


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 2023-0020</p>
<p>In the Matter of the Application of</p> <p>SEAWAY TIMBER HARVESTING, INC. and PATRICK J. CURRAN</p> <p>Permittees</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:</p> <ol style="list-style-type: none">1. Seaway Timber Harvesting, Inc.2. Patrick J. Curran

SUMMARY AND AUTHORIZATION

This permit authorizes a new commercial sand and gravel extraction in an area classified Moderate Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Waverly, Franklin County.

This authorization shall expire unless recorded in the Franklin 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 Franklin County Clerk's Office. The Agency will consider the project in existence when any of the authorized extraction activities commence on the project site.

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 approximately 189 acres of land located on NYS Route 458 and River Road in the Town of Waverly, Franklin County, in an area classified Moderate Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 240, Block 2, Parcels 5, 7, 9 and 10. Tax Map Parcels 5, 9 and 10 are vacant and un-improved. Tax Parcel 7 is improved by a seasonal camp. The project site is described in the following deeds:

- 240-2-5, 9 and 10: Susan Doucette to Patrick J. Curran, dated March 5, 2018, and recorded March 26, 2018 in the Franklin County Clerk's Office under Instrument Number 2018-1398; and
- 240-2-7: Lee R. Curran to Patrick J. Curran, dated July 14, 2023, and recorded July 31, 2023 in the Franklin County Clerk's Office under instrument number 2023-3382.

The project site is bordered by Debar Mountain Wild Forest lands to the north and east. The project site is partially located within the designated East Branch Saint Regis River Recreational River area and partially located within the NYS Route 458 Critical Environmental Area. Value "3" wetlands exist along River Road outside of the project area. Wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves operation of a commercial sand and gravel extraction. An area of 9.9 acres is proposed to be affected within the identified 150.6-acre Life of Mine. The mine will be accessed from NYS Route 458 and operate throughout the year except during December, January, February, Sundays, and Holidays. The hours of operation are Monday through Friday, 7am to 5pm, and Saturdays, 8am to 2pm. Loaded truck trips are expected to run on 30- to 60-minute trip cycles during peak operation.

Existing access to the project site is from NYS Route 458 and will be improved as part of the proposal. A NYS Department of Transportation Highway Work Permit is required for the portions of the project located within the Highway right-of-way.

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

- An 18 page report titled "Mined Land Use Plan and Reclamation Report," prepared by Thomas A.H. Pahler, P.E, dated November 30, 2022;
- "Mine Plan," prepared by Thomas A.H. Pahler, P.E, dated April 2018;
- "Phase One Site Details," prepared by Thomas A.H. Pahler, P.E, dated April 2023;
- "Plan-Profile Highway Entrance," prepared by Thomas A.H. Pahler, P.E, dated March 2023;
- "Highway Entrance Details," prepared by Thomas A.H. Pahler, P.E, dated April 2023; and
- "Reclamation Plan," prepared by Thomas A.H. Pahler, P.E, dated April 2018.

A reduced-scale copy of the Phase One Site Details 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.

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 Moderate Intensity Use and Rural Use lands in the Adirondack Park.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Rural Use lands within any designated recreational river area 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 Franklin 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, Wild, Scenic and Recreational Rivers System 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 2023-0020, 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 a commercial sand and gravel extraction in the location shown and as depicted on and described in the Project Plans. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization. Any change to the location or expansion of the Affected Area shall require a new or amended permit.

6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act/9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the Rural Use portion of the project site within one-quarter mile of the East Branch Saint Regis River or within 150 feet of the right-of-way of NYS Route 458 will require a new or amended permit. Any activity involving wetlands will also require a new or amended permit.
7. Any new outdoor lights associated with the commercial sand and gravel extraction shall require prior written Agency authorization.
8. Any signs associated with the commercial sand and gravel extraction within 150 feet of the right-of-way of NYS Route 458 shall require prior written Agency authorization.
9. Outside of the Affected Area and existing log landing shown on the Phase One Site Details, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed on the project site without prior written Agency authorization, except for an area up to 50 feet wide for construction of the haul road and the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
10. All authorized activities shall only occur Monday through Friday, 7am to 5pm, and Saturdays, 8am to 2pm. There shall be no construction, excavation, maintenance, extraction or trucking activities undertaken during December, January, February, Sundays, or Federal or State Holidays without prior written Agency authorization, with the exception of trucking material should an emergency situation require it. Any emergency trucking shall be reported to the Agency within five business days. There shall be no more than 20 loaded truck trips on any operating day without prior written Agency authorization.
11. All berm and infiltration areas shown on the Phase One Site Details shall be constructed prior to undertaking the authorized extraction activities.
12. In order to prevent the spread of invasive plants to the site, all equipment brought to the site from off-site locations, including but not limited to trucks, excavators, tractors, screening and crushing equipment, 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.
13. 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 DEC and written authorization for continued operation has been obtained from the Agency prior to that date.
14. The project shall be undertaken as described Mined Land Use Plan and Reclamation Report.

15. Reclamation shall occur according to the Reclamation Plan.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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 and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use and Rural Use land use areas;
- 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 28th day of September, 2023.

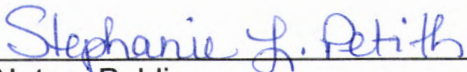
ADIRONDACK PARK AGENCY

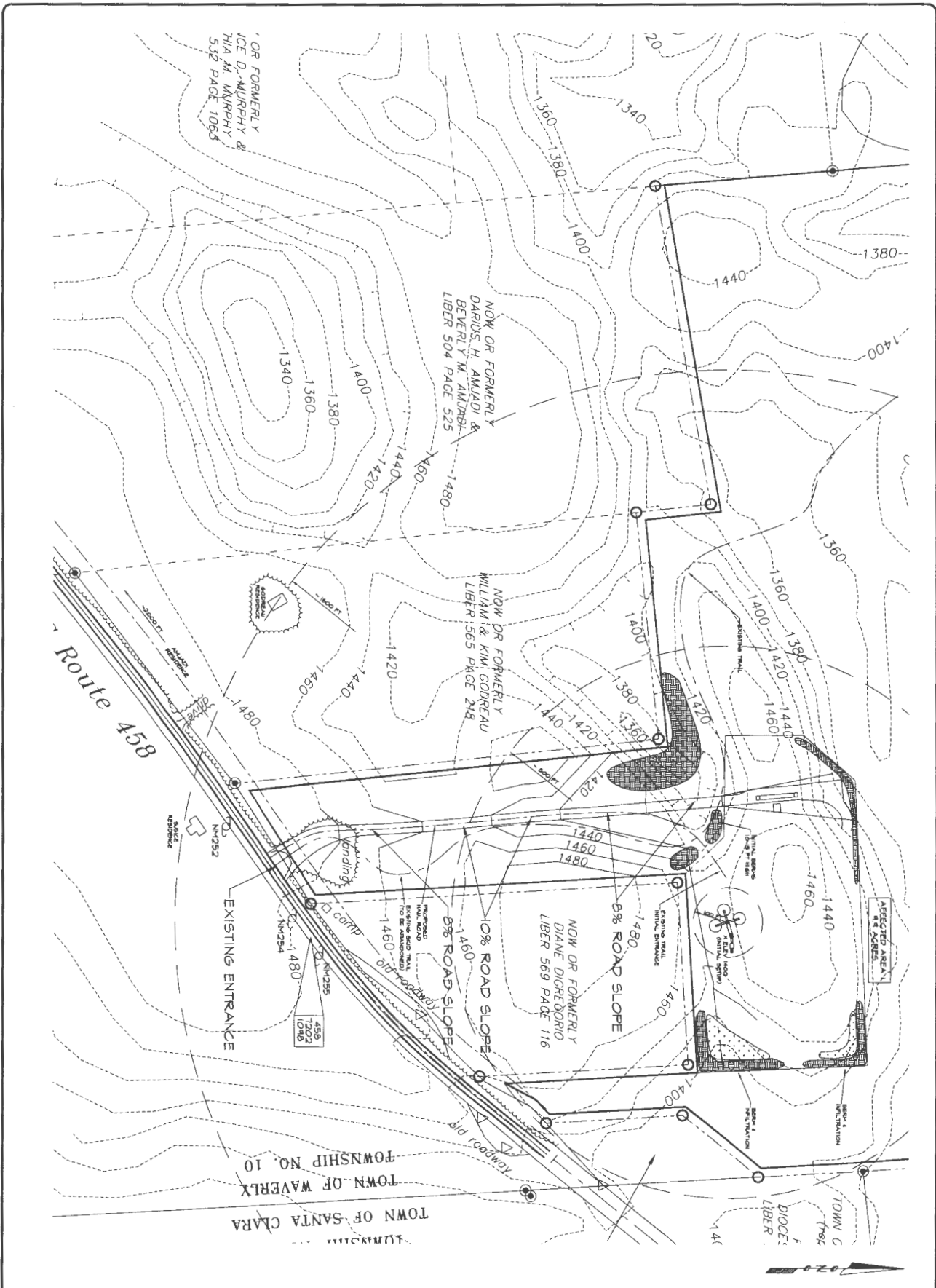
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 28th 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



CLIENT SEAMAY TIMBER HARVESTING, INC.
 801 STATE ST. 21
 HANSON, NEW YORK 13662
 PROJECT SANTA CLARA GRAVEL MINE
 STATE NY 06
 TOWN OF WAVERLY FRANKLIN COUNTY STATE OF NEW YORK
 DRAWING TITLE PHASE ONE SITE DETAILS

THOMAS AH PAHLER, PE
 Civil & Environmental Engineering Services
 7081 State Highway 56
 Nerwood, New York 13668
 (315) 265-8746
 tpahler@earthlink.net

PROJECT ENGINEER TAMP
 DRAWN BY TAMP
 SCALE 1" = 120'
 DATE APRIL 2025
 PROJECT NO. TMS-10
 NO.

NO.	REVISIONS	DATE	BY

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 PHOTOCOPYING, RECORDING,
 OR BY ANY INFORMATION
 STORAGE AND RETRIEVAL
 SYSTEM, WITHOUT THE
 WRITTEN PERMISSION OF
 THE ENGINEER.

DRAWING NO. 7195-3
 SHEET NO. 1 OF 3