


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 2019-0076A</p>
<p>In the Matter of the Application of</p> <p>UPSTONE MATERIALS, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 7, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Upstone Materials, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the continuation of two commercial sand and gravel extractions in an area classified Resource Management 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 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 the 102.67±-acre Resource Management portion of a 103.77±-acre parcel of land located on Hale Hill Road and off NYS Route 9 in the Town of Lewis, Essex County, in an area classified Resource Management and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as two tax map parcels: Tax Map Section 38.1, Block 1, Parcel 10.1, 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 2017-2210 at Book 1874, Page 235 (formerly the Hale Hill Mine) and Tax Map Section 29, Block 2, Parcel 32, 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 2017-2202 at Book 1874, Page 148 (formerly the Fields Mine).

PROJECT DESCRIPTION

The project as conditionally approved herein involves amending the term of a prior permit for consolidation of two existing permitted mines into one mine with a common access road off Hale Hill Road. The consolidated Life-of-Mine boundary is 51.5± acres with 17.6± acres to be affected over the 2025 to 2028 permit term.

The project is shown on the following maps, plans, and reports:

- "Mine Plan Map" (Mining Plan) prepared by David Shank/Colas, Inc., dated May 2, 2019, last revised December 4, 2024, and received by the Agency December 12, 2024;
- "Reclamation Plan Map" (Reclamation Plan) prepared by Strategic Mining Solutions, dated May 2, 2019, last revised November 6, 2019, and received by the Agency November 14, 2019; and
- A 12-page narrative (Mining Reports) in the form of three letters from Strategic Mining Solutions dated May 8, 2019, June 17, 2019, and June 25, 2019, and received May 28, 2019 and July 10, 2019.

A reduced-scale copy of the Mining Plan is 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.

The New York State Department of Environmental Conservation issued Permit ID 5-1532-00022/00001 on September 11, 2023 for the same project.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(e)(10) of the Adirondack Park Agency Act [Executive Law, Article 27], because the consolidation of two previously permitted commercial sand and gravel extractions is proposed on Resource Management lands and the permit term of each mine is being modified for a longer term.

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 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 2019-0076. The terms and conditions of Permit 2019-0076 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 2019-0076A, issued January 7, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction Location and Size

6. This permit authorizes the commercial sand and gravel extraction in the location shown and as depicted on the Mining Plan. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.

Outdoor Lighting

7. Any new free-standing or building-mounted outdoor lights associated with the commercial 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 Hale Hill Road, NYS Route 9, or adjoining property.

Signage

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].

Tree Cutting/Vegetation Removal

9. Outside of the Life-of-Mine boundary shown on the Mining Plan, 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.

Wetlands and Water Courses

10. Within 100 feet of any wetlands or intermittent or permanent streams, no trees, shrubs, woody-stemmed or herbaceous 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.

Project Operations

11. Excavation, grading, crushing, screening, stockpiling, reclamation, and maintenance activities shall only occur Monday through Friday, 6am to 6pm, and shall be limited to the 17.6±-acre "Area to be Affected during the 2018-2023 Permit Term" as shown on the Mining Plan. Excavation, grading, stockpiling, reclamation, and maintenance activities may occur within this Affected Area on Saturdays from 6am to 2pm. There shall be no crushing, screening, or processing operations on Saturdays. There shall be no operation on Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. These hours of operation may be extended only with prior written Agency authorization.
12. Loading trucks and trucking and hauling activities shall only occur Monday through Friday, 6am to 6pm, and Saturdays 6am to 2pm. There shall be no loading, trucking, or hauling activities on Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. No more than 40 loaded trucks (14 cubic yard capacity) of material shall depart the project site on a daily basis, except that a maximum of 60 trucks shall be allowed up to nine days during any one calendar year. The permittee shall notify the Agency in writing each day that trucking exceeds 40 loaded trucks within 10 days.

Trucking and hauling of material off site shall only occur via the access road to and from Hale Hill Road. Access to the mine over the former "Field's Mine" gravel access road to NYS Route 9 shall not be used for mining operations without prior written Agency approval.

13. There shall be no blasting without a new or amended Agency permit.

Invasive Species Control/Sanitizing Equipment

14. 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.

Permit Term

15. This permit shall expire on September 10, 2028, unless an application for renewal is received by the Agency at least one month prior to that date.

Reclamation

16. Reclamation shall occur according to the Reclamation Plan received by the Agency on November 14, 2019. Reclamation shall be an ongoing process whereby areas no longer needed for extraction purposes shall be promptly and successfully reclaimed according to the Reclamation Plan.

Reports

17. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

Stormwater Management/Erosion Control

18. The project shall be undertaken in compliance with the descriptions in the Mining Reports dated May 8, 2019, June 17, 2019, and June 25, 2019.


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 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 7th day
of January, 2025.

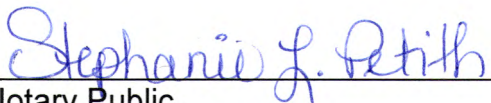
ADIRONDACK PARK AGENCY

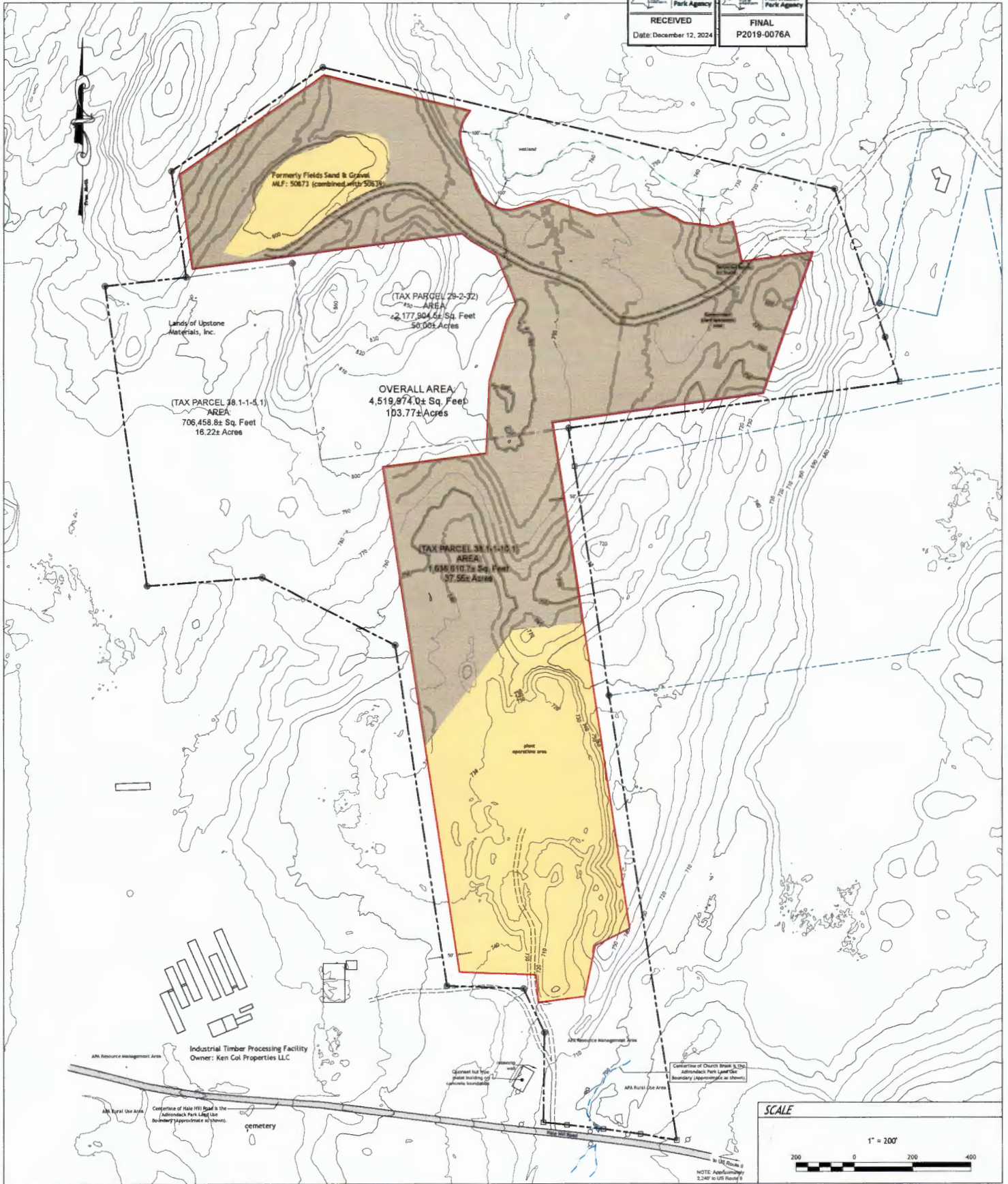
BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th 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



MINE PLAN MAP

Hale Hill (Allen Rogers) Mine
& the Former Fields Sand & Gravel
NYSDEC Mine ID: 50639
APA Permit: 2019-0076
Town of Lewis/Essex County, NY

Prepared for Upstone Materials, Inc. by:
David Shank/Colas, Inc.

MAP DETAILS

- Date: May 2, 2019
- Scale: 1 inch = 200 feet
- Datum: Mean Sea Level
- UFGS Quad: Lewis, NY
- Contour Interval: 10 feet
- Drafted by: David A. Shank, PG

REVISIONS

Date	Description	By
6/19/2019	Added "Restoration plan operations area" & "2019-2024 plant operations area" notes.	DAS
11/6/2019	Added wetland boundary & updated affected area in former Fields portion of site.	DAS
4/15/2023	Updated for 2023 NYSDEC mine permit renewal.	DAS
12/4/2024	Submitted for 2025 APA permit renewal.	DAS

LEGEND

- Property Line: C.T. Male & Assoc. 2017 survey
- Life of Mine Boundary
- Contour Line: 10 feet
- Stream/Edge of Water
- Edge of Wetland
- Road: Paved
- Road: Unpaved
- Building/Structure
- Overhead Utility Pole
- Survey Monuments
- Lands of Upstone Materials, Inc.: 163.77± acres

ACREAGE SUMMARY

Life of Mine Area:	51.5±/-acres
Area to be Affected during the 2018-2023 Permit Term:	17.6±/-acres
Area to be Affected in the Future:	33.9±/-acres

NOTES

- Property Boundary from C.T. Male Associates "ALTA/NSPS Land Title Survey" dated February 5, 2017.
- Basin topography from 1-meter LIDAR dataset.
- Aerial base: 2017 high-resolution natural color orthophoto (Source: NYSDEC Data Clearinghouse).
- Base Map: "Mining Plan Map" dated June 29, 2018 by Strategic Mining Solutions LLC.
- Base Map: "Reclamation Plan" dated September 3, 2008 by Robert M. Sutherland P.C.
- Base Map "Mining Permits" date circa 2000 by "Fields Watershed Mgt. Ser."