


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 2011-0157B</p>
<p>In the Matter of the Application of</p> <p>TROY TOPSOIL & AGGREGATES, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 4, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Troy Topsoil & Aggregates, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a commercial sand and gravel extraction in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Fort Ann, Washington County.

This authorization shall expire unless recorded in the Washington 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 permit is 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 a 56.9±-acre parcel of land located on County Route 16 in the Town of Fort Ann, Washington County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 76, Block 1, Parcels 11.4 and 11.1, and is described in the following deeds:

- Harris Mud Pond LLC to Troy Topsoil and Aggregates Inc., dated July 23, 2020 and recorded in the Washington County Clerk's Office on August 3, 2020 as Instrument #2020-3426; and
- Pamela J. Harris, individually and as Executor of the Last Will and Testament of Keith L. Harris, to Troy Topsoil and Aggregates, Inc., dated July 23, 2020 and recorded in the Washington County Clerk's Office on August 3, 2020 as Instrument #2020-3425.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continuation of an existing commercial sand and gravel extraction and authorization of a new permit term. The project includes the addition of material washing and crushing, installation of a water supply well, and construction of two washing plant settling ponds.

Existing access to the project site is from County Route 16 and shares a portion of the driveway with an adjacent lot improved by a single family dwelling.

The project site is subject to a NYS Department of Environmental Conservation Mined Land Reclamation Permit (MLF #50142).

The project is shown on the following Project Plans:

- A single-sheet plan titled "Mine Plan Map," prepared by Griggs-Lang Consulting Geologists & Engineers, P.C., dated February 1, 2023 and received by the Agency on February 2, 2023 (Mine Plan Map);
- A single-sheet plan titled "Noise Impact Assessment Map," prepared by Griggs-Lang Consulting Geologists & Engineers, P.C., dated February 1, 2023 and received by the Agency on February 24, 2023 (Noise Map); and
- A four-sheet reclamation plan set prepared by George Marshall, LLC Engineering Geologists, approved by the Agency for Permit 2011-0157 (Reclamation Plans).

A reduced-scale copy of the Mine Plan Map 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 expansion by more than 25% of any commercial sand and gravel extraction on Resource Management lands in the Adirondack Park.

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 Washington 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 commercial sand and gravel extraction continues on the site. Copies of this permit and 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 2011-0157. The terms and conditions of Permit 2011-0157 shall no longer apply.
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 2011-0157B, issued April 4, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes a commercial sand and gravel extraction in the location shown and as depicted on the Mine Plan Map. Any change to the location, dimensions, or other aspect of the sand and gravel extraction shall require prior written Agency authorization.
7. This permit authorizes the addition of material washing and crushing, installation of a water supply well, and construction of two washing plant settling ponds in the locations shown and as depicted on the Mine Plan Map. Any change to the location, dimensions, or other aspect of the washing and crushing operations shall require prior written Agency authorization.
8. Any lighting associated with the commercial sand and gravel extraction on the project site shall be lit only during the operating hours authorized in this permit. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward County Route 16 or adjoining property.
9. All signs associated with the commercial sand and gravel extraction on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
10. Outside of the Life of Mine as 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.

11. All trees and screening vegetation shown on the Reclamation Plans and all existing trees and vegetation in the reclaimed areas shown on the Reclamation Plans shall be maintained.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. There shall be no principal buildings located on the project site.
14. All activities associated with the commercial sand and gravel extraction, including excavating, grading, processing, crushing, stockpiling, washing, and maintenance shall only occur between 7am and 5:30pm, Monday through Friday, and between 8am and 2pm on Saturdays. The commercial sand and gravel extraction and all associated activities shall not operate on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day. Any change in operations shall require prior written Agency authorization.
15. All trucking associated with the authorized activities on the project site shall only occur during the hours of operation authorized in Condition 14 above. There shall be no more than 100 loaded truck trips on any weekday and no more than 60 loaded truck trips on any Saturday without prior written Agency authorization.
16. There shall be no blasting activities on the project site without prior written Agency authorization.
17. Prior to undertaking the washing and/or crushing activities authorized herein, the noise berm shall be constructed as shown on the Mine Plan Map and Noise Map.
18. This permit shall expire on November 10, 2028, unless an application for a new permit term is received by the Agency at least one month prior to that date. Any application for a new permit term shall include a comprehensive trucking report for each year, including total number of truck trips per day and the average number of truck trips per day.
19. Water or other approved dust palliatives must be applied to haulageways and other areas of the mine, as often as necessary, to prevent visible dust from leaving the project site. Stone aggregate shall be maintained on the haul road of a sufficient size and depth to prevent the tracking of dust and sediment onto County Route 16.
20. Reclamation shall occur according to the Reclamation Plans. Reclamation shall be an on-going process whereby areas no longer needed or extraction purposes shall be promptly and successfully reclaimed according to the Reclamation Plans.
21. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 4th day of April, 2023.

ADIRONDACK PARK AGENCY

BY: _____

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 4th day of April in the year 2023, 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

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



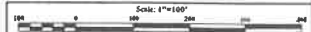
PRE-MINE ACRES SUMMARY

Wetland Land (60 acres)
 Land to be used to handle slurry (150 acres)

Total of South Bay Rd. (413874) to Arthur Stiles and Backland.

RECEIVED
 Date: February 2, 2013

FINAL
 P2011-0157B



Troy Topsoil and Aggregates, Inc.
 South Bay Mine
 Town of Fort Hook, Washington County, New York
MINE PLAN MAP
 Adirondack Park Agency

REV.	DATE	DESCRIPTION

ACRES SUMMARY

Land to be used to handle slurry (150 acres)
 Land to be used for mining (150 acres)
 Land to be used for storage (150 acres)

- Contour 1' (100')
 Contour 2' (200')
 Contour 5' (500')
 Contour 10' (1000')
 Contour 25' (2500')
 Contour 50' (5000')
 Contour 100' (10000')
 Contour 200' (20000')
 Contour 500' (50000')
 Contour 1000' (100000')

- LEGEND**
- High Road
 Paved Road
 Open rd Road
 Field Road/Driveway
 Trail
 Fence
 Stone Wall
 Edge of Water
 Edge of Wetland
 Erosion Line

- Utility Pole/Tower
 Building/Structure

