


THIS IS A TWO-SIDED DOCUMENT

 <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 2024-0215</p>
	<p>Date Issued: October 15, 2024</p>
<p>In the Matter of the Application of</p> <p>SHIRLEY FORESTS, INC ROBIN A. PIERCE, GERALD S. PIERCE Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</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. Shirley Forests, Inc.2. Robin A. Pierce3. Gerald S. Pierce

SUMMARY AND AUTHORIZATION

This permit authorizes continued operation of a previously authorized commercial sand and gravel extraction in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Willsboro, 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 commercial extraction operations commence at 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 131-acre parcel of land located on County Route 57 in the Town of Willsboro, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site contains shoreline on the North Branch Bouquet River, a navigable river under study for possible inclusion the State Wild, Scenic and Recreational Rivers System. The site is identified as Tax Map Section 39.03, Block 2, Parcels 21, 22.1 and 22.2, and is described in deeds from Beulah N. West to Robin A. Pierce and Gerald S. Pierce, dated January 26, 2024, recorded January 26, 2024 under Instrument Number 2024-272 and from Hardy L. Shirley to Shirley Forests, Inc., dated June 7, 1978, recorded June 29, 1978 at Book 662, Page 51 in the Essex County Clerk's Office.

PROJECT DESCRIPTION

The project as originally proposed, previously amended, and conditionally approved herein involves commercial sand and gravel extraction having a Life of Mine area of 12.5 acres and containing a total of approximately 500,000 cubic yards of material to be operated with a projected 6-7 year Life of Mine period.

The New York State Department of Environmental Conservation issued Permit #5-1552-00070/00001 on July 22, 2024, with an expiration date of July 21, 2029.

The project as authorized herein was originally approved and previously amended by Agency Permits 2009-0300, 2009-0300A, 2009-0300B and 2009-0300C. Permit 2009-0300C has expired.

The project is shown on the following:

- A one-page map titled, "Topographic Survey On Certain Lands Of Shirley Forest Inc. and Lands of Douglas A. West and Beulah N. West," prepared by John A. Deming, L.S., dated last revised May 12, 2024 (Site Plan); and
- A three-page plan titled "Mined Land Reclamation Program Shirley's Pit Willsboro, NY," dated May 25, 2024 (Reclamation Plan).

A copy of the Site Plan for the project is attached as a part of this permit for easy reference. The original, full-scale map described in this paragraph is the official plan 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 continued operation of any commercial sand and gravel extraction on Resource Management 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 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 2024-0215, issued October 15, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

5. This permit authorizes operation of the commercial sand and gravel extraction in the location shown and as 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.
6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the North Branch Boquet River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.

Outdoor Lighting

6. Any new free-standing or building-mounted outdoor lights associated with the commercial sand and gravel extraction 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 County Route 57 or adjoining property.

Signage

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].

Tree Cutting/Vegetation Removal

8. Within 100 feet of the centerline of County Route 57 or within 100 feet of the mean high water mark of the North Branch Bouquet River, 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.

Project Operations

11. Extraction and hauling operations are to occur year-round, Monday through Friday 7am to 5:30pm and Saturday 8am to 2pm. However, no operation of any kind shall occur on the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.
12. The waste disposal area and associated truck or heavy equipment traffic shall not operate during services at the adjacent cemetery.

Permit Term

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 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

14. 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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Willsboro; 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 15th day
of October, 2024.

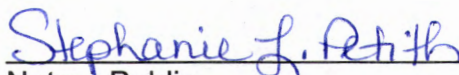
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 15th day of October 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.

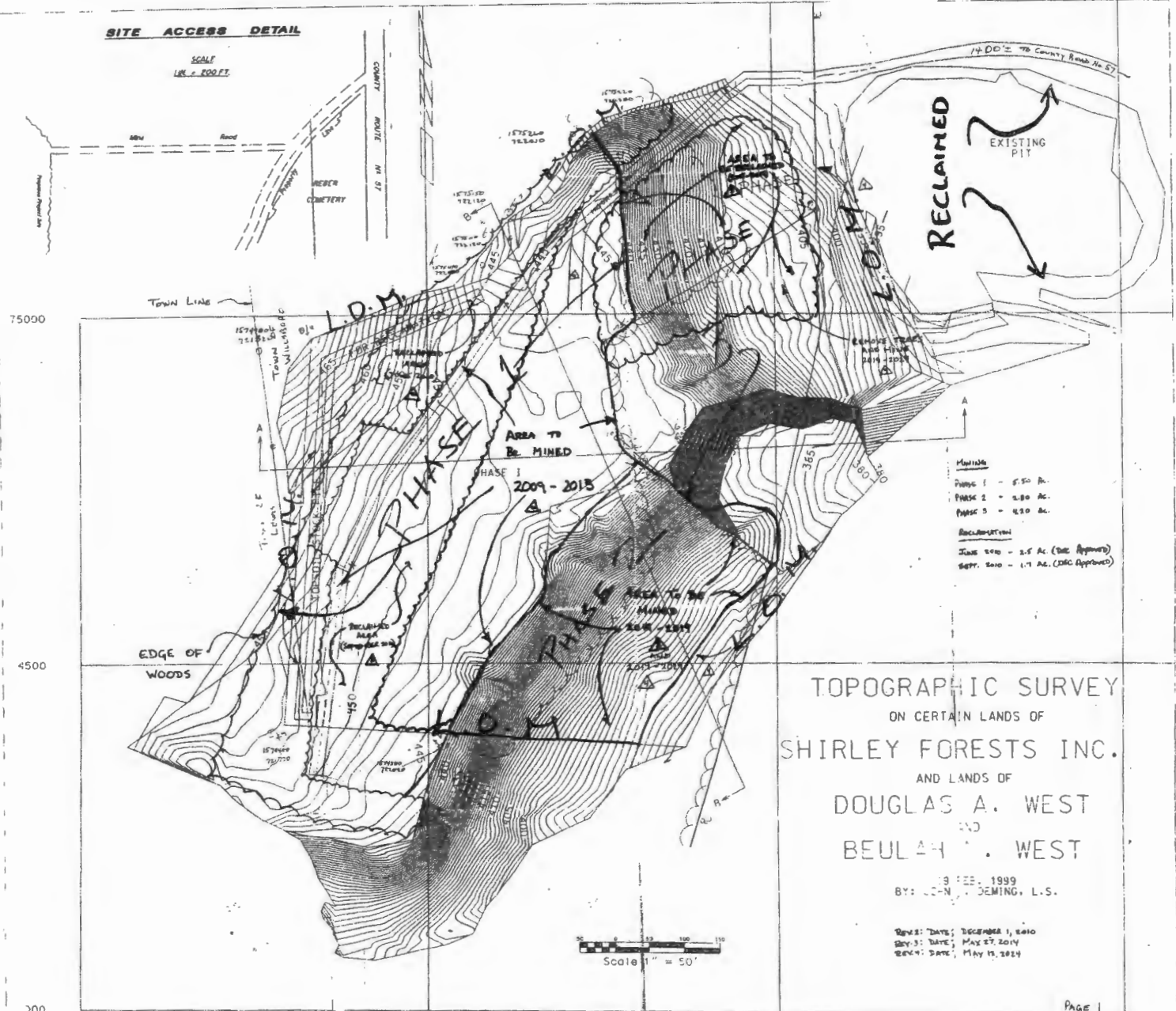
Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public



SITE ACCESS DETAIL

SCALE
1" = 200 FT.



RECLAIMED

EXISTING PIT

Mapable

Phase I - 5.50 Ac.
 Phase II - 4.80 Ac.
 Phase III - 4.50 Ac.

Reclamation

June 2009 - 2.5 Ac. (DAG Approved)
 Sept. 2010 - 1.7 Ac. (DAG Approved)

TOPOGRAPHIC SURVEY
 ON CERTAIN LANDS OF
SHIRLEY FORESTS INC.
 AND LANDS OF
DOUGLAS A. WEST
 AND
BEULAH A. WEST

19 FEB. 1999
BY: JOHN J. DEMING, L.S.

REV. 1 DATE: DECEMBER 1, 2010
REV. 2 DATE: MAY 27, 2014
REV. 3 DATE: MAY 19, 2014

