


THIS IS A TWO-SIDED DOCUMENT

 <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 2012-0064C</p>
<p>In the Matter of the Application of</p> <p>GARY E. MILLER, II UPSTONE MATERIALS, INC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 30, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Gary E. Miller, II</p>

SUMMARY AND AUTHORIZATION

This amended permit authorizes the continued operation of a commercial sand and gravel extraction in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of AuSable, 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 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 Clinton 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 a 119.4±-acre parcel of land located on Clintonville Road in the Town of AuSable, Clinton County in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 334, Block 1 as Parcels 12.1, 12.2, and 30.2. The project site is described in two deeds as follows: Parcels 12.1 and 12.2 are described in a deed from Gary E. Miller, II and Jennifer N. Brunk to Gary E. Miller, II dated February 5, 2016, and recorded February 11, 2016 in the Clinton County Clerk's Office as instrument number 2016-00277385, and Parcel 30.2 is described in a deed from Roger Lee Howerton, Sr. and Claudia Howerton to Gary Miller dated October 3, 2007, and recorded October 4, 2007 in the Clinton County Clerk's Office as instrument number 2007-002009832.

The project site contains wetlands located between Clintonville Road and the sand and gravel extraction. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the continued operation of a commercial sand and gravel extraction with a 22.5-acre life-of-mine.

A mining permit from the NYS Department of Environmental Conservation was issued on June 3, 2023.

The project is shown on the following plans:

- The current and proposed life of mine are depicted on the "Mine Plan Map," prepared by David A. Shank, PG, with a final revision date of January 7, 2025 (Mining Plan).
- The final reclamation plan is depicted on the "Reclamation Plan Map," prepared by Strategic Mining Solutions and dated November 12, 2020 (Reclamation Plan).
- Mining operations, including reclamation details are described in the "Mined Use Plan: Modification," prepared by Strategic Mining Solutions and dated November 12, 2020 (Mined Land Use Plan).

Reduced-scale copies of the Mining Plan and Reclamation Plan for the project are attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph 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 for any commercial sand and gravel extraction on Low Intensity Use 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 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 the commercial sand and gravel extraction continues on the site. Copies of this permit and the Mining Plan and Reclamation Plan 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 2012-0064B. The terms and conditions of Permit 2012-0064B 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 2012-0064C, issued January 30, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Mining Location, Size and Haul Roads

6. This permit authorizes the undertaking of a commercial sand and gravel extraction consisting of excavating, stockpiling, crushing, screening and truck loading and hauling in the location shown and as depicted on the Mining Plan, described in the Mined Land Use Plan and conditioned herein. Any change to the location, dimensions, activities or other aspect of the commercial sand and gravel extraction or haul road shall require a new or amended permit.

Outdoor Lighting

7. Any new free-standing or building-mounted outdoor lights associated with the sand and gravel extraction 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 any adjoining property.

Signage

8. All signs associated with the 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].

Tree Cutting/Vegetation Removal

9. Outside of the limits of clearing shown on the Mining Plan no trees, shrubs, or other woody stemmed vegetation 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. Between April 1 and October 31, no trees shall be removed or disturbed without prior written Agency authorization, except for the removal of trees that present a safety or health hazard.

Planting

11. Pitch Pine seedlings shall be planted as described in the Reclamation Plan and Mined Land Use Plan.

Wetlands

12. The undertaking of any activity involving wetlands shall require a new or amended permit.

Project Operations

Mine Operations

13. Excavation grading, stockpiling, reclamation, screening and trucking activities shall only occur between 7 a.m. and 5 p.m., Monday through Friday and Saturday between 7 a.m. and 12 p.m. No operation of any kind shall occur on any State or Federal holidays without prior written Agency authorization.

Crushing/Blasting

14. There shall be no crushing or blasting on the project site without prior written Agency authorization.

Excavation

15. There shall be no more than 50,000 cubic yards of material removed from the project site annually, without prior written Agency authorization.

Permit Term

16. This permit shall expire on June 2, 2028 unless an application for renewal is received by the Agency prior to that date.

Reclamation

17. Reclamation shall occur according to the Reclamation Plan. Not more than 10 acres of land shall be left in an open and un-reclaimed state at any one time without prior written Agency authorization.

Stormwater Management/Erosion Control

18. All stormwater runoff shall be contained within the Life of Mine boundary as shown on the Reclamation Plan.

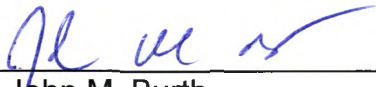
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 30th day
of January, 2025.

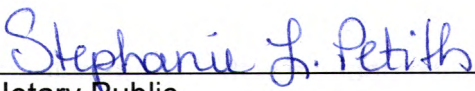
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (ESP3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 30th day of January in the year 2025, 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.

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


Notary Public

