


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 1988-0043D</p>
<p>In the Matter of the Application of</p> <p>PECKHAM MATERIALS CORPORATION Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 17, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: 1. Peckham Materials Corporation</p>

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Washington 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 Washington 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 72±-acre parcel of land located on State Route 149 in the Town of Fort Ann, Washington County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 118, Block 1, Parcel 1, and is described in a deed from Finch Paper, LLC to Peckham Materials Corp., dated June 27, 2008, and recorded June 30, 2008 in the Washington County Clerk's Office at Book 2570, Page 286.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continued operation of the existing commercial sand and gravel extraction for an additional five-year term. Access to the mine is over a 50-foot-wide deeded access road right-of-way from State Route 149 over lands currently owned by Finch Paper, LLC.

The facility is subject to NYS Department of Environmental Conservation Permit #5-5328-00030/00001 and Mined Land Reclamation Permit MLF #50504.

The project is shown on the following Project Plans:

- A single-sheet plan titled "Mining Plan Map, Peckham Materials Corp., Finch Pruyn Pit," prepared by Peckham Industries, Inc., last revised October 18, 2023 and received by the Agency on October 19, 2023 (Mine Plan Map); and
- A single-sheet plan titled "Reclamation Plan Map, Peckham Materials Corp., Finch Pruyn Pit," prepared by Peckham Industries, Inc., dated January 5, 2024 and received by the Agency on January 5, 2024 (Reclamation Plan).

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 1988-0043 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 Moderate Intensity Use lands in the Adirondack Park.

Condition 5 of Agency Permit 1988-0043C required that the Agency receive an application for a new operating term by November 8, 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 Washington 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 1988-0043C in relation to the project site. The terms and conditions of Permit 1988-0043C 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 1988-0043D, issued January 17, 2024, 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. 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.
8. All mining operations, including excavation, grading, stockpiling, crushing, maintenance and trucking shall only occur between 7:00 a.m. and 3:30 p.m. daily.
9. Reclamation shall occur according to the Reclamation Plan.

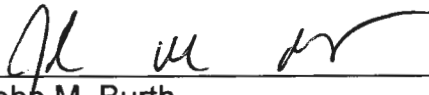
CONCLUSIONS OF LAW

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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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 17th day of January, 2024.

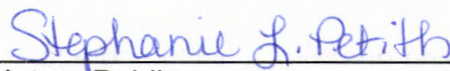
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 17th day of January in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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 be half 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



ACREAGE SUMMARY

LIFE OF MINE AFFECTED AREA	±48 ACRES
2023-2028 PERMIT TERM AFFECTE AREA	±44 ACRES



RECEIVED
Date October 19 2023

FINAL
P1988-0043D

- LEGEND**
- PROPERTY LINE
 - BERM/SOIL STORAGE
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - SPOT ELEVATION
 - TREE LINE
 - TRAIL
 - HALL ROAD
 - PAVED ROAD

- NOTES**
1. BASE MAP-FINCH PRUYN BANK, MINING PLAN MAP, DATED MAY 3, 2013, LAST REVISED OCTOBER 15, 2013, BY GRIGGS-LANG CONSULTING GEOLOGISTS, INC. 5-FOOT CONTOUR INTERVAL.
 2. TOPOGRAPHY COMPILED USING PHOTOGRAMMETRIC METHODS FROM UAV FLIGHT BY PECKHAM INDUSTRIES DATED JULY 28, 2023.
 3. 5-FOOT CONTOUR INTERVAL.
 4. BOUNDARIES APPROXIMATE WHERE SHOWN.

REV #	DATE	DESCRIPTION	BY
1	11/18/18	PER NYSDC REQUEST	KAD
2	10/18/23	UPDATE FOR 2023 MLR RENEWAL	WJC
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PECKHAM INDUSTRIES, INC.
 WWW.PECKHAM.COM
 20 HAARLEM AVENUE, WHITE PLAINS, NEW YORK 10603
 TEL: 914.949.2000 FAX: 914.949.2075

MINING PLAN MAP
 PECKHAM MATERIALS CORP.
 FINCH PRUYN PIT
 TOWN OF FORT ANN WASHINGTON CO., NY

HOR. DATUM: NAD83 DRAFTED BY: KAD DRAWING # 34MP0001
 VER. DATUM: NAVD88 CHECKED BY: JCK PLANT # 34 DATE: 11/02/2018
 SCALE: 1" = 100' MANAGER: JCK SHEET # 1 OF 1