


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 2020-0216A</p>
<p>In the Matter of the Application of</p> <p>UPSTONE MATERIALS, INC. Permittee</p> <p>for a permit pursuant to § 809 the Adirondack Park Agency Act</p>	<p>Date Issued: February 10, 2026</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Upstone Materials, Inc.</p>

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 Lewis, 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 21.2±-acre parcel of land located on Fox Run Road (County Route 10) in the Town of Lewis, Essex 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 56.1, Block 2, Parcel 1.200, and is described in a deed from Richard Guttenberg and Nancy Guttenberg to Upstone Materials, Inc., dated October 29, 2019, and recorded December 5, 2019 in the Essex County Clerk's Office in Book 1973 at Page 66.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continuation of a commercial sand and gravel extraction that has a Life of Mine area of 15.2± acres, a projected Life of Mine period of 10 years, and containing a total of approximately 120,000 cubic yards of material. Extraction operations are proposed intermittently from April to October, Monday through Friday, 8am - 5pm. An average of 22 and a maximum of 30 loaded truck trips/day is proposed. No blasting or crushing is proposed.

Existing access to the project site is from Fox Run Road (County Route 10) along an existing access road.

The project is shown on the following Project Plans:

- A single-sheet site plan, titled "Mine Plan Map, Fox Run Mine, NYSDEC Mine ID: 51037, Upstone Materials, Inc.," prepared by David Shank, P.G., last dated January 15, 2026 and received by the Agency on January 20, 2026 (Mine Plan Map);
- A single-sheet site plan, titled "Reclamation Plan Map, Fox Run Mine, NYSDEC Mine ID: 51037, Upstone Materials, Inc.," prepared by Strategic Mining Solutions, LLC, last dated January 4, 2021 and received by the Agency on January 5, 2021 (Reclamation Plan Map); and
- A 16-page report, titled "Upstone Materials Inc., Fox Run Mine, APA Project Permit # 2012-27, NYSDEC Mine ID # 50137, Town of Lewis/Essex County, New York, Mined Land Use Plan," prepared by Strategic Mining Solutions, LLC, last dated September 18, 2020 and received by the Agency on December 20, 2020 (Mined Land Use Plan).

A reduced-scale copy of the Mine Plan Map is attached as a part of this permit for reference.

The project site is subject to a NYS Department of Environmental Conservation Mined Land Reclamation Permit (MLF #51037).

AGENCY JURISDICTION

The project originally authorized by Agency Permit 2020-0216 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 15 of Agency Permit 2020-0216 required that the Agency receive an application for a new permit term at least one month prior to April 30, 2026.

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 the 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 2020-0216. The terms and conditions of Permit 2020-0216 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 2020-0216A, issued February 10, 2026, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction Location and Size

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 and as described in the Mined Land Use Plan. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.
7. Within one month of commencing any extraction activities on the site, two earthen berms shall be constructed in the locations shown and as depicted on the Mine Plan Map. The berms shall be 6 to 8 feet in height, constructed of native topsoil and subsoil, and vegetated with native perennial grasses. Vegetation that does not survive shall be replaced annually until established in a healthy growing condition. The proposed berms shall remain in place until the final phase of mining.

Signage

8. 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

9. Outside of the Life of Mine boundary shown on the Mine Plan Map, 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 (a) for maintenance of the existing access road, (b) as minimally necessary to construct the earthen berms and complete the planting plan required herein, and (c) for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Plantings

10. Within one month of commencing any extraction activities on the site, trees shall be planted in the "tree planting areas" shown and as depicted on the Mine Plan Map. Trees shall be native, non-invasive evergreen species, a minimum of 8 feet tall at planting, and spaced in offset rows 10± feet on center. Trees that do not survive shall be replaced annually until established in a healthy growing condition.

Project Operations

Hours of Operation

11. All mining and reclamation activities, including but not limited to excavation, screening, trucking, grading, stockpiling, and maintenance, shall only occur between 8am and 5pm, Monday through Friday, from April 1 through October 31. No mining or reclamation activities shall occur on Saturdays, Sundays, Memorial Day, Independence Day, or Labor Day without prior written Agency authorization.

Trucking

12. There shall be no more than 30 loaded truck trips per day. All truck traffic shall use the existing access road shown in the Mine Plan Map. Trucking shall only occur during the hours and days of operation authorized herein.

Crushing/Blasting

13. There shall be no crushing or blasting on the project site without prior written Agency authorization.

Direction of Mining

14. As outlined in the Mined Land Use Plan, sequencing of mining shall occur from south to north in a manner that maintains a physical topographic barrier between the operation and receptors to minimize potential impacts from noise and visibility.

Waste Disposal/Stockpiling

15. No wastes of any kind or other materials from off-site locations, including land clearing debris as defined in 6 NYCRR Part 360, shall be stockpiled or disposed of on the project site without prior Agency review and approval in the form of a new or amended permit.

Permit Term

16. 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

17. Reclamation shall occur according to the Reclamation Plan Map and Mined Land Use Plan. Reclamation shall be an on-going process whereby areas no longer needed for extraction purposes shall be promptly re-graded and successfully re-vegetated according to the plans referenced herein.

Stormwater Management/Erosion Control

18. The project shall be undertaken in compliance with the Mine Plan Map, Reclamation Plan Map, and Mined Land Use Plan. All stormwater runoff shall be contained within the Life of Mine boundary as shown on the Mining Plan Map.

Reports

19. 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.


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.

Dated: February 10th, 2026
Ray Brook, New York

ADIRONDACK PARK AGENCY

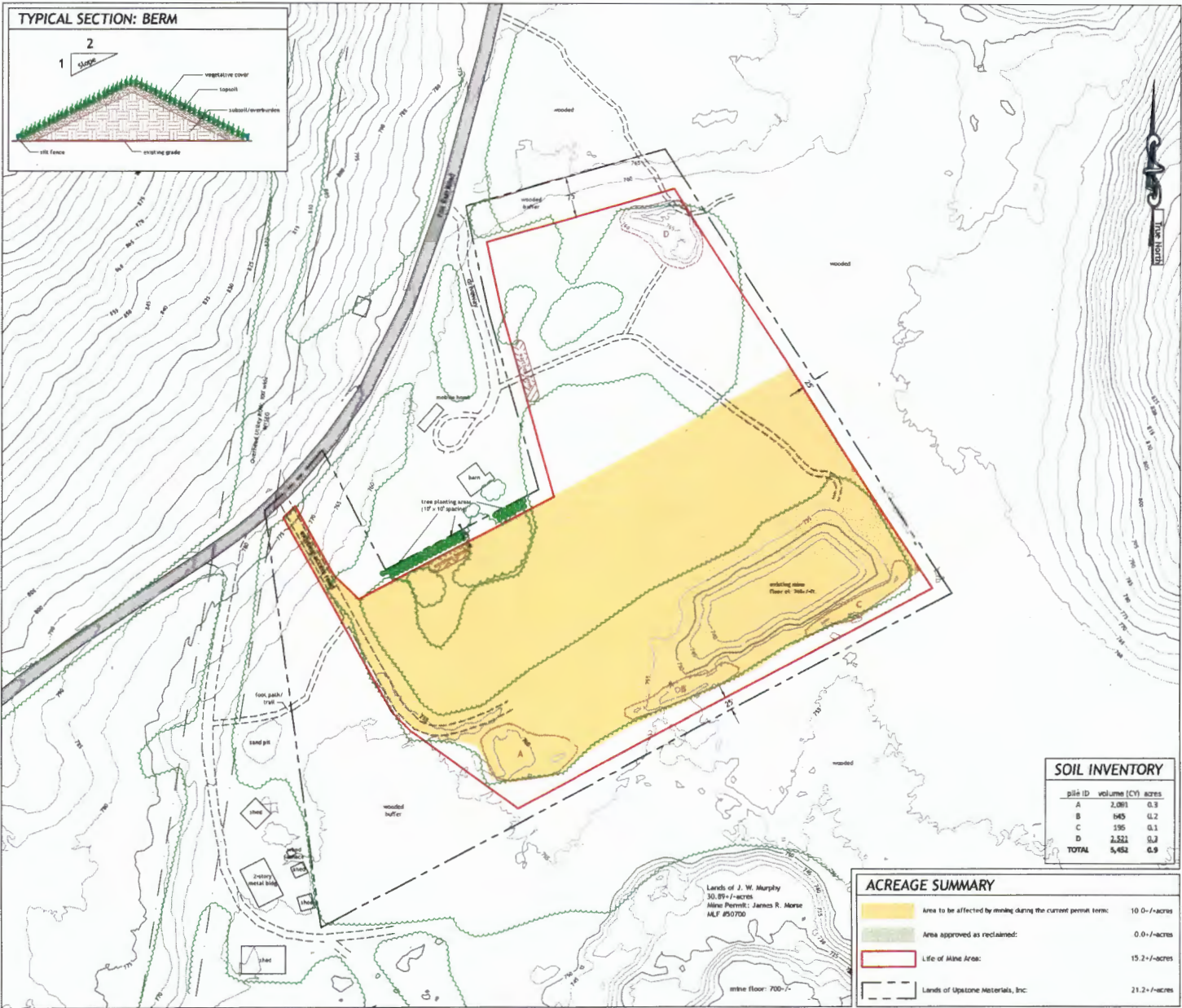
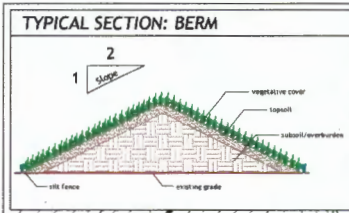
By: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 10th day of February in the year 2026, 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

STEPHANIE PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029



pile ID	volume (CY)	acres
A	2,081	0.3
B	165	0.2
C	196	0.1
D	2,521	0.3
TOTAL	5,482	0.9

ACREAGE SUMMARY	
	Area to be affected by mining during the current permit term: 10.0 +/- acres
	Area approved as reclaimed: 0.0 +/- acres
	Life of Mine Area: 15.2 +/- acres
	Lands of Upstone Materials, Inc: 21.2 +/- acres

MINE PLAN MAP
FOX RUN MINE
 NYSDEC Mine ID: 51937
 APA Permit: 2020-0216
Upstone Materials Inc.
 Town of Lewis/Essex County, NY
 Prepared by:
 David Steinhilber, P.E.
 Colan Inc.

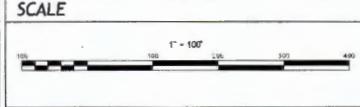
DETAILS

- Date: September 17, 2020
- Scale: 1" = 100'
- Datum: Mean Sea Level
- USGS 7.5 Minute Quad: Lewis, NY
- Contour Interval: 5 feet
- Drafted by: DAS

Date	Description	By
11/13/2020	Added curbline berm to east access road area by Agency request.	DAS
1/4/2021	Added berm & tree planting to buffer area by Agency request. Updated tree line.	DAS
1/15/2026	Update map for 2026 permit renewals.	DAS

LEGEND

- Property Line (approximate)
- Life of Mine Boundary
- 810 Contour Line: 25'
- 815 Contour Line: 5'
- Edge of Water/Stream
- Road- Paved
- Road- Unpaved
- Overhead Utility ROW
- Treeline
- Tree transplanted from within the LOMA
- Soil Stockpile Perimeter (approximate)



- NOTES**
1. Base Map: "MAP OF SURVEY" by Kevin A. Hall, Land Surveyor dated November 12, 2019.
 2. Certain map features digitized 2017 high resolution aerial orthophotos available from the NYGIS Data Clearinghouse (NY GIS).
 3. Base elevation contours from NYGIS Data Clearinghouse LiDAR dataset (USDA/NRSG: Clinton/Essex/Franklin 2014/2015).
 4. Partial survey update conducted by Strategic Mining Solutions in November 2018.