


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE 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 2024-0261</p>
	<p>Date Issued: December 31, 2024</p>
<p>In the Matter of the Application of</p> <p>PERU SAND AND GRAVEL, LLC Permittee</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 name(s):</p> <p>1. Peru Sand and Gravel, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the continued operation of a commercial sand and gravel extraction in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Peru, 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 the permit is 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 21±-acre portion of a 175±-acre parcel of land located on Rod and Gun Club Road in the Town of Peru, Clinton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Peru Tax Map Section 290, Block 1 as Parcel 26.1, and is described in a deed from Patrick D. Remillard and Seana H. Remillard to Peru Sand and Gravel, LLC, dated December 15, 2011, and recorded June 21, 2012 in the Clinton County Clerk's Office under Instrument Number 2012-00248882.

The site is improved by an existing commercial sand and gravel extraction authorized by Agency Permit 2019-0055.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the expansion of the previously authorized commercial sand and gravel extraction life of mine from 12.2 acres to 21 acres. Operation of the commercial sand and gravel extraction consists of excavating, stockpiling, crushing, screening, and truck loading and hauling on the project site.

The project is shown on seven sheets of drawings titled, "Map Showing Mining Plan, Everett Gravel and Sand Pit," Project Drawing No. 19-003, dated January 10, 2019 with a final revision date of June 13, 2019, and prepared by Dean H. Lashway, L.S., P.C. as follows:

- Sheet 1 of 7; depicting the current Life of Mine (Current Mining Plan);
- Sheet 2 of 7; depicting the proposed expanded Life of Mine (Proposed Mining Plan);
- Sheet 3 of 7; depicting the current level of reclamation (Current Reclamation Plan);
- Sheet 4 of 7; depicting future reclamation of the proposed expanded Life of Mine (Proposed Reclamation Plan); and
- Sheets 5, 6 and 7; depicting current and proposed profiles of the mine (Profile Plan).

The project is also described in a document titled, "Mined Land Use Plan, Everett Sand and Gravel Pit," prepared by Dean H. Lashway, L.S., P.C. and received by the Agency April 18, 2019.

A reduced-scale copy of the Proposed Mining Plan and the Proposed 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 Rural 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 continues on the site. Copies of this permit and Mining Plan and Reclamation 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 2024-0261, issued December 31, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Mining Location, Size and Haul Roads

5. This permit authorizes the undertaking of a commercial sand and gravel extraction consisting of excavating, stockpiling, crushing, screening and truck loading and hauling in the location shown and as depicted on the Mining Plan, described in the 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.

Outdoor Lighting

6. Any new free-standing or building-mounted outdoor lights associated with the 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 Rod and Gun Club Road or adjoining property.

Signage

7. All signs associated with the 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 200 feet of the Life of Mine boundary shown on the Mining 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 removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Wetlands

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

Project Operations

Mine Operations

10. Excavation, grading, stockpiling, reclamation, crushing, screening and trucking activities shall only occur between 6 A.M. and 5 P.M. weekdays and 7 A.M. to 1 P.M. on Saturdays. The mine shall be closed on Sundays and Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Year's Day.

Any change to the mine operations authorized herein will require a new or amended permit from the Agency.

11. There shall be no more than 20 loaded truck trips leaving the mine per day.

Stormwater Management/Erosion Control

12. The project shall be undertaken in compliance with the Mining Plan and Mined Land Use Plan. All stormwater runoff shall be contained within the Life of Mine boundary as shown on the plans and described in the report.

Reclamation

13. Reclamation shall occur in accordance with the Reclamation Plan. The reclamation shall begin when sufficient space is available within the mine progression. Reclamation shall be performed concurrently with the mining operations. The entire site shall be reclaimed within one year of completion of the mine operation.

Permit Term

14. 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.


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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 31st day of December, 2024.

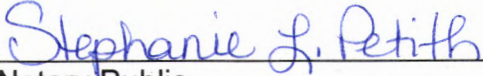
ADIRONDACK PARK AGENCY

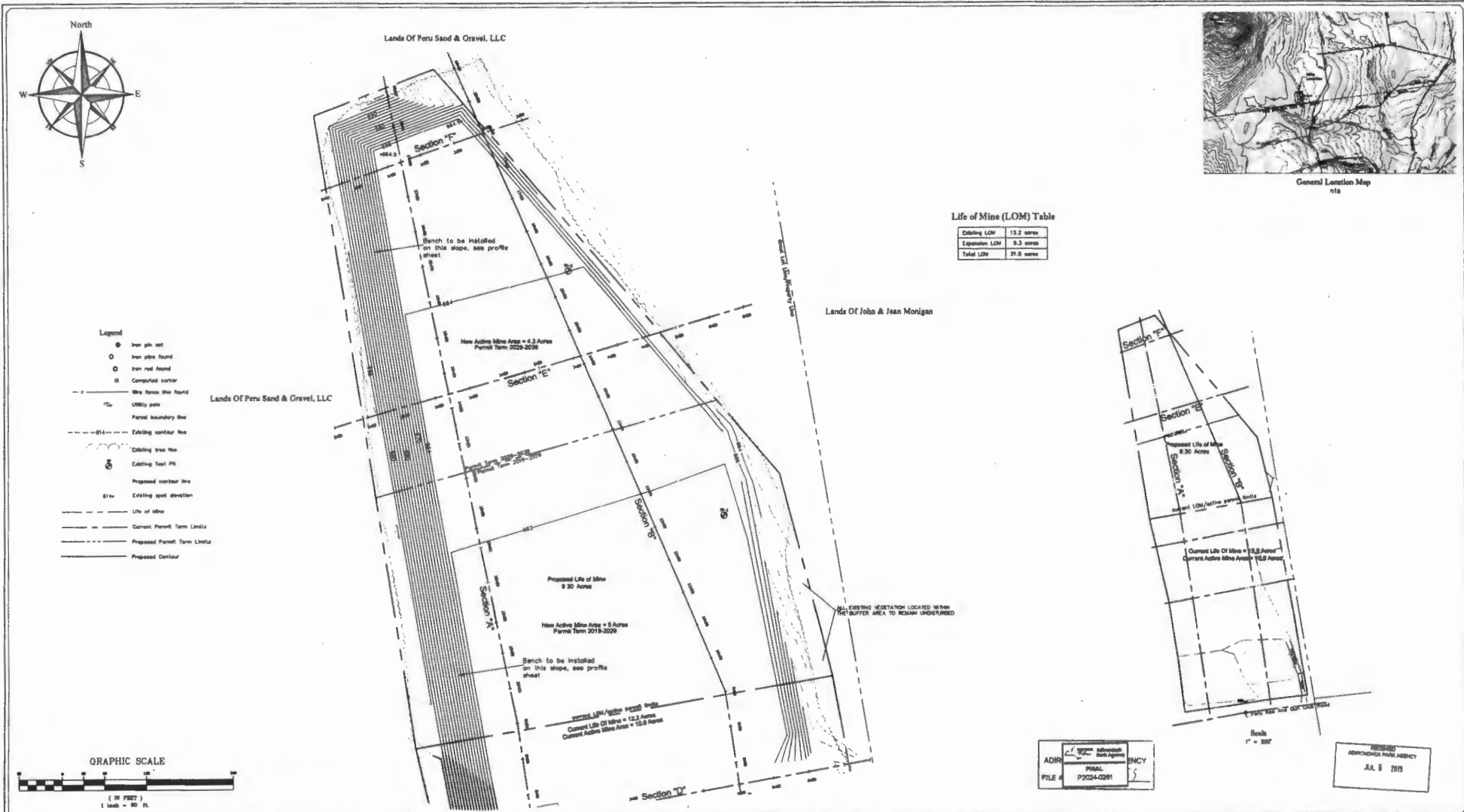
BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 31st day of December 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 behalf of which the individual acted, executed the instrument.

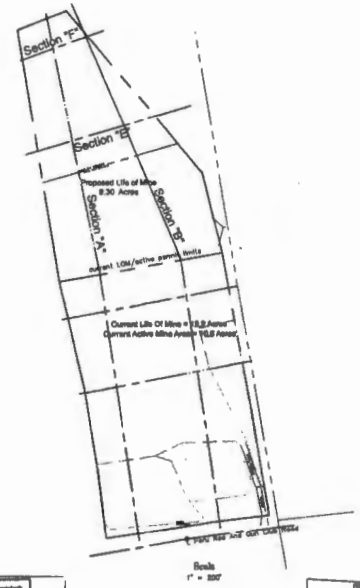
Stephanie L. Petith
Notary Public, State of New York
Reg No 01PE6279890
Qualified in Franklin County
Commission Expires April 15 2025


Notary Public



Life of Mine (LOM) Table

Cabling LOM	13.2 years
Excavation LOM	8.3 years
Total LOM	21.5 years



General Location Map
n/a

ADIR
FILE #
ADIR
FILE #
ADIR
FILE #

RECEIVED
ADIR/CLERK PARK AGENCY
JUL 6 2019

Map Notes:

- Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7206, Subsection 2 of the New York State Education Law.
- Only boundary survey maps with the surveyor's embossed seal, with an original signature, are genuine and correct copies of the surveyor's original work and copies (major prints) shall be stamped with the surveyor's ink seal with an original signature.
- The certification listed herein is limited to the general use when the boundary survey map is prepared, the title company, the governmental agency, and for the lending institution listed on this boundary survey map.
- The certifications herein are not transferable.
- Copyright 2019 by Dean H. Lashway, L.S., P.C. All rights reserved.
- The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
- Location of existing underground utilities or easements, if any, are not shown herein.
- Resection rights, if any, have not been established as a result of this survey.
- Subject to any encumbrance of record or those discoverable by inspection.

Date	Description	By
8/13/19	Revised map per APA request and review check list	DHL

Drawn By: DHL
Drawing Date: 01/10/19
Project Drawing No: 19-003
Sheet Drawing No: 4 of 7

Dean H. Lashway, L.S., P.C.

DHL
Dean H. Lashway, L.S., P.C.
Boundary Surveys - Residential & Commercial Subdivisions
Topographic & Construction Surveying
3788 Silver Farm Rd
Alton, New York 12910
Phone: 518-236-8333 FAX: 518-236-7020
Email Address: dhl@surveying@aol.com

Map Showing Reclamation Plan
Everett Gravel & Sand Pit
Peru Sand & Gravel, LLC
USGS Quad - Peru, NY
Peru Rod and Gun Club Road - Town of Peru - Clinton County, New York
Copyright © 2019 by Dean H. Lashway, L.S., P.C.



Lands Of Peru Sand & Gravel, LLC

Test Pit No.	Depth	Soil Description	Texture	Color	Remarks
1	0-10"	Forest Duff/Loam	Fine	Brown	None
	10" - 32"	Gravel	Course	Brown	Numerous cobbles
	32" - 14'	Sand	Fine	Tan	Clear sand, no stones
2	0-8"	Forest Duff/Loam	Fine	Brown	None
	8" - 48"	Gravel	Course	Brown	Numerous cobbles
	48" - 18'	Sand	Fine	Tan	Clear sand, no stones

No indication of a Major High Water found on noted Deep Hole Tests. Tests taken 04/22/19



General Location Map

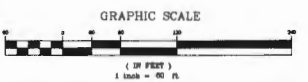
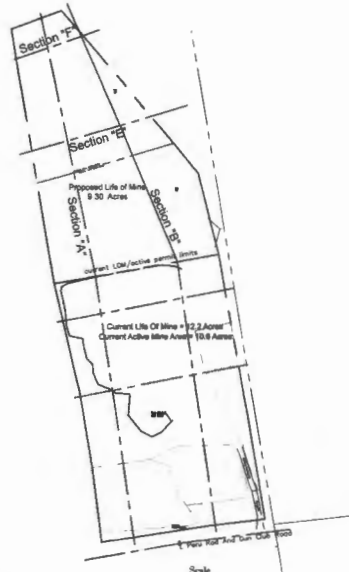
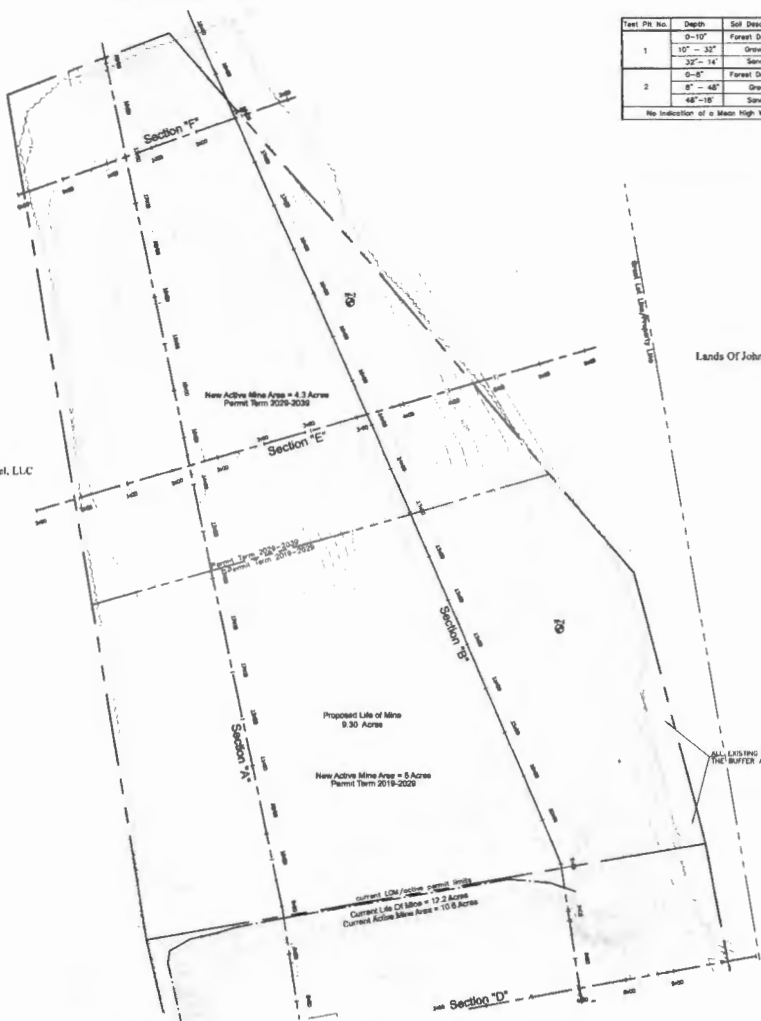
Life of Mine (LOM) Table

Existing LOM	12.2 acres
Expansion LOM	9.3 acres
Total LOM	21.5 acres

- Legend**
- Iron pin set
 - Iron pipe found
 - Iron rod found
 - Cornical corner
 - - - - - the fence line found
 - Utility pipe
 - - - - - Parcel boundary line
 - - - - - Existing contour line
 - - - - - Existing line line
 - ⊗ Existing Test Pit
 - - - - - Proposed contour line
 - ⊗ Existing spot elevation
 - - - - - Life of Mine
 - - - - - Current Permit Term Limits
 - - - - - Proposed Permit Term Limits

Lands Of Peru Sand & Gravel, LLC

Lands Of John & Jean Monigan



ADIR0
 FILE # FINAL P2024-0261
 NY

RECEIVED
 ARCHIBACK PAPER ARCHIVE
 JUL 6 2019

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- Copyright 2019 by Dean H. Lashway, L.S., P.C. All rights reserved.
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- Location of existing underground utilities or wellheads, if any, are not shown hereon.
- Easement rights, if any, have not been established as a result of the survey.
- Subject to any encumbrances of record or those discoverable by inspection.

Drawing Revisions		
Date	Description	By
6/13/19	Revised map per APA request and review check list	DHL

Drawn By: DHL	Drawing Date: 01/10/19
Project Drawing No: 19-003	Sheet Drawing No: 2 of 7

Dean H. Lashway
 Dean H. Lashway, L.L.S. #069032

DHL
 Dean H. Lashway, L.S., P.C.
 Boundary Surveys - Residential & Commercial Subdivisions
 Topographic & Construction Surveying
 2788 Menor Farm Rd
 Atlanta, New York 12910
 Phone: 518-236-9333 FAX: 518-236-7025
 Email Address: dhl@surveying@aol.com

Map Showing
 Mining Plan
Everett Gravel & Sand Pit
Peru Sand & Gravel, LLC
 USGS Quad - Peru, NY
 Peru Rod and Gun Club Road - Town of Peru - Clinton County, New York
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