


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 2022-0280</p>
<p>In the Matter of the Application of</p> <p>TOWN OF AUSABLE Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 29, 2022</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Town of AuSable</p>

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 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 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 an 18.7±-acre parcel of land located north of Dry Bridge 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, Parcel 26.4, and is described in a deed from Lassiter Properties, Inc. to the Town of AuSable, dated October 18, 1993, and recorded January 3, 1994 in the Clinton County Clerk's Office at Book 906, Page 228.

The project site contains wetlands on the northern edge of the parcel, associated with Little AuSable River. The project site is improved by an existing commercial sand and gravel extraction as authorized by Agency Permits 2002-28, 2002-28R, 2002-28RA, 2002-0028RB.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continued operation of the existing commercial sand and gravel extraction for an additional five-year term.

The facility is subject to NYS Department of Environmental Conservation Permit #5-0922-00042/00001 and Mined Land Reclamation Permit MLF #50945.

The project is shown on the following Project Plans:

- A three-page "Engineer's Report," prepared by Thomas J. LaBombard, P.E., dated November 2, 2022 and received by the Agency on November 17, 2022 (Project Narrative); and
- A four-sheet set of plans titled "Town of AuSable Highway Department," prepared by Thomas J. LaBombard, P.E., dated November 2, 2022 and received by the Agency on November 17, 2022 (Site Plans).

A reduced-scale copy of Sheet 3 of the Site Plans for the project is attached as a part of this permit for reference.

AGENCY JURISDICTION

The project originally authorized by Agency Permit 2002-28 required an Agency permit pursuant to Section 809(2)(a) of the Adirondack Park Agency Act for the establishment of a commercial sand and gravel extraction on Low Intensity Use lands in the Adirondack Park.

Condition 8 of Agency Permit 2002-0028RB required that the Agency receive an application for a new operating term by February 19, 2023.

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 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 Permits 2002-28, 2002-28R, 2002-28RA, 2002-0028RB in relation to the project site. The terms and conditions of Agency Permits 2002-28, 2002-28R, 2002-28RA, 2002-0028RB 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 2022-0280, issued December 29, 2022, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the undertaking of the commercial sand and gravel extraction in the location shown and as depicted on the Site Plans and as described in the Project Narrative. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.
7. Between Dry Bridge Road and the existing powerline right-of-way, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
8. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
9. The undertaking of any activity involving wetlands shall require a new or amended permit. Any mining within 100 feet of the northerly property boundary of the project site shall require prior written Agency authorization.
10. All activities associated with the extraction shall occur as described in the Project Narrative. Hours of operation are Monday through Friday between 7:30am and 4:00pm September through November with loading of stockpiled material as needed during the winter months.

11. There shall be no crushing or blasting on the project site without prior written Agency authorization.
12. There shall be no more than 100 loaded truck trips leaving the project site during any week without prior written Agency authorization.
13. This permit shall expire five years from the date it is recorded in the Clinton County Clerk's Office unless a request for an amended permit term is received by the Agency prior to that date.
14. Reclamation shall occur as described in the Project Narrative and shown on the Site Plans. The successful establishment of pitch pine trees shall be promoted as part of on-going site reclamation.
15. A report prepared by a qualified professional forester shall be provided to the Agency as part of any future amendment request that describes the relative success of the pitch pine regeneration in any reclaimed portions of the extraction area and includes recommendations to improve such regeneration as necessary.


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 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;
- 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;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this ^{29th} day
of December, 2022.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{29th} day of DECEMBER in the year 2022, 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.


Notary Public

Craig A. Michaels
Notary Public, State of New York
Reg. No. 02MI6413384
Qualified in Essex County
Commission Expires January 25, 2025

