


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 2023-0146</p>
<p>In the Matter of the Application of</p> <p>HUESTIS LIVING TRUST, c/o DENISE HUESTIS Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 20, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Huestis Living Trust2. Denise Huestis

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 Ticonderoga, 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 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 Essex 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 222.35±-acre parcel of land located on NYS Route 9N/22, Vineyard Road, and Birnbaum Road in the Town of Ticonderoga, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Town of Ticonderoga Tax Map Parcels 139.2-2-1 (60.3± acres), 128.4-2-11.1 (33.72± acres), 139.2-2-6.2 (19.39± acres), 139.2- 2-39 (20.54± acres), 128.4- 2-10.3 (10.4± acres) and 139.2-2-3 (78± acres).

The project site and other parcels are described in a deed from Gerald L. Huestis to Gerald L. Huestis and Denise A. Huestis, Trustees of the Huestis Living Trust, dated May 15, 2007 and recorded October 22, 2007, in the Essex County Clerk's Office as Instrument 2007-00006216 in Book 1555 of deeds at Page 47.

The project site is improved by an existing commercial sand and gravel extraction as originally authorized by Agency Permit 90-181 and most recently authorized by Agency Permit 1990-0181BR5.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the 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 #5-1548-00009/00001 and Mined Land Reclamation Permit MLF#50008.

The project is shown on the following Project Plans:

- "Reclamation Plan, Upper Huestis Pit and Gibbs Pit," prepared by Cameron Geotechnical, and dated June 4, 1993 (Reclamation Plan); and
- "Mining Plan Map, Peckham Materials Corp., Huestis Living Trust's Ticonderoga Pit," prepared by Peckham Industries, Inc., dated August 2, 2023, and received by the Agency on September 12, 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

The project originally authorized by Agency Permit 90-181 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 5 of Agency Permit 1990-0181BR5 required that the Agency receive an application for a new permit term at least one month prior to April 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 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 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 Permit 1990-0181BR5 in relation to the project site. The terms and conditions of Permit 1990-0181BR5 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 2023-0146, issued October 20, 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 undertaking of the commercial sand and gravel extraction in the location shown and as depicted on the Mine Plan Map. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.
7. All signs associated with the commercial sand and gravel extraction on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
8. Within 100 feet of the centerline of Vineyard Road, Birnbaum Road, and NYS Route 9N/22, 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.
9. The undertaking of any activity involving wetlands shall require a new or amended permit.
10. All mining activities, including excavation, grading, stockpiling, reclamation activities, maintenance, crushing, screening and trucking shall only occur between 8am and 4:30pm Monday through Friday and between 8am and 2pm on Saturdays. There shall be no operation on Sundays, or on Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, or New Year's Day.

11. There shall be no more than 100 loaded truck trips leaving the facility on any day without prior written Agency authorization.
12. 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.
13. 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 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 20th day
of October, 2023.

ADIRONDACK PARK AGENCY

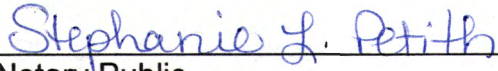
BY: _____


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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 20th day of October 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

