


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>2023-0060</b></p>
<p>In the Matter of the Application of</p> <p><b>NORTH MIDDLEBURY SAND AND GRAVEL, LLC</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: May 25, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. North Middlebury Sand and Gravel, LLC</b></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 North Hudson, 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 a 108.3± acre parcel of land located off Pepper Hollow Road and NYS Route 9 in the Town of North Hudson, Essex 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 104.2, Block 1, Parcel 4.111, and is described in a deed from Mountain Forest Products, Inc. to North Middlebury Sand and Gravel, LLC, dated August 31, 2022, and recorded September 13, 2022 in the Essex County Clerk's Office at Book 2097, Page 118.

The project site contains shoreline on West Mill Brook and is partially located within the designated Schroon River Recreational River area. The project site contains shrub swamp wetlands with a preliminary value of "1" associated with West Mill Brook. Additional wetlands not described herein may be located on or adjacent to the project site.

The project site was created as "Lot 3" in a three-lot subdivision as authorized by Agency Permit 2010-0109.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the continued operation of a previously authorized commercial sand and gravel extraction. Extraction activities will occur on the six-acre "Phase 1" area.

A New York State Department of Environmental Conservation mining permit was issued March 16, 2023.

The project is shown and described on the following plan and reports:

- The location of the active mine is depicted on a map titled "Map of Survey Showing Limits of a Proposed Mine" (Site Plan), prepared by Porter Land Surveying, with a last revision date of November 8, 2017, received by the Agency March 29, 2023.
- Mining and reclamation activities are described in a three-page document titled "Mining Plan" (Mining and Reclamation Plan), received by the Agency March 1, 2023.

A reduced-scale copy of the Site Plan for the project 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 Low 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 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 Site 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. All conditions in Permit 2010-0109 remain in full force and effect except as amended herein.
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 2023-0060, issued May 25, 2023, 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 undertaking of commercial sand and gravel extraction in the Phase 1 location depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.
7. 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 within one-quarter mile of the Schroon River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.

**Outdoor Lighting and Signage**

8. No exterior lighting fixtures or signage visible from any public highway or right-of-way shall be installed without prior Agency review and approval.

### **Tree Cutting/Vegetation Removal**

9. No vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed outside the 24.6 acre "Overall Mine Area" as depicted on the Site Plan. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

### **Wetlands**

10. The undertaking of any activity involving wetlands shall require a new or amended permit.

### **Project Operations**

#### **Excavation/Crushing/Screening/Stockpiling/Other Reclamation Activities**

11. All mining and reclamation activities shall only occur between 7 a.m. and 5 p.m. Monday through Friday, and between 8 a.m. and 2 p.m. Saturday. No operations shall occur on the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

### **Reclamation**

12. Reclamation shall occur in accordance with the approved Mining and Reclamation Plan.

### **Permit Term**

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

### **Infrastructure**

#### **Stormwater Management/Erosion Control**

14. The project shall be undertaken in compliance with the approved Mining and 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 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; 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 25<sup>th</sup> day  
of may, 2023.

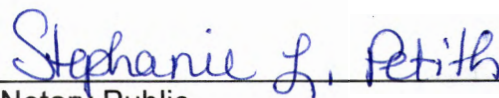
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 25<sup>th</sup> day of may 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

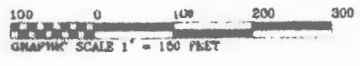
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**Adirondack Park Agency**  
**RECEIVED**  
 Date: March 29, 2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**Adirondack Park Agency**  
**FINAL**  
 P2023-0060

Other Lands of  
**Mountain Forest Products, Inc.**  
 Dred Bank 1520 Page 24  
 Tax Map Parcel 104.02-1.1.1

Lands of  
**Mountain Forest Products, Inc.**  
 Dred Bank 1520 Page 24  
 Tax Map Parcel 104.02-1.4.1

- LEGEND**
- DISTINGUISHED SURVEYER'S MARK
  - SUBSTANTIAL
  - WOOD PILING LINES
  - BOUNDARY OF NEIGHBORING UNDEVELOPED LAND
  - BOUNDARY OF CITY OR TOWN LOTS
  - PROPERTY LINE
  - CHANGING VEGETATION
  - UNCLASSIFIED SPICE FOR ANIMALS
  - RARE
  - NOT RECORDED
  - ROP ALIGNMENT
  - DRAINAGE DIRECTION
  - WATERSHED BOUNDARY
  - THIS SCALE IS QUADRANTARY ONLY



*This map shall be used for mine planning purposes only.*

Portion of Tax Map Section 104.2 Block 1 Parcel 4.11

### Map of Survey

Showing the Limits of a Proposed Mine  
 for  
**Mountain Forest Products, Inc.**  
 in the 49th Township of the Town and Crossfield Purchase

**TOWN OF NORTH HUDSON, ESSEX COUNTY, NEW YORK**

FIELD SURVEY DECEMBER 2011      PROJECT NUMBER: 04-2011-031  
 MAP COMPLETED DECEMBER 15, 2011

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Rev 1: 11-08-2017  
 Rev 0: 09-19-2017

Lands NP of  
**Larry Koller**  
 Dred Bank 1520 Page 30  
 Tax Map Parcel 104.02-1.1.1

**Site Plan**  
 Town of North Hudson, Essex County, New York  
 Portion of Town Country Tax Map Section 104.02

**Porter**  
 LAND SURVEYING

13 Highland Street      Thompsons, NY 12083  
 518-366-7777      761-5210 880-7352  
[www.porterlandsurveying.com](http://www.porterlandsurveying.com)  
[www.porterlandsurveying.com](http://www.porterlandsurveying.com)

- Map Revisions**
- 14 April 23, 2023 - Issue Baffle shown along western boundary, show Cedar Point Road, add site photo information and fill each item.
  - 07 June 20, 2023 - Added proposed stream under brook
  - 22 March 8, 2023 - Show mine Phase 1 & 6; Phase 7 Boundary

