


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 2023-0016</p>
<p>In the Matter of the Application of</p> <p>PECKHAM MATERIALS CORPORATION Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 4, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Peckham Materials Corporation</p>

SUMMARY AND AUTHORIZATION

This permit authorizes an existing mineral extraction, a commercial sand and gravel extraction, and an industrial use in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Town of Chester, Warren County.

This authorization shall expire unless recorded in the Warren 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 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 comprised of 227.56± acres of land located on the west side of State Route 9 in the Town of Chester, Warren County, in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Chester Tax Map Section 121, Block 1 as Parcels 35, 38.1, 38.2 and 39. The project site is described in a deed from Stephen A. Scullen, Jr. and Florence B. Scullen to Peckham Materials Corporation dated February 9, 1977 and recorded March 11, 1977 in the Warren County Clerk's Office in Book 603 of Deeds at Page 952, in a deed from Warren County to Peckham Industries, Inc. dated April 8, 1981 and recorded April 20, 1981 in the Warren County Clerk's Office in Book 638 of Deeds at Page 606, and in a deed from James E.S. Wayson and Opal Wayson to Peckham Materials Corporation dated and recorded October 31, 2001 in the Warren County Clerk's Office in Book 1238 of Deeds at Page 1. Peckham Materials Corporation is a wholly owned subsidiary of Peckham Industries, Inc.

The project site is improved by an existing quarry, two aggregate crushing plants, a permanent hot mix asphalt plant, a temporary hot mix asphalt plant, an office building, and several storage and maintenance garages.

PROJECT DESCRIPTION

The project as conditionally approved herein involves amending the permit term for a previously authorized sand and gravel extraction, mineral extraction, and industrial use for an additional permit term. The project as conditionally approved herein also involves the construction of three replacement hot mix asphalt silos and the construction of three new hot mix asphalt silos, which will each have an overall height of 72 feet 9 inches above grade.

The project site is subject to a NYS Department of Environmental Conservation Mined Land Reclamation Permit (MLF #50031) and Air State Facility Permit (DEC ID# 5-5224-00010/00013).

The project is shown on the following Project Plans:

- A single-sheet site plan titled "2023 Silo Layout, Plant 95," prepared by Peckham Industries, Inc., dated February 17, 2023 and received by the Agency on February 21, 2023 (Elevation Plan);
- A single sheet site plan titled "2022 Silo Layout, Plant 95," prepared by Peckham Industries, Inc., dated December 7, 2022 and received by the Agency on December 13, 2022 (Overlay Plan); and
- A single sheet site plan titled "Mine Plan Map, Peckham Materials Corp., Chestertown Facility," prepared by Peckham Industries, Inc., dated February 17, 2023 and received by the Agency on February 21, 2023 (Mine Plan Map).

A reduced-scale copy of the Mine Plan Map is attached as a part of this permit for reference.

AGENCY JURISDICTION

Agency Permit 2005-0149 was issued pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, as a permit is required from the Adirondack Park Agency prior to the

expansion by more than 25% of any mineral extraction, commercial sand and gravel extraction, and industrial use on Industrial Use lands in the Adirondack Park.

Condition 13 of Agency Permit 2005-0149 requires a new or amended permit for any expansion of the mineral extraction, commercial sand and gravel extraction, and industrial uses. This permit authorizes expansion of industrial use structures associated with the existing hot mix asphalt plant.

Condition 7 of Agency Permit 2005-0149RC requires a permit amendment for a new permit term beyond November 9, 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 Warren 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 mineral extraction, commercial sand and gravel extraction, and industrial uses continue 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 Permits 2005-0149 and 2005-0149RC. The terms and conditions of Permits 2005-0149 and 2005-0149RC 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 2023-0016, issued April 4, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the continuation of the mineral extraction, commercial sand and gravel extraction, and industrial use in the locations shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the mineral extraction, commercial sand and gravel extraction, and industrial use shall require prior written Agency authorization.

7. This permit authorizes the replacement of three hot mix asphalt silos and the construction of three new hot mix asphalt silos associated with the permanent hot mix asphalt plant, in the location shown and as depicted on the Overlay Plan and Elevation Plan. Any change to the location, dimensions, or other aspect of the industrial use shall require prior written Agency authorization.
8. The exterior color of the hot mix asphalt plant silos authorized herein shall be a dark shade of green, grey, or brown.
9. Any new free-standing or building-mounted outdoor lights associated with the mineral extraction, commercial sand and gravel extraction, and industrial use 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 State Route 9 or adjoining property. No outdoor lighting shall remain on overnight or when the site is not operating.
10. All signs associated with the mineral extraction, commercial sand and gravel extraction, and industrial use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
11. Within 100 feet of the centerline of State Route 9, 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.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. All aggregate processing equipment shall be located within and surrounded by the berms, stockpiles, and/or vegetative buffers shown on the Mine Plan Map.
14. Hot mix asphalt plant operations shall only occur Monday through Saturday between 4am. and 6pm. Any change to the hot mix asphalt operation shall require prior written Agency authorization.
15. Aggregate crushing and crushing plant activities shall only occur Monday through Saturday between 6am and 10pm. Any change to the aggregate crushing and crushing plant activities shall require prior written Agency authorization.
16. Quarry drilling activities shall only occur Monday through Friday between 6am and 5pm. Any change to the quarry drilling activities shall require prior written Agency authorization.
17. Blasting activities are authorized as described in the current NYSDEC Mining Permit, and shall only occur Monday through Saturday between 10am and 5pm, unless weather conditions require otherwise. No blasting will occur on Sundays or on the following legal holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day.

18. Material loading and transportation associated with all authorized activities on the project site shall only occur Monday through Saturday between 5:30am and 7pm. Any change to material loading and transportation operations shall require prior written Agency authorization.
19. All trucking associated with the authorized activities on the project site shall only occur during the hours of operation authorized in Condition 18 above. There shall be no more than 390 truck trips leaving the facility on any day without prior written Agency authorization.
20. This permit shall expire on November 10, 2028, unless an application for a new permit term is received by the Agency at least one month prior to that date. Any application for a new permit term shall include a comprehensive trucking report, by year and by activity, for the preceding permit term.
21. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
22. Any reclamation of disturbed areas within the life of mine shall occur according to the Reclamation Plan.
23. The project shall be undertaken in compliance with the Stormwater Pollution Prevention 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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Chester; and
- b. 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.

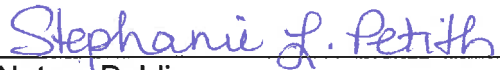
PERMIT issued this 4th day
of April, 2023.

ADIRONDACK PARK AGENCY

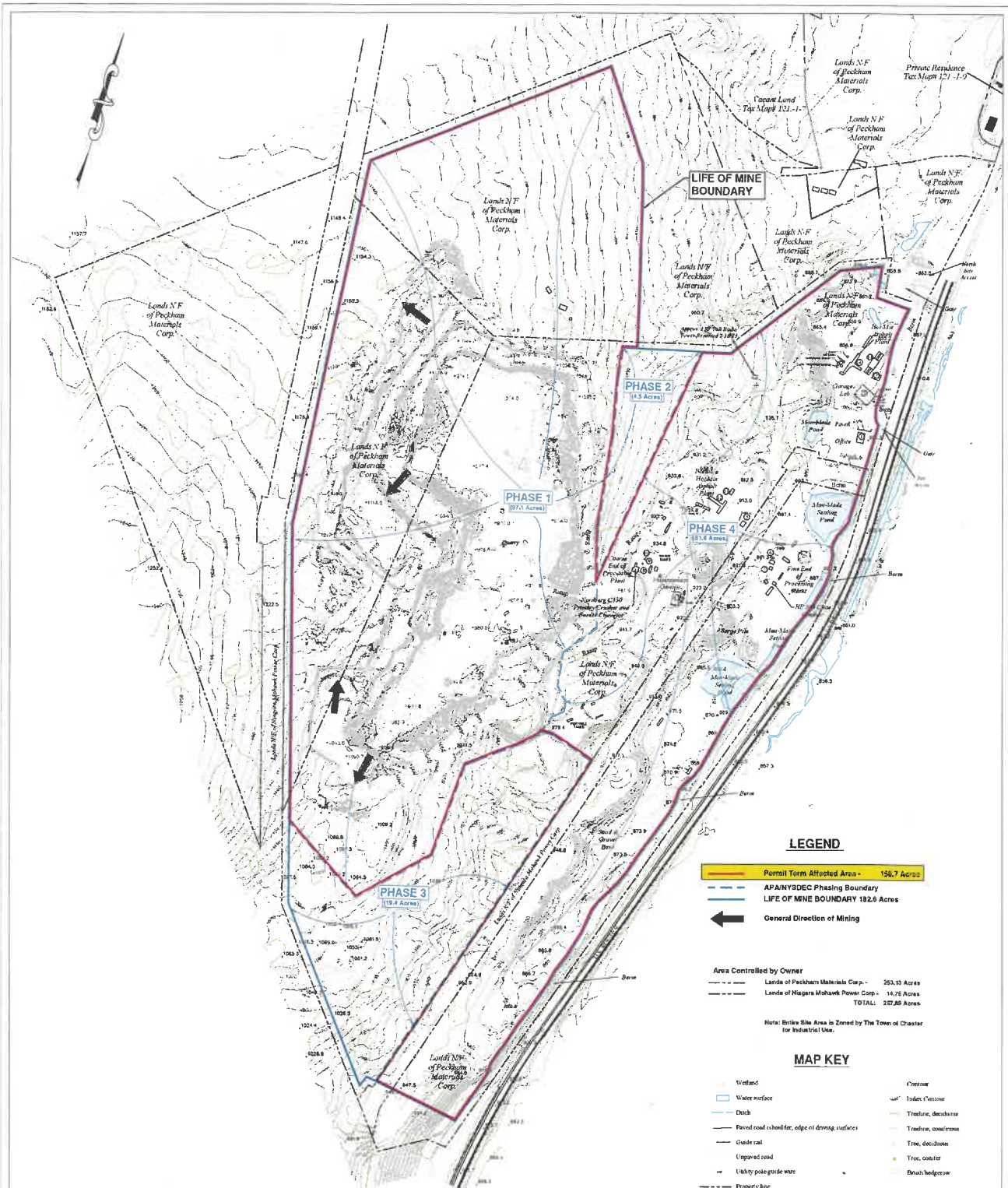
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 4th day of April 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.


Notary Public

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



LEGEND

- Permit Term Affected Area - 156.7 Acres
- AP/NS/DEC Phasing Boundary
- LIFE OF MINE BOUNDARY 182.6 Acres
- ← General Direction of Mining

- Area Controlled by Owner**
- Lands of Peckham Materials Corp. - 553.13 Acres
 - Lands of Niagara Mohawk Power Corp. - 14.76 Acres
 - TOTAL: 227.86 Acres**

Note: Entire Site Area is Zoned by The Town of Chester for Industrial Use.

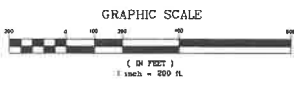
MAP KEY

- Wetland
- Water surface
- Ditch
- Paved road (shoulder, edge of driving surface)
- Gravel rail
- Unpaved road
- Utility pole guide wire
- Property line
- Fuel tank
- Building
- Private residential structure, outside Affected Area Life of Mine Boundary
- Crossroad
- Index Contour
- Tree line, deciduous
- Tree line, coniferous
- Tree, deciduous
- Tree, conifer
- Birch hedgerow

STRUCTURE KEY

NUMBER	TYPE/USE	SIZE (FOOTPRINT (FT.))	HEIGHT (FT.)	MATERIALS
1	OFFICE	44x30.5	16	WOOD LOG
2	GARAGE/LAB	75x60.5	29	METAL
3	GENERATOR (HOT MIX ASPHALT/CARAGE/LAB)	25.5x24.5	15	METAL
4	HOT MIX ASPHALT PLANT	120x60	40	METAL
5	GENERATOR (PROCESSING PLANT)	24.5x23	15	METAL
6	ELECTRICAL BLDG. (FINE END OF PROCESSING PLANT)	20.5x10.5	11	METAL
7	CONTROL BOOTH (FINE END OF PROCESSING PLANT)	29.5x8	18	METAL
8	CONTROL BOOTH (COARSE END OF PROCESSING PLANT)	15x15	30	METAL
9	ELECTRICAL BLDG. (COARSE END OF PROCESSING PLANT)	20x12.5	10	METAL
10	STORAGE	15x18	11	METAL
11	MAINTENANCE GARAGE	59x23.5	25	METAL
12	PORTABLE HOT MIX ASPHALT PLANT	77x68	60	METAL
13	CONTROL BOOTH (PORTABLE HOT MIX ASPHALT PLANT)	10x20	14	METAL
14	HOT MIX ASPHALT STORAGE SILOS	30x50	73	METAL

- MAP REFERENCE:**
- TOPOGRAPHY A COMPILATION OF DATA AS FOLLOWS:
 - SEPTEMBER 7, 2022 DRONE FLIGHT BY PECKHAM INDUSTRIES, INC.
 - AERIAL PHOTOGRAPHY, PERFORMED BY H2H ASSOCIATES, LLC (07-15-2018), AND BY AIR SURVEY, DULLES, VIRGINIA USING PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY DATED 7-19-2018.
 - BASED ON MINE PLAN MAP DATED, 7-18-2018, LAST REVISED 8-29-2018, BY H2H ASSOCIATES, LLC.



Sealed
 P2023-0016
 RECEIVED
 Date February 21, 2023

REV #	DATE	DESCRIPTION	BY

PECKHAM INDUSTRIES, INC.
 WWW.PECKHAM.COM
 72 PROSPECT HILL ROAD, BREWSTER, NEW YORK 10509
 TEL: 914.949.2000 FAX: 914.949.2075

MINE PLAN MAP
 PECKHAM MATERIALS CORP.
 CHESTERTOWN FACILITY
 TOWN OF CHESTER WARREN CO., NY
 HDR. DATUM: NAD83 DRAFTED BY: KAD DRAWING #: 35MP1001
 VBR. DATUM: NAD86 CHECKED BY: JCK PLANT #: 35 DATE: 2/17/2023
 SCALE: 1" = 200' MANAGER: JCK SHEET # 1 OF 1