


**THIS PERMIT AMENDS AND SUPERSEDES AGENCY PERMIT 2005-0300B.
THIS IS A TWO-SIDED DOCUMENT.**

 <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 Project Permit 2005-0300C</p>
<p>In the Matter of the Application of SEAWAY TIMBER HARVESTING, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 19, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: 1. Seaway Timber Harvesting, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes operation of a previously authorized mineral extraction in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Ellenburg, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 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 amended 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 a 959.2±-acre vacant parcel located off Beaver Meadow Road in the Town of Ellenburg, Clinton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Ellenburg Tax Map Section 100, Block 1, as Parcels 10 and 12, and Section 101, Block 1, as Parcels 6, 7, and 9.

The project site is described in the following four deeds to Seaway Timber Harvesting, Inc.: (i) a deed from Lassiter Properties, Inc. that was recorded in the Clinton County Clerk's office on July 17, 2000, as Instrument 123615; (ii) a deed from Michael Seguin and Jennifer Seguin that was recorded on August 21, 2000, as Instrument 124600; (iii) a deed from Michael Seguin and Jennifer Seguin that was recorded August 21, 2000, as Instrument 124601; and (iv) a deed from Leonard Lashway and Pearl Lashway as Trustees of the Leonard Lashway Living Trust that was recorded January 19, 2001, as Instrument 128509.

PROJECT DESCRIPTION

The project involves improvements to portions of the Beaver Meadow Road right-of-way, a town road, and the Plank Road right-of-way, a county road, and is summarized as follows:

- Establishment of a mineral extraction (quarry) for the removal of Potsdam sandstone for use as decorative building and landscaping stone and as crushed stone aggregate. The extraction has a 41.5±-acre Life-of-Mine area containing approximately 1.5 million cubic yards of reserves to be removed over a projected 40-year period.
- The extraction will be completed in four phases. The "Initial Phase" shown on the Mining Plan Map dated March 2019, will involve a 2.7±-acre extraction area, a 1.2±-acre haul road, and a 1.0±-acre stormwater retention pond.
- A 0.25-acre wetland resource within the Life-of-Mine area will be eliminated by the extraction. The loss of this resource will be offset by the creation of a new 0.59±-acre wetland area on the project site in accordance with a Wetland Mitigation Plan.
- Prior to commencing commercial extraction operations, the applicant will construct a paved turning lane and culvert extension on Plank Road, reconstruct approximately 3,600 feet of Beaver Meadow Road, and construct a private on-site access road.

Project Plans and Reports:

The project is shown and described in the following plans and reports (Project Plans):

- A mining plan map showing four phases titled, "Seaway Timber Harvesting, Inc, Ellenburg Quarry," (Mining Plan Map) prepared by Thomas AH Pahler, P.E., and dated March 2019.

- A report entitled, "Mined Land Use Plan (Original Submittal) for the Seaway Timber Harvesting, Inc. Proposed Ellenburg Quarry," prepared by Jeffrey Slade, Senior Geologist with Continental Placer Inc., dated February 8, 2005, and revised and submitted on June 7, 2007.
- The following plan sheets related to the extraction which were prepared by Continental Placer Inc. and are dated January 5, 2005: "Reclamation Plan Map, Seaway Timber Harvesting Inc., Ellenburg Quarry," and "Reclamation Sections, Seaway Timber Harvesting Inc., Ellenburg Quarry."
- A set of plans (14 sheets) entitled, "Final Road Reconstruction Plans, Beaver Meadow Road," prepared by Continental Placer Inc., dated April 17, 2008, and last revised June 17, 2008.
- A May 14, 2007 report entitled, "Stormwater Management Plan and Computerized Stormwater Model, Seaway Timber Harvesting Inc., Ellenburg Quarry," prepared by Continental Placer, Inc.
- An August 28, 2008 "Hydrology and Hydraulic Report, Beaver Meadow Road Reconstruction," prepared by Continental Engineering, PLLC.
- An April 18, 2007 report entitled, "Stormwater Pollution Prevention Plan, Seaway Timber Harvesting Inc., Ellenburg Quarry," prepared by Continental Placer, Inc. (Stormwater Pollution Prevention Plan).
- An August 28, 2008 "Stormwater Pollution Prevention Plan Report, Beaver Meadow Road Reconstruction," prepared by Continental Engineering, PLLC. (Stormwater Pollution Prevention Plan Report).
- A Wetland Mitigation Plan prepared by Terrestrial Environmental Specialists, Inc. which was received on July 28, 2008 (Wetland Mitigation Plan). The Wetland Mitigation Plan is supplemented by an August 29, 2008 letter from Paul T. Sharlow, Esq.
- A March 20, 2007 report entitled, "Noise Analysis, Seaway Timber Harvesting Inc., Town of Ellenburg, New York, Proposed Ellenburg Quarry," prepared by Continental Placer, Inc.
- A Noise Study prepared by Creighton Manning Engineering which was received on January 30, 2008.

A reduced-scale copy of the Mining Plan Map is attached as a part of this permit for reference. The original, full-scale maps and plans described above are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

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 on Rural Use lands in the Adirondack Park.

This permit amends Condition 16 of Agency Permit 2005-0300B.

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 Clinton 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 mining 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 Agency Permit 2005-0300B in relation to the project site. The terms and conditions of Permit 2005-0300B 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 2005-0300C, issued November 19, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit amendment authorizes mineral extraction activities within the 4.9±-acre "Initial Phase" of the mining project as described and depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the mineral extraction shall require prior written Agency authorization.
7. Prior to removal of stone from the project site for sale or use by others, the applicant shall improve Plank Road and Beaver Meadow Road in accordance with the project plans. Additionally, prior to any disturbance to the 0.25-acre wetland area within the Life of Mine, the proposed new 0.59-acre wetland area on the project site shall be completed in accordance with a Wetland Mitigation Plan. Monitoring reports shall be submitted to the Agency for five years following

creation of the wetland area. The applicant may perform necessary blasting and processing operations at the site for these improvements. Any change to the access plan for the mine shall require prior written Agency approval.

8. All mining, reclamation, and associated activities (including but not limited to excavating, drilling, grading, processing, stockpiling, trucking and outdoor maintenance operations) shall be undertaken from April 1 to November 30 annually and limited to the following times: Monday through Friday between 6am and 6pm, and Saturdays from 7am to 1pm. The extraction shall not operate on Sundays or on any State or Federal legal holidays. Any temporary or permanent change the months, days, or hours of operations shall require prior written Agency authorization.
9. Trucking shall be limited to no more than 100 loaded trucks leaving the site per day during the authorized months, days, and hours of operation. Any temporary or permanent increase in the number of trucks leaving the site shall require prior written Agency authorization.
10. Blasting shall only occur between 9am and 3pm on non-holidays between Monday and Friday, unless prior written approval is obtained from the Agency and the NYSDEC. Agency approval will be granted only in instances when climatological conditions prevented blasting during the week or for safety reasons.
11. All signs associated with the mine on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
12. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan and the Stormwater Pollution Prevention Plan Report.
13. No wastes of any kind or other materials from off-site locations, including land clearing debris, shall be stockpiled or disposed of on the project site without prior written Agency authorization.
14. Except as specifically permitted herein, no extraction or other activities that will involve any new disturbance to soils or vegetation may occur within 100 feet of any wetlands without a new or amended permit.
15. Reclamation shall occur according to the Project Plans.
16. No subdivision or new land use or development shall occur within the Life of Mine area without a new or amended Agency permit.
17. This permit shall expire upon the expiration date of any Mined Land Reclamation Permit issued by the New York State Department of Environmental Conservation (DEC), unless the Mined Land Reclamation Permit has been re-issued or a new permit issued by the DEC and written authorization for continued operation has been obtained from the Agency prior to that date.

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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- 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 19th day
of November, 2024.

ADIRONDACK PARK AGENCY

BY: _____

David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 19th day of November in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Stephanie L. Petith
Notary Public

