


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 2016-0205B</p>
<p>In the Matter of the Application of</p> <p>ADIRONDACK SAND & GRAVEL, and SAWYER BROTHERS, LLC, Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 23, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1 Walter J. Sawyer2. Roger J. Sawyer II3. Leon B. Sawyer

SUMMARY AND AUTHORIZATION

This permit authorizes 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 Ticonderoga, 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 Essex County Clerk's Office. The Agency will consider the project in existence when the 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 70.82±-acre parcel of land located on Burm Baughn Road in the Town of Ticonderoga, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on the Town of Ticonderoga Tax Map Section 128.4, Block 2 as Parcel 9.100, and is described in a deed from Robert H. Grey Sr. to Walter J. Sawyer, Roger J. Sawyer II, and Leon B. Sawyer, dated October 23, 2015, and recorded on March 9, 2016 in the Essex County Clerk's Office under Book 1829, Page 162.

The project site contains a commercial sand and gravel extraction authorized by Agency Permit 2016-0205A.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continued operation of a commercial sand and gravel extraction on the project site. The project includes a 45-acre Life of Mine (LOM), with 19 acres to be mined and 5 acres to be re-claimed over the 5-year term of this permit. Two existing access roads will be used off of Burm Baughn Road. There will be an average annual production of 120,000 cubic yards of material, and material processing on the project site will include crushing and screening.

The project is subject to NYS Department of Environmental Conservation Mining Permit 5-1548-00015/00003.

The project is shown on the following maps, plans, and reports (Project Plans):

- A map titled "Sawyer Mining Plan, Sawyer Mine Essex County, Ticonderoga, New York 12883," dated February 8, 2017, received by the Agency on February 13, 2017, and prepared by Cheever Industries, LLC (Mining Plan);
- A map titled "Sawyer Reclamation Plan, Sawyer Mine Essex County, Ticonderoga, New York 12883," dated September 27, 2016, received by the Agency on February 13, 2017, and prepared by Cheever Industries, LLC (Reclamation Plan);
- A survey map titled "Estate of Leon E. Sawyer," dated June 1, 2004, received by the Agency on November 14, 2016, and prepared by John F. Grady LLS., (Survey Map);
- A survey map with hand drawn annotations titled "Estate of Leon E. Sawyer," dated June 1, 2004, received by the Agency on February 13, 2017 (Site Plan); and
- A stormwater management plan titled "Stormwater Management Plan Prepared for: Sawyer Bros. LLC.," received by the Agency on February 13, 2017, and prepared by Laura Benedict of Essex County Soil and Water conservation District (Stormwater Plan).

Reduced-scale copies of the Survey Map, Site Plan, and Mining Plan for the project are attached as a part of this permit for easy 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 commercial sand and gravel extraction on Low Intensity Use lands in the Adirondack Park.

This permit amends Condition 10 of Permit 2016-0205A.

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 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 Permit 2016-0205A in relation to the project site. The terms and conditions of Permit 2016-0205A 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 2016-0205B, issued July 23, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the operation of a commercial sand and gravel extraction in the location shown and as depicted on the Mining Plan and Site Plan. Any change to the location, dimensions, or other aspect of the sand and gravel extraction shall require prior written Agency authorization.
7. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or any adjoining property.

8. 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].
9. Outside of the life of mine shown on the Mining Plan, no trees, shrubs or other woody-stemmed vegetation/trees greater than 2 inches in diameter at breast height 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. All activities associated with the commercial sand and gravel extraction on the project site shall only occur Monday – Friday from 6am - 6pm, and on Saturdays from 7am – 2pm. No activities associated with the commercial sand and gravel extraction shall occur on any New York State Legal Holidays. Any change to the hours of operation shall require prior written Agency authorization.
11. There shall be no more than 170 truckloads of material departing the project site per week without prior written Agency authorization.
12. When brought from off-site, all equipment 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.
13. Reclamation shall occur according to the Reclamation Plan. The western slope of Area "A" as depicted on the Mining Plan shall be re-claimed and re-vegetated using native species.
14. The project shall be undertaken in compliance with the Stormwater Plan.
15. At the request of the Agency, the permittee or the permittee's successors shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.
16. This permit shall expire five years from the date it is recorded in the Essex County Clerk's Office unless an application for an amended permit term is received by the Agency at least one month 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 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 23rd day
of July, 2024.

ADIRONDACK PARK AGENCY

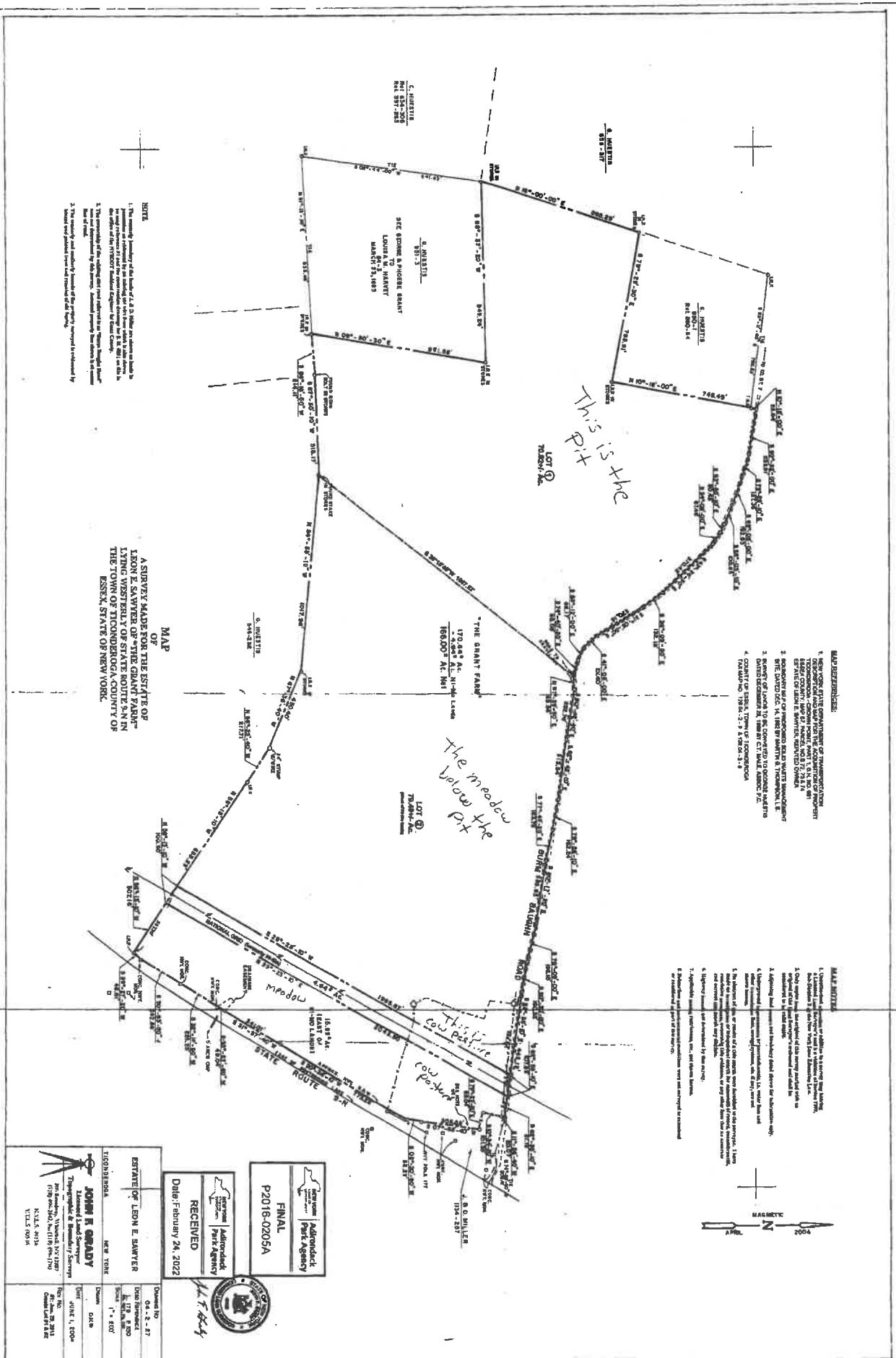
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of July 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


Notary Public



NOTE

1. The accuracy of the bearings and distances shown on this map is dependent upon the accuracy of the original survey data. The accuracy of the original data shall be ascertained by the client.
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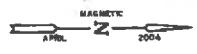
MAP
OF
A SURVEY MADE FOR THE ESTATE OF
LEON E. SAWYER OF STATE ROUTE 5, N IN
THE TOWN OF TICONDEROGA COUNTY OF
ESSEX, STATE OF NEW YORK.

LEGAL REFERENCES

1. THE TOWN OF TICONDEROGA, COUNTY OF ESSEX, STATE OF NEW YORK, INCORPORATED BY ACT OF THE LEGISLATURE OF THE STATE OF NEW YORK, CHAP. 107, SESS. 1854.
2. THE TOWN OF TICONDEROGA, COUNTY OF ESSEX, STATE OF NEW YORK, INCORPORATED BY ACT OF THE LEGISLATURE OF THE STATE OF NEW YORK, CHAP. 107, SESS. 1854.
3. THE TOWN OF TICONDEROGA, COUNTY OF ESSEX, STATE OF NEW YORK, INCORPORATED BY ACT OF THE LEGISLATURE OF THE STATE OF NEW YORK, CHAP. 107, SESS. 1854.
4. COUNTY OF ESSEX, TOWN OF TICONDEROGA, TAX MAP NO. 1983A, 1983B, 1983C, 1983D, 1983E, 1983F, 1983G, 1983H, 1983I, 1983J, 1983K, 1983L, 1983M, 1983N, 1983O, 1983P, 1983Q, 1983R, 1983S, 1983T, 1983U, 1983V, 1983W, 1983X, 1983Y, 1983Z.

MAP NOTES

1. The bearings and distances shown on this map are as shown on the original survey data.
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8. The bearings and distances shown on this map are as shown on the original survey data.



<p>JOHN F. GRADY Licensed Professional Surveyor No. 1287, State of New York 1100 West 12th Street Kilauea, HI 96750</p>	ESTATE OF LEON E. SAWYER NEW YORK DATE: 02/24/2022 SHEET: 1 OF 1	DRAWN BY: JFG DATE: 02/24/2022
	RECEIVED Date: February 24, 2022	FINALE P2016-0205A

	RECEIVED Date: February 24, 2022
FINAL P2016-0205A	

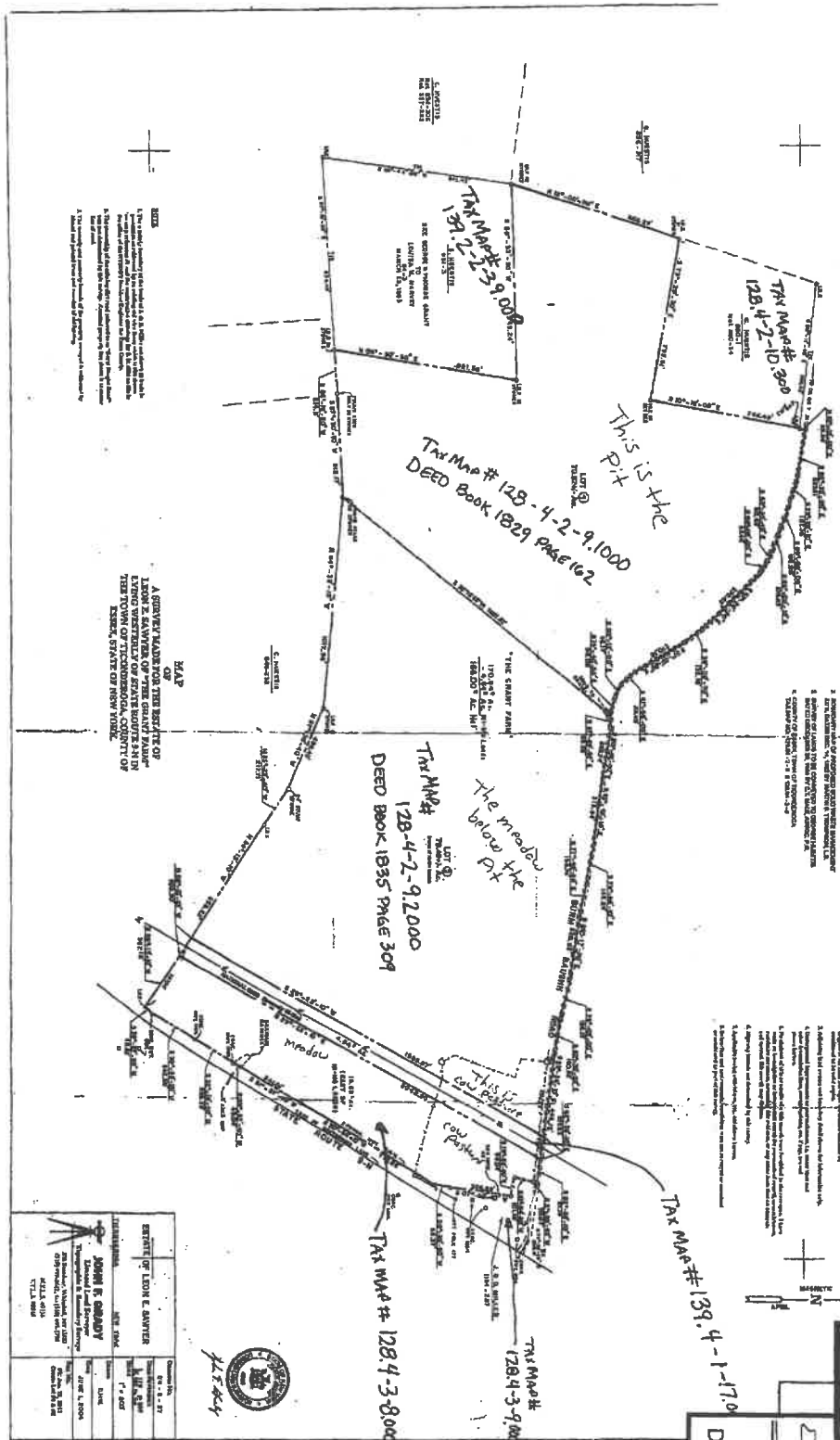
NEW YORK
STATE OF
OPPORTUNITY
Adirondack
Park Agency

FINAL

P2016-0205A

RECEIVED

Date: February 24, 2022

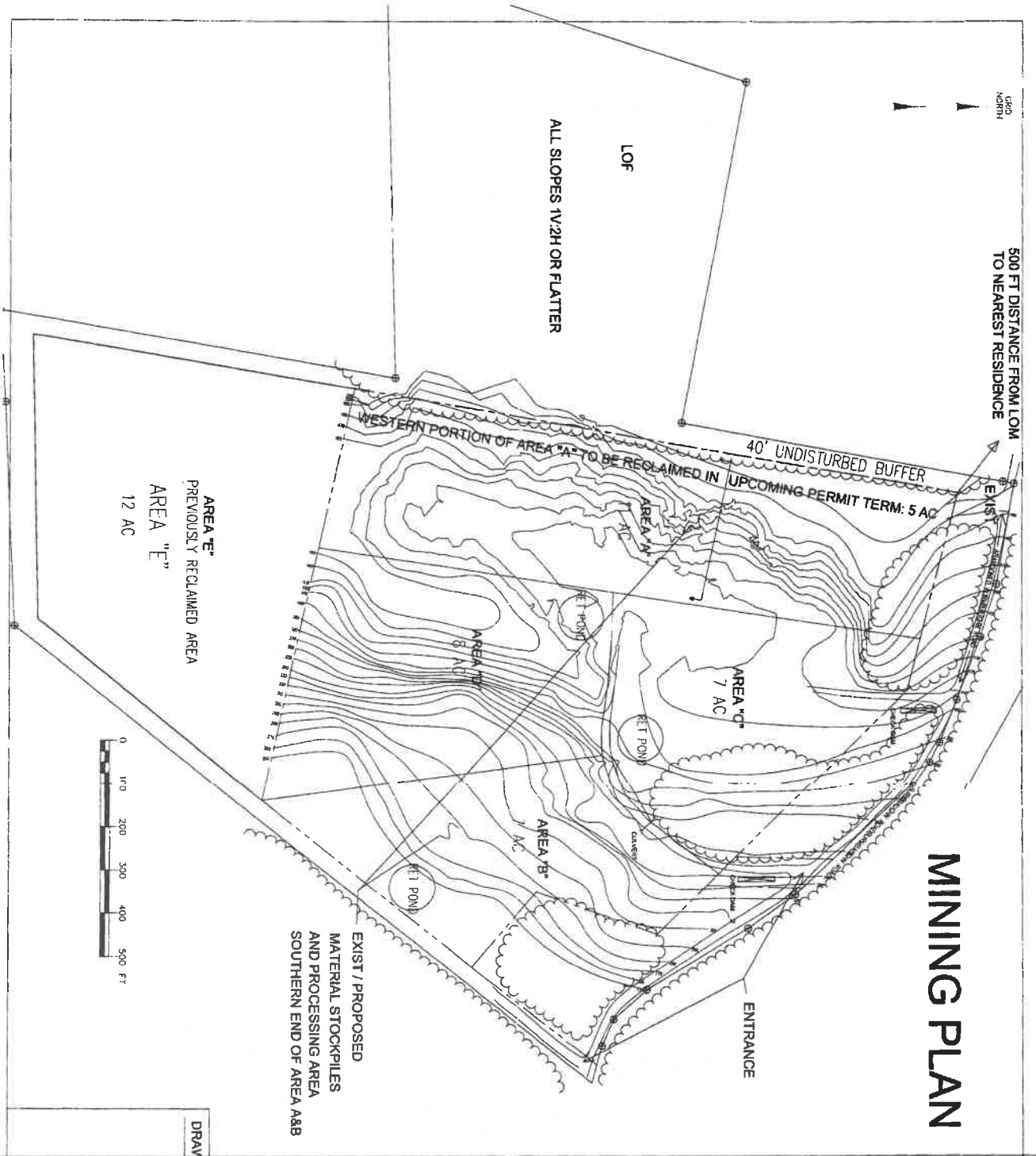


OWNER	JOHN E. GARDNER	Address	1100 N. 10th St Watkins Glen, NY 13858
AGENT	JOHN E. GARDNER	Address	1100 N. 10th St Watkins Glen, NY 13858
DATE	02/24/2022	Time	10:00 AM
OFFICE	ADIRONDACK PARK AGENCY	Address	1000 N. 10th St Watkins Glen, NY 13858



500 FT DISTANCE FROM LOM TO NEAREST RESIDENCE

MINING PLAN



~~~~~ TREE LINE  
 - - - - - LOM

LIFE OF MINE 45 AC  
 ACTIVE THIS PERIOD: AREA "A" - 11 AC  
 AREA "B" - 7 AC  
 TOTAL ACTIVE THIS PERIOD: 19 AC  
 WESTERN PORTION OF AREA "A" TO BE RECLAIMED IN  
 UPCOMING PERMIT TERM: 5 AC

Adirondack  
 State Park Agency  
**FINAL**  
 P2016-0205A

Adirondack  
 State Park Agency  
**RECEIVED**  
 Date: February 24, 2022

|            |          |                                                                                  |                                                                  |
|------------|----------|----------------------------------------------------------------------------------|------------------------------------------------------------------|
| DRAWN: JPR | 2-8-2017 | SAWYER MINING PLAN<br>SAWYER MINE<br>ESSEX COUNTY<br>TICONDEROGA, NEW YORK 12883 | CHEEVER INDUSTRIES, LLC<br>P.O. BOX 231<br>TICONDEROGA, NY 12883 |
|------------|----------|----------------------------------------------------------------------------------|------------------------------------------------------------------|