


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 2024-0268</p>
<p>In the Matter of the Application of</p> <p>TOWN OF WAVERLY Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: May 22, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Town of Waverly</p>

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Franklin 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 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 13.68±-acre portion of a 179±-acre parcel of land located south of South River Road in the Town of Waverly, Franklin County, in an area classified Rural

Use and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The project site is the 11.38-acre Life of Mine area and an approximately 50-foot-wide corridor including the access road (approximately 2.3 acres). The site is identified as a portion of Tax Map Section 240, Block 2, Parcel 4, and is described in a deed from Charles H. Young & Orpha L. Young to The Town of Waverly, dated August 10, 1936, and recorded September 16, 1936 in the Franklin County Clerk's Office at Book 218, Page 391.

The 179±-acre parcel is partially located within the designated Main Branch St. Regis River Recreational River area. The project site's extraction area is located outside the river area in a Rural Use land use area. A portion of the project site's access road is located within the river area in a Moderate Intensity Use land use area.

The project site is improved by an existing commercial sand and gravel extraction owned and operated by the Town of Waverly. An 1,800-foot-long existing access road connects the extraction site to South River Road.

PROJECT DESCRIPTION

The project as conditionally approved herein involves continued operation of a commercial sand and gravel extraction within an 11.36±-acre life of mine, consisting of excavation, screening, crushing, and stockpiling. Activity on site occurs intermittently Monday through Friday between 7am and 5pm. Material is removed from the site by the Town of Waverly as needed for road maintenance and other Town projects, with a maximum of 15 truck trips per day.

The facility is subject to a NYS Department of Environmental Conservation Mined Land Reclamation Permit (MLF #50683).

The project is shown on the following Project Plans:

- A nine-sheet site of site plans titled "South River Road, NYSDEC Mine Identification No. 50683," prepared by Tisdell Associates Consulting Engineers, dated September 2024 and received by the Agency on November 25, 2024 (Site Plans); and
- A five-sheet project narrative document titled "Permit Application Narrative," prepared by Tisdell Associates Consulting Engineers, last revised November 15, 2024 and received by the Agency on November 25, 2024 (Project Narrative).

A reduced-scale copy of Figure 4 of the Site Plans is attached as a part of this permit for reference.

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 expansion by more than 25% 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 Franklin 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. 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 2024-0268, issued May 22, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the continued undertaking of the commercial sand and gravel extraction in the location shown and as depicted on the Site Plans and as described in the Project Narrative. Any change to the location, dimensions, or other aspect of the commercial sand and gravel extraction shall require prior written Agency authorization.
6. The undertaking of any activity involving wetlands shall require a new or amended permit.
7. All activities associated with the sand and gravel extraction, including excavation, grading, crushing, stockpiling, and maintenance shall only occur between 7am and 5pm Monday through Friday.
8. There shall be no blasting on the project site without prior written Agency authorization.
9. There shall be no more than 15 loaded truck trips leaving the project site on any day without prior written Agency authorization.
10. 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.

11. Reclamation shall occur as shown on the Site Plans and as described in the Project Narrative.
12. In order to prevent the spread of invasive plants to the site, all equipment brought to the site from off-site locations, including but not limited to trucks, excavators, tractors, screening and crushing equipment, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

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 and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use and Rural Use land use areas;
- 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 22nd day
of may, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch
Ariel Lynch
Environmental Program Specialist 3 (EPS3)

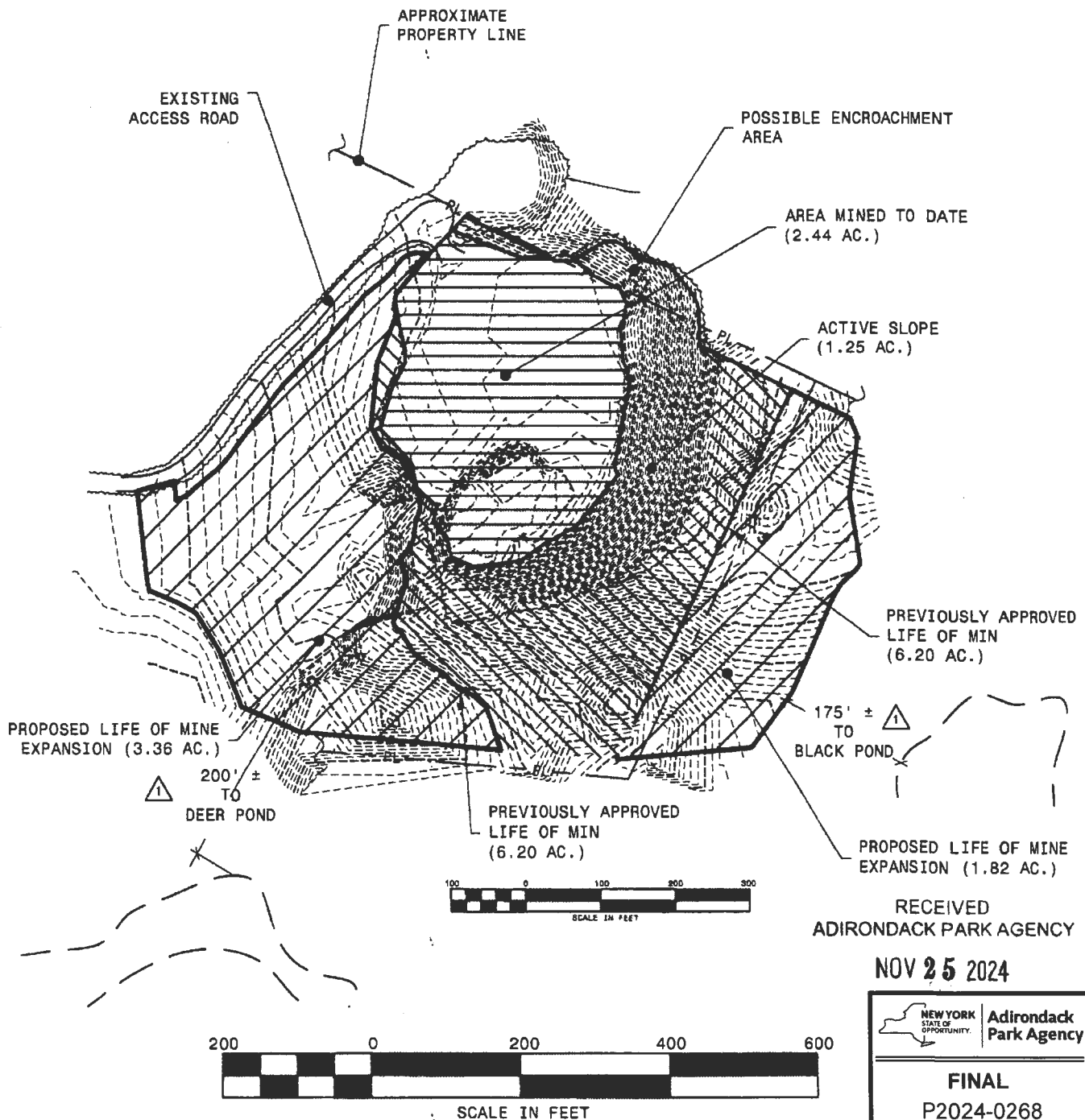
STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of may in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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, 2029

Stephanie L. Petith
Notary Public

TOTAL VOLUME EXCAVATED (2024 TOTAL LIFE OF MINE)
463,300 CYDS.±



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DATE
SEPT. 2024

PROJECT
02-31

DRAWN
KGT

CHECKED
ABJ

PROPOSED MINING AREA PLAN

SOUTH RIVER ROAD
NYSDEC MINE IDENTIFICATION NO. 50683

FIGURE

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