


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2023-0004</b></p>
<p>In the Matter of the Application of</p> <p><b>TOWN OF AUSABLE</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: September 28, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: <b>1. Town of AuSable</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a greater than 25% expansion of an existing commercial sand and gravel extraction in an area classified Moderate 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 11.3±-acre parcel of land located on Grove Street in the Town of AuSable, Clinton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 305, Block 2, Parcel 10.1, and is described in a deed from the Village of Keeseville to the Town of AuSable, dated December 31, 2014, and recorded April 20, 2015 in the Clinton County Clerk's Office under Instrument Number 2015-00271147.

The project site includes an existing commercial sand and gravel extraction operated by the Town of AuSable referred to as the Grove Street Pit.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves operation of a commercial sand and gravel extraction within an 8.37-acre life of mine, consisting of excavation, screening and stockpiling from June through October, Monday through Friday, 8am to 4pm. During the winter months, material will be removed from the stockpile by the Town of AuSable as needed for public road maintenance.

Existing access to the existing extraction area on the project site is from Grove Street, utilizing a deeded right-of-way across Tax Map Parcel #305.-2-10.

The facility is subject to NYS Department of Environmental Conservation Permit #5-0922-00069/00001 and Mined Land Reclamation Permit MLF #51094.

The project is shown on the following Project Plans:

- A four-page "Engineer's Report," prepared by Thomas J. LaBombard, P.E., dated December 14, 2022 and received by the Agency on July 13, 2023 (Project Narrative); and
- An eight-sheet set of plans titled "Town of Ausable Grove Street Pit," prepared by Thomas J. LaBombard, P.E., dated December 6, 2022 and received by the Agency on July 13, 2023 (Site Plans).

A reduced-scale copy of Sheet 4 of the Site Plans for the project, titled "2022 Contours w/ Proposed 2028 Contours" 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 Moderate 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 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. 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 2023-0004, issued September 28, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. 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.
6. All activities associated with the extraction and material stockpiling shall occur as described in the Project Narrative. Extraction, screening, and stockpiling activities shall only occur between 8am and 4pm Monday through Friday from June through October. Any change to the hours of operation shall require prior written Agency authorization.
7. There shall be no more than 100 loaded truck trips leaving the project site during any week without prior written Agency authorization.
8. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. There shall be no crushing or blasting on the project site without prior written Agency authorization.
10. This permit shall expire upon the expiration date of any Mined Land Reclamation Permit issued by the New York State Department of Environmental Conservation (DEC), unless a new, modified or re-issued Mined Land Reclamation Permit has been received from the from the DEC and written authorization for continued operation has been obtained from the Agency prior to that date.
11. Reclamation shall occur as described in the Project Narrative and shown on the Site Plans.

**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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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 28<sup>th</sup> day  
of September, 2023.

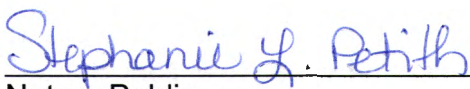
ADIRONDACK PARK AGENCY

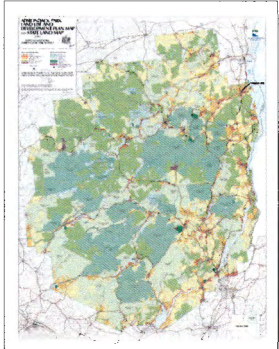
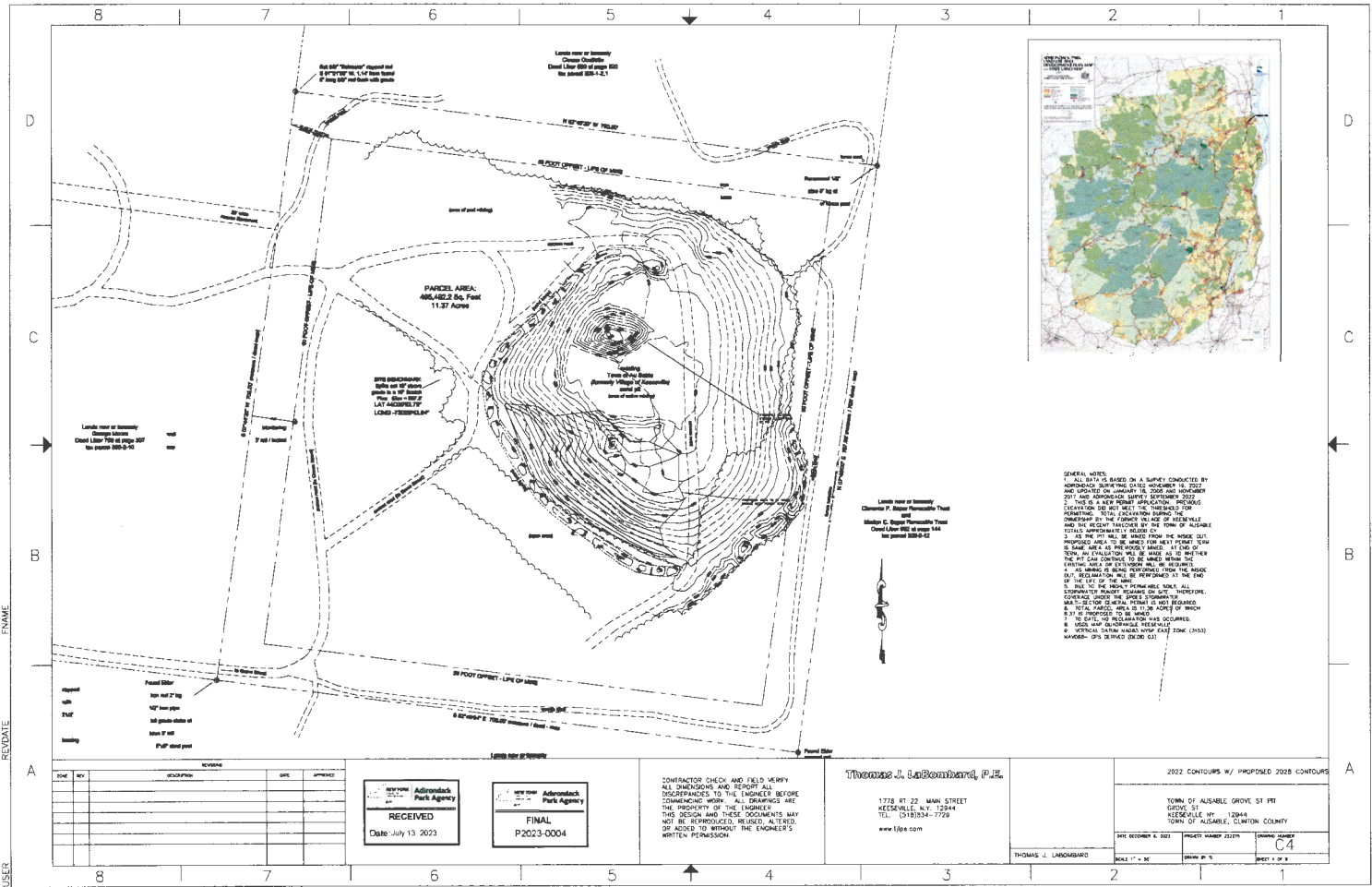
BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 28<sup>th</sup> day of September 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, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

  
Notary Public



**GENERAL NOTES:**

1. ALL DATA IS BASED ON A SURVEY CONDUCTED BY ADIRONDACK SURVEYING DATE WORKSHEET 10-2022 AND ORDNANCE SURVEY SYSTEMS 2011 AND ADIRONDACK SURVEY SYSTEMS 2012.
2. THIS IS A NEW SURVEY APPLICATION. PREVIOUS INFORMATION IS NOT TO BE USED FOR THIS PROJECT.
3. AS THE JOB WILL BE BASED FROM THE ADIRONDACK SURVEYING DATE WORKSHEET 10-2022 AND ORDNANCE SURVEY SYSTEMS 2011 AND ADIRONDACK SURVEY SYSTEMS 2012, THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA AND THE RESULTS THEREOF BY THE TOWN OF AUSABLE OFFICE APPROPRIATELY BEFORE USE.
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Level of road riding  
Level of field riding  
Level of 100' contour  
Level of 200' contour  
Level of 300' contour  
Level of 400' contour  
Level of 500' contour  
Level of 600' contour  
Level of 700' contour  
Level of 800' contour  
Level of 900' contour  
Level of 1000' contour

PARCEL AREA:  
486,482.22 Sq. Feet  
11.37 Acres

Level of road riding  
Level of field riding  
Level of 100' contour  
Level of 200' contour  
Level of 300' contour  
Level of 400' contour  
Level of 500' contour  
Level of 600' contour  
Level of 700' contour  
Level of 800' contour  
Level of 900' contour  
Level of 1000' contour

NO.	REV.	DESCRIPTION	DATE	APPROVED

**RECEIVED**  
Adirondack Park Agency  
Date July 13 2023

**FINAL**  
Adirondack Park Agency  
P2023-0004

CONTRACTOR CHECK AND FIELD VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES TO THE ENGINEER BEFORE COMMENCING WORK. ALL DIMENSIONS ARE THE PROPERTY OF THE ENGINEER AND THESE DOCUMENTS MAY NOT BE REPRODUCED, REUSED, ALTERED, OR COPIED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.

**Thomas J. LaBombard, P.E.**  
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KEESVILLE, NY 12044  
TEL: (518)524-7729  
www.tjls.com

2022 CONTOURS W/ PROPOSED 2028 CONTOURS  
TOWN OF AUSABLE GROVE ST PR  
CITY OF KEESVILLE  
COUNTY OF CLINTON  
TOWN OF AUSABLE, CLINTON COUNTY

DATE: 07/13/2023	PROJECT: HANCOY 2121A	DRAWING: JAMES
THOMAS J. LABOMBARD	SCALE: 1" = 50'	SHEET: 4 OF 8