


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 2024-0036</p>
<p>In the Matter of the Application of</p> <p>TOWN OF JAY Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: May 23, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Town of Jay</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the continued operation of a previously permitted 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 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 sand or gravel extractions are undertaken 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 a 73.3-acre parcel of land located on Dry Bridge Road in the Town of AuSable, Clinton 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 334, Block 1, Parcel 27.2, and is described in a deed to the Town of Jay, dated July 2, 1982, and recorded July 8, 1982 in the Clinton County Clerk's Office at Book 624, Page 1153.

The site is improved by an existing commercial sand and gravel extraction.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the continued operation of a commercial sand and gravel extraction. A maximum of 8,000 cubic yards of sand will be extracted annually from the 8-acre life-of-mine area.

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

- The life of mine and active extraction area are depicted on a map titled, "Town of Jay, Harkness Sand Pit, Sheet M1" (Site Plan), prepared by Adirondack Surveying, PLLC and Upstate Design Associates, LLC with a final revision date of January 4, 2024, and received by the Agency February 12, 2024.
- The reclamation plan is depicted on a map titled, "Town of Jay, Harkness Sand Pit, Sheet M3" (Reclamation Plan), prepared by Adirondack Surveying, PLLC and Upstate Design Associates, LLC with a final revision date of January 4, 2024, and received by the Agency February 12, 2024.
- A description of the sand and gravel extraction operation, reclamation and Pitch Pine regeneration is described in a six-page plan titled "Engineer's Mined Land Use Plan and Reclamation Report" (Mined Land Use Plan), prepared by Upstate Design Associates, LLC, dated January 4, 2024 and received by the Agency February 12, 2024.

A reduced-scale copy of the Site Plan and Reclamation Plan for the project are 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 for 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 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 remains on the site. Copies of this permit and Site Plan, Reclamation Plan and Mined Land Use 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 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 2024-0036, issued May 24, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Project Operations

5. This permit authorizes the undertaking of a commercial sand and gravel extraction consisting of excavating, stockpiling, crushing, screening, truck loading and hauling in the locations shown and as depicted on the Site Plan; as described in the Mined Land Use Plan, Reclamation Report, and Mined Land Use Plan; and as conditioned herein. Any change to the location, dimensions, activities or other aspect of the commercial sand and gravel extraction or haul roads shall require prior written Agency authorization.
6. Pursuant to 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Main Branch Ausable River will require a new or amended permit.
7. Excavation, grading, stockpiling, reclamation, crushing, screening and truck loading and hauling activities shall only occur between 7am and 4pm, Monday through Friday from April 1 to November 30.
8. The maximum production for the mine will be no more than 8,000 cubic yards of sand and gravel per year. There shall be no more than 23 loaded truck trips leaving the mine per day.

Outdoor Lighting

9. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or any adjoining property.

Signage

10. 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].

Tree Cutting/Vegetation Removal

11. Outside of the existing life of mine limits of clearing shown on the Site Plan, 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 vegetation removal and transplanting described in the Mined Land Use Plan or the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

Plantings

13. Revegetation of the approximately 1 acre reclamation area as indicated on the Site Plan shall commence immediately upon final reclamation and shall include pitch pine plantings in accordance with the Pine Regeneration Plan. Revegetation of the 1 acre reclaimed area shall be protected with fencing, barriers and/or signage to stop ATV intrusion and allow pitch pine to become established.
14. As part of any request to renew this permit, the applicant shall include a current report prepared by a qualified professional forester describing the relative success of regeneration of pitch pine in the reclamation area. Any reasonable recommendations to improve such regeneration made in these reports as approved by the Agency shall be implemented by the applicant. The Agency reserves the right to require active management for regeneration as a condition in renewal of this permit.

Permit Term

15. 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 the Mined Land Reclamation Permit has been re-issued or a new permit issued by the DEC and written authorization for continued operation has been obtained from the Agency prior to that date.

Reclamation

16. Reclamation shall occur according to the Reclamation Plan and Mined Land Use Plan.

Reports

17. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

Stormwater Management/Erosion Control

18. The project shall be undertaken in compliance with the conditions stated herein. All stormwater runoff shall be contained within the 8± acre Life of Mine boundary as shown on the Site 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 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 23rd day
of May, 2024.

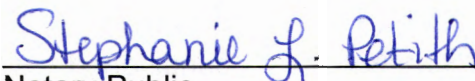
ADIRONDACK PARK AGENCY

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

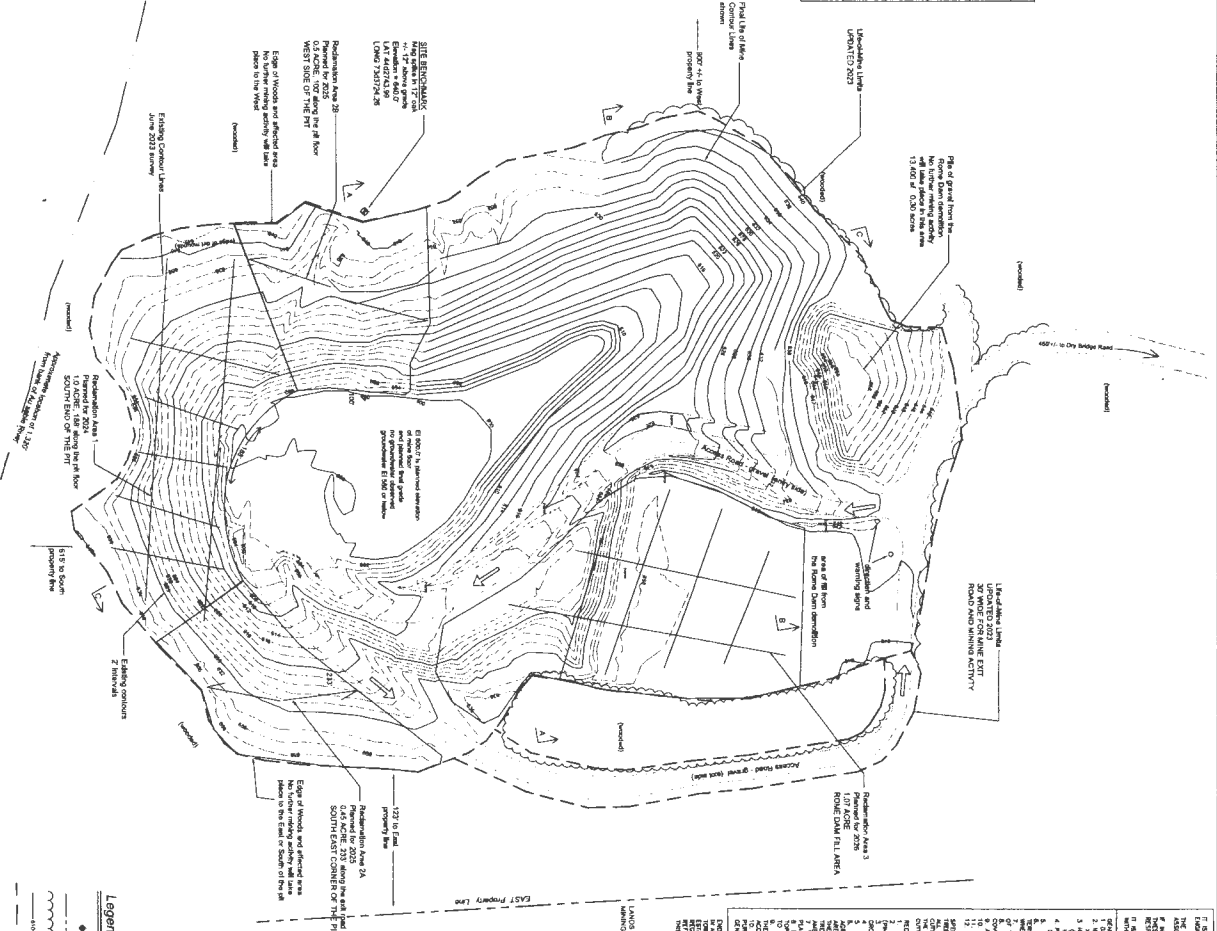
STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of May in the year 2024, 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

No. Acquire Summary	Year and Description
1 1.0 acre	2019 exposed reclamation area at South end of the pit
2a 0.45 acre	2025 signed reclamation area at South-East corner of the pit
2b 0.5 acre	2023 signed reclamation area at South-East corner of the pit
3 1.07 acre	2028 signed reclamation area at River Dam operation
Sum = 3.02 acre	Total reclamation area of mitigation areas



RECLAMATION MAP - HARKNESS SAND PIT
SCALE: 1 inch = 50 Feet
Tax Map Reference:
Map No. 114 of 114 of 114
Parcel No. 114 of 114 of 114
Parcel No. 114 of 114 of 114

DEG Permit # 6-0922-00008/00001
Main File # 50239
DATE: AUGUST 17, 2023
PROJECT: HARKNESS SAND PIT
LOCATION: CHRY BIDGE ROAD, AUSTIN, NY

ADIRONACK SURVEYING, PLLC
RALPH SOLICSA, ERIE, N.Y.
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TOWN OF JAY
HARKNESS SAND PIT
SHEET NO. M3

1. A copy of this map shall be kept in the office of the Surveyor for the Town of Jay, New York, and a copy shall be kept in the office of the Surveyor for the Town of Jay, New York, and a copy shall be kept in the office of the Surveyor for the Town of Jay, New York.

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TOWN OF JAY
HARKNESS SAND PIT
SHEET NO. M3

Project: Harkness Sand Pit
Location: Chry Bridge Road, Austin, NY
Date: August 17, 2023
Scale: 1 inch = 50 feet
Tax Map Reference: Map No. 114 of 114 of 114

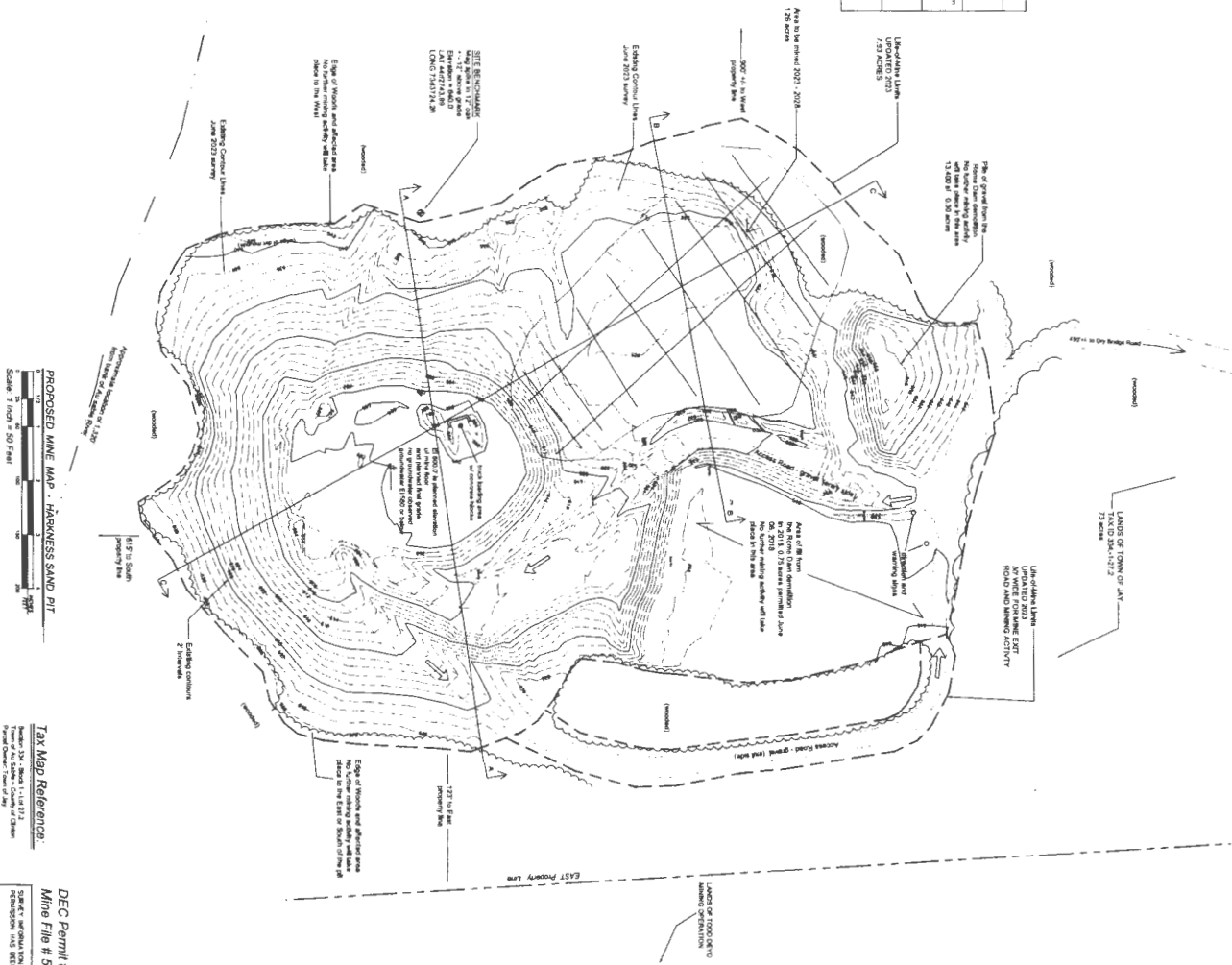


UPSTATE DESIGN ASSOCIATES, LLC
Consulting Engineers
Ryan M. Sum, P.E.
PO Box 85
518 834 8888
upstate@upstatead.com

SHEET NO. M3



No.	Acreage Summary	Description
1	33,075 ac	100-1000' undisturbed 2013
2	723 acres	with 30' wide strip for the east
3	13,400 ac	Area of former pit, reclassified from 2013 Survey Open Area
4	0.15 acres	Area of 10' strip, reclassified from 2010 Storm Drain Renewal
5	55,010 ac	Area to be mined during next permit phase 2023 - 2028



PROPOSED MINE MAP - HARKNESS SAND PIT
 Scale 1" = 50 Feet

Tax Map Reference:
 2023 Tax Map (11/1/23)
 Town of Jay, County of Warren
 Parcel Number: 100-1000

DEC Permit # 5-0922-000000001
Mine File # 50299
 SHEET # 1 OF 1
 PREPARED BY: ADIRONDACK SURVEYING, LLC
 DATE: 12/15/2023

Legend:
 - - - - - No boundary
 - - - - - Proposed Mining Pit
 - - - - - Edge of Mine
 - - - - - Edge of Pit

ADIRONDACK SURVEYING, LLC
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 RALPH@ADSURVEYING.COM

TOWN OF JAY
HARKNESS SAND PIT
 The Mayor, Town of Jay
 State of New York



REVISIONS

No.	Date	Description
1	5/14/2023	DEC Comments
2	1/4/2024	DEC Comments

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