

**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></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 <b>2022-0124</b></p>
<p>In the Matter of the Application of</p> <p><b>JONATHAN PRIBBLE</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 5, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Jonathan Pribble</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a new 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 Elizabethtown, 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 County Clerk's Office. The Agency will consider the project in existence when the permit is filed in the County Clerk's Office.

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 14.5±-acre parcel of land located on Meigsville Road in the Town of Elizabethtown, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 65.2, Block 4, Parcel 19.000, and is described in a deed from Robert K. Wolf and Patti Jo Wolf to Jonathon Pribble, dated April 16, 2021, and recorded June 15, 2021 in the Essex County Clerk's Office at Book 2039, Page 136.

The project site contains broad-leaved deciduous scrub/shrub wetlands associated with a stream. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site was the subject of Agency enforcement case E2022-0027, an apparent wetland fill violation. E2022-0227 was resolved by removing the fill from the wetland and planting trees and shrubs along the wetland area.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a new commercial sand and gravel extraction with a 7.5-acre life of mine.

A mining permit is required by the NYSDEC.

The project is shown on the following plans:

- Existing site conditions and the area to be mined are depicted on "Topographic Survey of Existing Conditions of the Meigsville Mine" (Site Plan), prepared by Kevin A. Hall, L.S., received by the Agency September 27, 2022.
- Proposed final site conditions after reclamation are depicted on "Meigsville Mine, Meigsville Road" (Reclamation Map), prepared by Mark Buckley and received by the Agency May 18, 2022.
- The vegetative planting done as part of E2022-0027 is depicted on an untitled plan (Remediation Plan), prepared by Jonathon Pribble, received by the Agency July 27, 2022.

The mining plan and reclamation plan are further described in a three-page narrative titled "Meigsville Pit" (Mining & Reclamation Narrative) received by the Agency May 18, 2022.

A reduced-scale copy of the Site Plan, Reclamation Map, Remediation Plan and Mining & Reclamation Narrative 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 prior to the establishment of 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 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, Reclamation Map, Remediation Plan and Mining & Reclamation Narrative 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 2022-0124, issued January 5, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

**Development**

**Construction Location and Size**

5. This permit authorizes the undertaking of the commercial sand and gravel extraction in the location shown and as depicted on the Site Plan and as described in the Mining and Reclamation Narrative. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.

**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 Meigsville Road 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. Outside of the existing limits of clearing shown on the Site Plan, no trees greater than 6 inches in diameter at breast height 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.

9. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

#### **Plantings**

10. All trees and shrubs depicted on the Remediation Plan shall be maintained as long as the commercial sand and gravel extraction continues on the site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

#### **Wetlands**

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

#### **Project Operations**

##### **Excavation/Grading/Crushing/Stockpiling**

12. Excavation, grading, crushing, stockpiling and related activities shall only occur between 7am and 6pm weekdays, and between 8am and 1pm on Saturdays.
13. There shall be no blasting without a new or amended Agency permit.

#### **Trucking**

14. Trucking activities shall only occur 7am and 6pm weekdays, and between 8am and 1pm on Saturdays. There shall be no more than 18 truckloads leaving the project site per day.

#### **Reclamation**

15. Reclamation shall occur according to the Reclamation Map and Mining and Reclamation Narrative. Reclamation shall be done on an ongoing basis whereby areas no longer needed for extraction and related activities are successfully revegetated to a stable landform.

#### **Permit Term**

16. This permit shall expire on January 10, 2028 unless an application for renewal is received by the Agency at least one month prior to that date.

#### **Infrastructure**

##### **Stormwater Management/Erosion Control**

17. Stormwater shall be managed in compliance with the Mining and Reclamation Narrative.

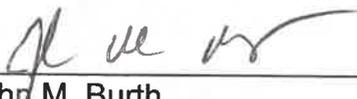
**CONCLUSIONS OF LAW**

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 land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 5<sup>th</sup> day  
of January, 2023.

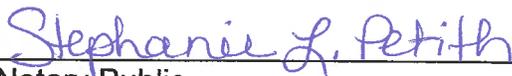
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

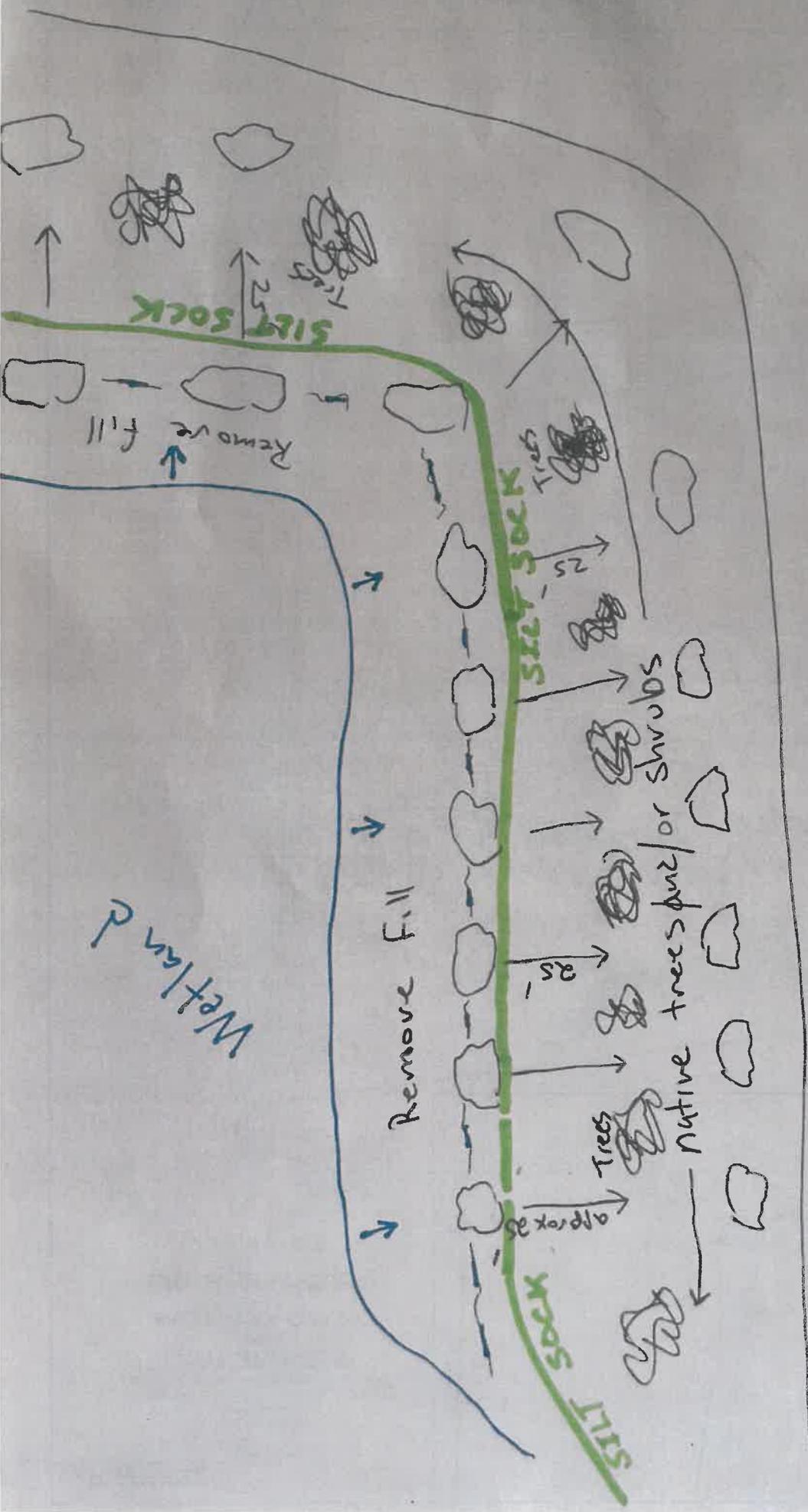
On the 5<sup>th</sup> day of January in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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



Wetland



Sand and gravel

Trees/shrubs to Plant

- \* Alder
- \* Chokeberry
- \* Willow

\* depends on availability

Adirondack Park Agency  
 RECEIVED  
 Date: July 27, 2022

Adirondack Park Agency  
 RECEIVED  
 E2022-0027

Adirondack Park Agency  
 RECEIVED  
 P2022-0124

TM#65.2-4-10.000  
**PEOPLE OF THE STATE OF NEW YORK**  
 BK. 407 PG. 309 ~ FEBRUARY 8, 1963  
 FROM  
 JOHN B. & MILKED T. HOLST

Adirondack Park Agency	Adirondack Park Agency
RECEIVED	FINAL
Date: September 27, 2022	P2022-0124

BENCHMARKS		
Ⓐ	SET IRON ROD PLUG IN A 4" X 2" X 1" HIGH STONE.	ELEV. = 680.2'
Ⓑ	SET IRON ROD PLUG IN A 4" X 2" X 1" HIGH STONE.	ELEV. = 653.4'
Ⓒ	SET IRON ROD PLUG IN A 1.5" X 1" STONE AT GRADE.	ELEV. = 621.7'

N.Y.S. GRID NORTH  
 ~ 1983 DATUM ~  
 FROM GPS OBSERVATIONS



**MAP REFERENCE**  
 #1 PRELIMINARY MAP OF BOUNDARY SURVEY  
 PREPARED FOR JONATHAN PRIBBLE, BY  
 KEVIN A. HALL, L.S., DATED MAY 3, 2022.

**LEGEND**

- SET 4.0' LONG IRON ROD WITH CAP 0.5' ABOVE GROUND WITH FENCE POST BY KEVIN A. HALL, L.S., DEC. 2021.
- ⊙ SET IRON ROD PLUG WITH CAP IN A DRILL HOLE IN STONE BY KEVIN A. HALL, L.S., DEC. 2021.
- ⊙ COMPUTED POINT BEING LOCATED 5.64± FEET, 18.65' FROM AN IRON ROD PLUG WITH CAP SET IN A 4" X 2" X 1" HIGH STONE BY KEVIN A. HALL, L.S., DEC. 2021.
- C.P. ⊙ COMPUTED POINT BEING LOCATED 5.87± FEET, 6.87' FROM A 4.0' LONG IRON ROD WITH CAP SET TO 0.5' ABOVE GROUND WITH FENCE POST BY KEVIN A. HALL, L.S., DEC. 2021.
- C.P. ⊙ PROPERTY LINE AND CORNER MARKER AS DESCRIBED OR C.P. SEE MAP REFERENCE.
- PROPERTY LINE ALONG CENTERLINE OF ROAD
- MINE LIMITS
- CURRENT TITLE LINE
- EASEMENT SEIDLIN
- 680' 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- STREAM
- EDGE OF EXISTING CLEARING
- UTILITY POLE & GUY ANCHOR OVERROAD WIRES
- BOULDER LOCATION FROM AUGUST 29, 2022
- TM#65.2-4-18.000 TAX MAP NUMBER AS OF 2022
- Ⓜ APA WETLANDS - SEE NOTE #9
- Ⓜ TEST PIT BOTTOM ELEV. = 615'

ROAD

TM# 65.2-4-7.000  
**CONNIE & KATHERINE DENNIS**  
 BK. 861 PG. 337 ~ JULY 9, 1986  
 FROM  
 NICK & HELEN DENNIS

TM#65.2-4-18.000  
**JONATHAN PRIBBLE**  
 PARCEL II  
 BK. 2039 PG. 136 ~ APRIL 16, 2021  
 FROM  
 ROBERT K. & PATTI JO WOLF

TM#65.2-4-20.000  
**RANDY DEZALIA**  
 BK. 1958 PG. 234 ~ JULY 30, 2019  
 FROM  
 RANDY & LYSANDRA DEZALIA

TM#65.2-4-19.000  
**JONATHAN PRIBBLE**  
 PARCEL I  
 BK. 2039 PG. 136 ~ APRIL 16, 2021  
 FROM  
 ROBERT K. & PATTI JO WOLF

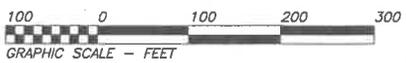
**COURSES AS LABELED ALONG MINE LIMITS**

1	N 73°46'35"E	24.68'
2	S 11°39'17"E	35.03'
3	S 77°19'07"W	21.99'
4	S 08°52'19"E	95.30'
5	S 45°51'09"W	139.87'
6	N 76°18'16"W	320.94'
7	S 54°00'04"W	307.54'
8	N 64°52'57"W	130.74'
9	N 13°31'17"W	374.48'
10	N 55°42'07"E	282.35'
11	S 75°25'15"E	312.72'
12	S 87°29'44"E	232.88'
13	S 24°49'58"E	178.66'

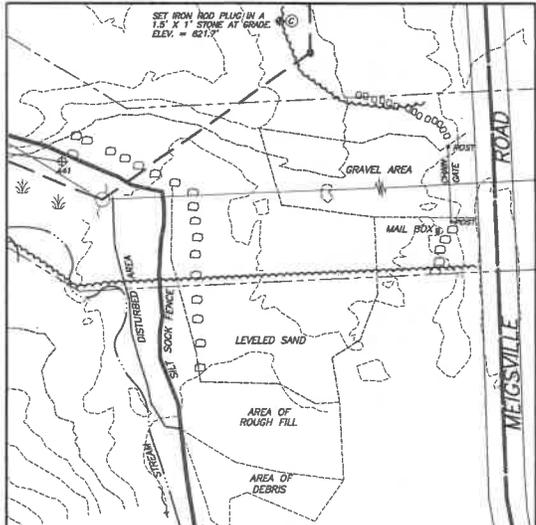
**7.5± ACRES IN MINE LIMITS**

**NOTES**

- #1 UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- #2 ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED IN RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- #3 "ASSUMED ROAD BOUNDS" INDICATES THAT LIMITED WORK HAS BEEN DONE TO ATTEMPT TO DETERMINE THE TRUE LEGAL BOUNDS OF THE ROAD SHOWN HEREON. ASSUMED ROAD BOUNDS SHOWN ARE ALONG FOUND MONUMENTATION.
- #4 EASEMENTS DESCRIBED IN DEED BOOK 303 AT PAGE 204 DATED JANUARY 16, 1953 MAY AFFECT THE PROPERTY.
- #5 PARCEL II IS SUBJECT TO ADIRONDACK PARK AGENCY (A.P.A.) SETTLEMENT AGREEMENT No. E2004-210 ISSUED JAN. 30, 2006 AND FILED IN THE ESSEX CO. CLERK'S OFFICE ON FEB. 10, 2006 IN A.P.A. BOOK 67 AT PAGE 141.
- #6 UNDERGROUND UTILITIES NOT SHOWN HEREON.
- #7 SEE MAP REFERENCE FOR ADDITIONAL INFORMATION.
- #8 WETLANDS SHOWN HEREON WERE FLAGGED IN THE FIELD BY KELLY MCKEAN OF THE APA STAFF ON JUNE 29, 2022 AND SURVEYED BY KEVIN A. HALL, L.S. ON JULY 27, 2022 IN REGARDS TO APA PERMIT No. 2022-0124.



**DETAIL ~ 50 SCALE**



TM#65.2-4-18.000  
**JONATHAN PRIBBLE**  
 PARCEL II  
 BK. 2039 PG. 136  
 APRIL 16, 2021  
 FROM  
 ROBERT K. & PATTI JO WOLF

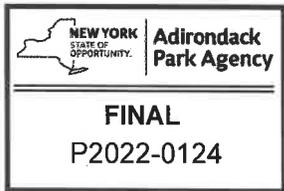
**TOPOGRAPHIC SURVEY OF EXISTING CONDITIONS**

OF THE  
**MEIGSVILLE MINE**  
 TOWN OF ELIZABETHTOWN ~ COUNTY OF ESSEX  
 SCALE 1" = 100' AUGUST 30, 2022

PRELIMINARY  
 AUGUST 30, 2022

KEVIN A. HALL  
 LAND SURVEYOR  
 ELIZABETHTOWN, N.Y.  
 L.S. #49797

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, SIGNED AND DATED IN RED INK AND MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.



## MEIGSVILLE PIT

RECEIVED  
ADIRONDACK PARK AGENCY

MAY 18 2022

### WEST SIDE OF MEIGSVILLE ROAD, ELIZABETHTOWN, NY

#### MINING PLAN NARRATIVE

The Meigsville Pit is located on the west side of the Meigsville Road approximately 0.2 miles south of Rte. 9N in the Town of Elizabethtown, County of Essex. The mining area is woodland made up of mixed hardwoods and coniferous trees. The land slopes upward in a northwesterly direction with an average slope of approximately 7%.

The soils are glacial morainal deposits. Woodland and sand and gravel mining are the principal land uses. The surface of unconsolidated sand and gravel mine is removed from a full-face excavation by using a medium sized dozer, tracked excavators and rubber tired front-end loaders. The sequence is to remove marketable timber and wood, remove and bury stumps and large boulders, scalp and store topsoil for reclamation and then commence mining operations.

The floor of the mining operation is at elevation 618.0 feet above mean seal level (amsl). The north face of the mine will eventually reach elevation 690.0 feet amsl. The pit floor is above the seasonal high-water table, above the elevation of the Meigsville Road (to the east) and below the elevation of the adjacent north and west property lines with an undisturbed set back distance of 25 feet and a setback of 25 feet from the east property line. The floor is above the elevation of the east property line.

The mining preparation and processing is all within the mining area. The annual production is approximately 30,000 cy. The mining of sand and gravel, and material processed by the crusher and screen make up the total volume of annual production. Screened sand and gravel will be mined and delivered as one operation. Some boulders greater than 9" are sold for small rip rap projects. A crushing plant in conjunction with the screening plant will be used to produce item 4 on an as needed basis.

Some areas of the pit will be used for stockpiling small quantities of screened sand, sorted bank run gravel and over sized material for future sales and restoration work. Also, some material will be hauled in from off site and stored within the mine limits for reuse at a later date. This material will be clean sand, gravel and stone, and shall be stored no more than two years before being moved for use off site.

The haul road exits the mining area on the eastern side of the property and is approximately 4.0 feet above the floor elevation where the delivery trucks haul the materials to the Meigsville Road and then to Route 9N to market. Surface erosion is not a problem in the well-drained soils, and dust is controlled with water as needed. The nearest residence is approximately 940 feet northwest of the mine site on NYS Rte. 9N. The prevailing southwest winds and continuous forest, mostly coniferous, protect the dwelling from any noise and completely shield the mine from visibility. The existing forest will protect the mining and storage area from wind erosion. Erosion from rain water runoff will not affect offsite areas as the runoff will run into the pit and the pit floor is below the elevation of the pit boundaries. All machinery is equipped with mufflers, back-up alarms and rollover protective structures (ROPS).

## MEIGSVILLE PIT

### WEST SIDE OF MEIGSVILLE ROAD, ELIZABETHTOWN, NY

Any mining activities that fall within the NYSEG right-of-way will be coordinated with NYSEG prior to mining. There will be no further logging performed on the site. Logging activities were completed prior to the initial mine application.

The stump dump which is located within the limits of the mine shall occupy one acre in total area. The stump dump shall be operated within the rules and regulations of the NYSDEC.

Mining Schedule: The plan of operation for the next 5-year permit period is to work from the existing floor elevation of 618.0 feet in a westerly direction for approximately 340.0 feet with the pit face approximately 300 feet wide in a north south direction depending on quality of bank run material.

Operating Hours: The hours of operation will be 7 AM to 6 PM Monday through Friday and Saturdays from 8 AM to 1 PM.

Estimated Truck Traffic: Truck traffic will vary from day to day. The months of April through October will see the majority of truck traffic. However, it is estimated there will be a maximum of 3,000 truck trips of loaded material that will leave the mine each year. This translates to about 18 loads per day during the busiest months of the year.

Water Table: The mine floor will be 618.0 feet amsl. There is an old stone cellar located on the eastern edge of the mine site with a floor elevation of 614.0 amsl. Also, approximately 150 feet west southwest of the old stone cellar a test pit was dug to an elevation of 612.0 amsl to determine the elevation of the ground water. During the site visit there was no ground water or mottling observed in either the old stone cellar or the test pit. It is estimated the annual high ground water does not exceed 612.0 amsl.

Stormwater Controls: The soils at the site are very permeable. At the eastern side of the mine site an old stone cellar is located at the low spot of the mine. All stormwater on the site will be directed to the cellar.

A 100 yr. 24 hr. storm will result in no runoff from the site. Using HydroCAD 10 as a tool to determine the amount of runoff that will occur resulted in no runoff as long as the runoff was directed to the old stone cellar. The cellar will start receiving stormwater approximately 17.5 hours after the start of the storm but would never overflow off the mine site into the adjacent woodlands.

### RECLAMATION PLAN NARRATIVE

The mining area will be cleared of all debris and unused material. Stumps and large boulders will be buried and covered to a minimum depth of 2 feet to blend the floor of the mine with steeper slopes. Fill over boulders will be compacted to minimize voids. the min's face will be sloped 2:1, dressed with topsoil, treat to a pH of 6.0, seeded with Conservation Green Grass Mixture (10-10-10), fertilized and covered with straw. The haulage ways that will no longer be used will be reclaimed as stated above.

## MEIGSVILLE PIT

### WEST SIDE OF MEIGSVILLE ROAD, ELIZABETHTOWN, NY

Seed mixture contains the following:

pinnacle perennial	33.97%
creeping red fescue	33.25%
Kentucky blue grass	12.75%
annual ryegrass	8.65%
white clover	5.94%
other	5.44%

**Reclamation Schedule:** The reclamation schedule is based on the anticipated volume of business and the need to have sufficient workroom for the machinery and temporary storage of products. The proposed plan would be to start on the easterly side of the mining area and carry out the process of reclamation in a westerly direction.