conditions of Permit 2002-0058B shall no longer apply to the project site.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2002-0058C, issued December 29, 2022, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the undertaking of a mineral extraction, commercial sand and gravel extraction, and industrial use as depicted on the Mine Plan Map and described in the Project Plans. Any change to the location, dimensions, or other aspect of the mineral extraction, commercial sand and gravel extraction, or industrial use shall require prior written Agency authorization.
7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the North Branch Boquet River will require a new or amended permit.
8. Any free-standing or building-mounted outdoor lights associated with the mineral extraction, commercial sand and gravel extraction and industrial use on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 9. The project site shall not be lighted overnight or when operations are inactive without prior written Agency authorization.

9. Outside of the Life of Mine area shown on the Mine Plan Map, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
10. The undertaking of any activity involving wetlands shall require a new or amended permit. Any new areas of mineral extraction shall be located at least 100 feet from wetlands.
11. Overburden shall be stored a minimum of 100 feet from wetlands. A geotextile filter fabric (Mirafi 100X, Geofab, or equivalent) shall be installed within 5 feet of the toe of slope of any overburden, and the overburden shall be temporarily revegetated with native grasses.
12. Mineral extraction activities, commercial sand and gravel extraction activities and industrial use activities shall only occur on the project site between March 15 and December 15 annually. Repair and maintenance work, aggregate sales, groundskeeping, and other non-mining activities may occur year-round. There shall be no mineral extraction, commercial sand and gravel or industrial use activities on Sundays or on Memorial Day, Independence Day, Labor Day, or Thanksgiving Day.
13. Blasting shall only occur on the project site between 10am and 4pm, Monday through Friday. All other mineral extraction activities, commercial sand and gravel extraction activities and industrial use activities, including drilling, excavating, loading, stockpiling, rock breaking, crushing, screening, construction and maintenance of infrastructure, and trucking to and from the project site, shall only occur between 7am and 6pm, Monday through Saturday.
14. Only doppler radar back-up alarm devices shall be used on the project site.
15. This permit shall expire five years from the date it is recorded in the Essex County Clerk's Office unless a request for an amended permit term is received by the Agency prior to that date.
16. Reclamation shall be an on-going process whereby areas no longer needed for extraction purposes shall be promptly and successfully reclaimed according to the Reclamation Map and Narrative.
17. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.


**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Low Intensity Use and Industrial Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use and Industrial Use land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this 29<sup>th</sup> day of December, 2022.

ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Environmental Program Specialist 3 (EPS3)

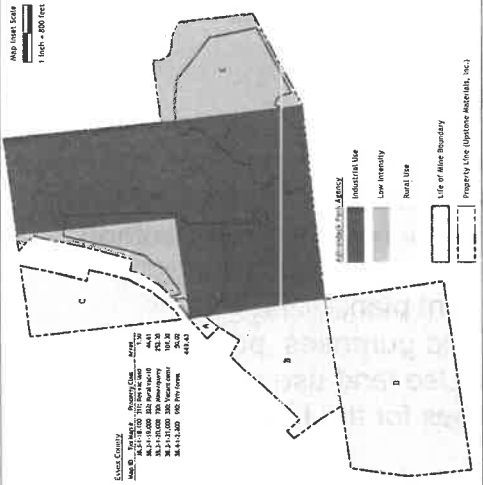
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 29<sup>th</sup> day of DECEMBER in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Craig A. Michaels  
Notary Public, State of New York  
Reg. No. 02MI6413384  
Qualified in Essex County  
Commission Expires January 25, 2025

  
Notary Public

# LAND USE CLASSIFICATION SUMMARY



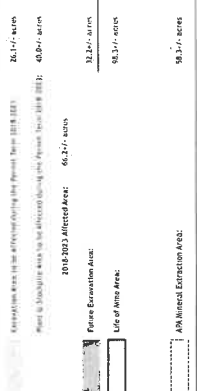
## SCALE



## NOTES

1. Existing Lines: Survey by Stinson, unattached. Provided by Graymont Materials (PM), Inc. in 08/08/ formals without reference.
2. Aerial Orthorectified Images: 2017 PHOS high resolution, unattached.
3. Boundaries and other geospatial information are based on a NAD 83 datum and are not necessarily approved by the Vermont Agency of Natural Resources.
4. Base map: "Mining Plans Map" by the US Geop. Top. IV' dated December 21, 2007.
5. Vertical Elevations: from spotlights provided by AEM May 10, 2019.

## ACREAGE SUMMARY



## LEGEND

- Property Line (Essex Materials)
- Life of Mine Boundary
- AEM Mineral Extraction Area
- Contour Line: 20
- Contour Line: 5
- Stream (Blue)
- Road
- Building
- Spot Elevation

## REVISIONS

Date	Description	By
09/12/2019	Initial Project Review	[Signature]
10/17/2019	Update for new Permit (2019-0884)	[Signature]

**Details:**  
 • Date: May 10, 2019  
 • Scale: 1 inch = 300 feet  
 • Datum: North NAD 83  
 • Contour Interval: 5 feet  
 • NYSDEC AEF #2006/AEM Project Permit #2003-0884  
 • USGS Quad: 18N41, NY  
 • Project by: DAS

**Certification:**  
 Done by: [Signature]  
 Title: [Title]

**MINE PLAN MAP**  
**Lewis Quarry**  
 NYSDEC AEF #2006/AEM Project Permit #2003-0884  
**Uptone Materials, Inc.**  
 Town of Lewis/Essex County, NY

Prepared by:  
**strategic mining solutions**  
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