THIS IS A TWO-SIDED DOCUMENT

NEW YORK STATE | Adirondack Park Agency

P.O. Box 99, 1133 NYS Route 86
Ray Brook, New York 12977
Tel: (518) 891-4050
www.apa.ny.gov

APA Permit
1985-0231C

Date Issued: **October 27, 2026**

In the Matter of the Application of

UPSTONE MATERIALS, INC.
Permittee

for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577

To the County Clerk: Please index this permit in the grantor index under the following name(s):
1. Upstone Materials, Inc.

SUMMARY AND AUTHORIZATION

This permit authorizes the operation of 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 St. Armand, 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 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 30.5±-acre parcel of land located on NYS Route 3 in the Town of St. Armand, 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 23.1, Block 1, Parcel 20.110, and is described in a deed from Graymont Materials NY to Upstone Materials, Inc., dated May 12, 2017, and recorded May 24, 2017 in the Essex County Clerk's Office at Book 1874, Page 217.

The project site is located within the designated Saranac River Recreational River area.

The existing mine was first permitted by the Agency in 1985.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the continued operation of an existing commercial sand and gravel extraction with a Life of Mine of 26 acres.

Existing access to the project site is from NYS Route 3.

This facility is subject to a NYS Department of Environmental Conservation Mined Land Permit (MLF #50363).

The project is shown on the following Project Plans:

- A single-sheet site plan titled "Mine Plan Map: Cassavaugh Bank, NYSDEC Mine ID 50363," prepared by David Shank, P.G., dated August 10, 2026 and received by the Agency on September 28, 2026 (Mine Plan Map); and
- A single-sheet site plan titled "Graymont Materials (NY), Inc., Cassavaugh Bank," prepared by Griggs-Lang Consulting Geologists, Inc., dated October 23, 2006 and received by the Agency on October 8, 2026 (Reclamation Plan Map).

A reduced-scale copy of the Mine Plan Map is 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 prior to the establishment of any commercial sand and gravel extraction on Low Intensity Use lands in the Adirondack Park.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Low Intensity Use lands within any designated Recreational River area 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 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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

4. This permit amends and supersedes permits 1985-0231, 1985-0231RA, 1985-0231RAR, 1985-0231RARR, 1985-0231RARRR, 1985-0231BR5, and 1985-0231BR6. The terms and conditions of permits 1985-0231, 1985-0231RA, 1985-0231RAR, 1985-0231RARR, 1985-0231RARRR, 1985-0231BR5, and 1985-0231BR6 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 1985-0231C, issued October 27, 2026, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

6. This permit authorizes the continued 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. 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 Saranac River will require a new or amended permit.

8. 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 NYS Route 3 or adjoining property.

9. 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].

10. Within 100 feet of the edge of pavement of NYS Route 3, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.

11. All mining activities, including excavation, stockpiling, grading, processing, maintenance, and trucking shall only occur between 7am and 5pm, Monday through Friday, during the spring, summer, and fall months.

12. 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.

13. Reclamation shall be an on-going process whereby areas no longer needed for extraction purposes shall be promptly and successfully reclaimed according to the reclamation plan shown on the Reclamation Plan Map.

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;
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;
h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

Dated: October 27th, 2026

Ray Brook, New York

ADIRONDACK PARK AGENCY

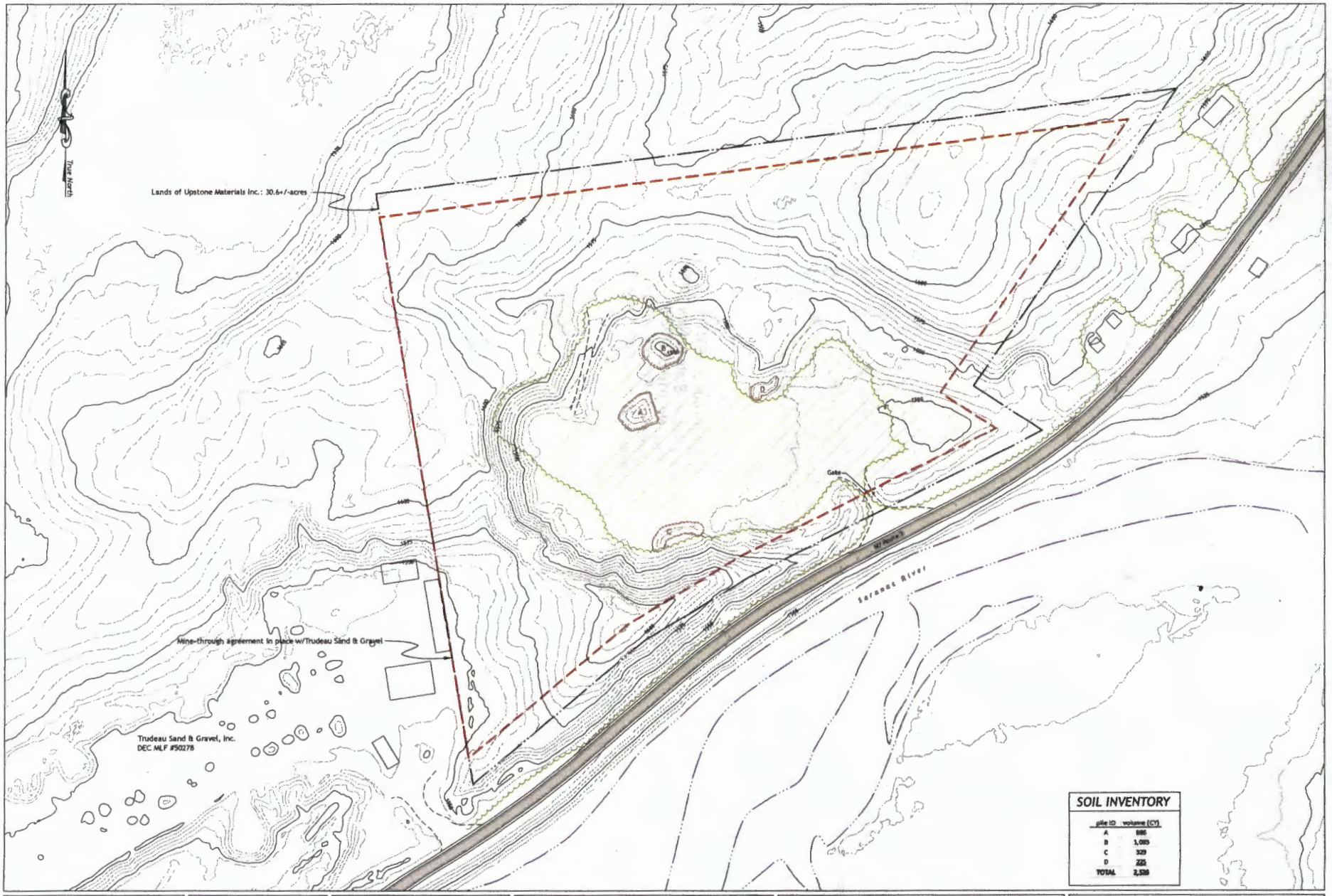
By: _____
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 27th day of October 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



MINE PLAN MAP

CASSAVAUGH BANK

NYSDEC Mine ID: 50363

Upstone Materials Inc.

Town of St. Armand/Essex County, NY

Prepared by:

David Stenk, P.G.
Gelas Inc.

DETAILS

- Date: August 10, 2026
- Scale: 1" = 100'
- Datum: Mean Sea Level
- USGS 7.5 Minute Quad: McKenzie & Bloomingdale
- Contour Interval: 5 Feet
- Drafted by: DMS

REVISIONS

Date	Description	By

LEGEND

- Property Line (approximate)
- Life of Mine Boundary
- 1665 Contour Line: 25'
- Contour Line: 5'
- Edge of Water/Stream
- Road- Paved
- Road- Unpaved
- Tree Line/Hedge

ACREAGE SUMMARY

- Life of Mine Area: 26+/-acres
- Area Currently Affected: 11+/-acres
- Area Approved as Reclaimed: 0+/-acres
- Area not Previously Affected by Mining To be Affected over the 2026-2031 Permit Term: 0+/-acres

Adirondack Park Agency — FINAL P1985-0231C

Adirondack Park Agency — RECEIVED Date: September 29, 2026

SCALE

1" = 100'

100 0 100 200 300 400

NOTES

1. Base Map: "MINING PLAN MAP" by Griggs-Lang Consulting Geologists, Inc. last revised 10/5/2021.
2. Certain map features digitized 2022 high resolution aerial orthophotos available from the NYGIS Data Clearinghouse (NY GIS).
3. Base elevation contours from NYGIS Data Clearinghouse LIDAR dataset (USDA/USGS Clinton/Essex/Franklin 2014/2015).