


**THIS PERMIT SUPERCEDES PERMIT 2006-0186 AND ITS AMENDMENTS  
THIS IS A TWO-SIDED DOCUMENT  
Staff Draft – Not approved by Agency**

 <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 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p style="text-align: center;">APA Project Permit <b>2015-0020</b></p>
<p>In the Matter of the Application of</p> <p><b>LARRY KOLLER</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued:</p>  <p>To the County Clerk: This permit must be recorded on or before _____ . Please index this permit in the grantor index under the following names: <b>1. Larry Koller</b></p>

**SUMMARY AND AUTHORIZATION**

This permit amends and supersedes prior Agency permits 2006-186, 2006-186A, 2006-186B, and 2006-186C to allow for the continuation of an existing sand and gravel extraction, and also authorizes the establishment of a new mineral extraction in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of North Hudson, Essex County.

This permit shall expire unless recorded in the Essex County Clerk's Office on or before \_\_\_\_\_, 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 four years from the date the permit is recorded. 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 comprised of 115± acres located off Pepper Hollow Road and adjacent to the Interstate 87 (I-87) northbound High Peaks Rest Area in the Town of North Hudson, Essex County, in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site is partially located within the designated Schroon River Recreational River area and within the I-87 critical environmental area. The project site is identified on Tax Map 104.4, Block 1 as Parcel 20 and on Tax Map 104.2, Block 1 as Parcels 2.1 and 3.1.

The project site is described in the following three deeds, which are all recorded in the Essex County Clerk's Office: (1) a deed from Linda Decker, Executrix of the last Will and Testament of John Paul Koller, aka John P. Koller, deceased, to Larry Koller, Jonni Ann Koller and Linda Decker, dated July 13, 2005, which was recorded on July 22, 2005 in Liber 1453 of Deeds at Page 64; (2) a deed from Linda Decker to Larry Koller, dated November 21, 2005, and recorded the same day in the Essex County Clerk's office in Liber 1469 of Deeds at page 255; and (3) a deed from Jonni Ann Koller to Larry Koller, dated January 31, 2007, and recorded in the County Clerk's Office in Liber 1524 at Page 163.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a continuation of previously authorized commercial sand and gravel activities and the establishment of a new mine. The project involves the following:

1. An extension of operations of the existing commercial sand and gravel extraction within a 14±-acre portion of the project site; and
2. The establishment of a hard rock mine within a 12.6±-acre portion of the project site.

The project is shown on the following maps:

- a. A map titled "Mining Plan Map, Sheet No. 1" prepared by Advanced Environmental Geology (AEG) and dated December 2017 (Mining Plan Map);
- b. A map titled "Reclamation Plan Map, Sheet No. 2" prepared by AEG and dated December 2017 (Reclamation Plan Map);
- c. A map titled "Typical Sections AA' – EE', Sheet No. 3" prepared by AEG

- and dated February 2018 (Cross Sections);
- d. A map titled “Line of Sight Profile, Sheet No. 4” prepared by AEG and dated February 2018 (Line of Sight Profile);
- e. A map titled “Site Plan Map, Sheet No. 5” prepared by AEG and dated December 2017 (Site Plan Map);
- f. A survey map titled “Map of Survey, Showing the Limits of a Proposed Mine for Larry Koller” prepared by Porter Land Surveying, PLLC and dated April 27, 2015 (Survey and Topographic Map);
- g. A survey map titled “Proposed Expansion of Existing Mining Permit, Topographic Survey Showing the Existing Ground of a Certain Borrow Pit Owned by John Kohler” prepared by Marc A. Manfred, L.S. and dated June 4, 2000 (Sand and Gravel Extraction Map);
- h. A map titled “Kohler Pit Proposed Expansion of Existing Mining Permit (Proposed Final Contours)” and dated June 2000 (Sand and Gravel Reclamation Plan).

The project is detailed in the following reports:

- i. The project is described in a report titled “Life of Mine, Mined Land-Use Plan” (Life of Mine Plan) prepared by Barton and Loguidice, D.P.C. dated February 2016. This document is amended by a document titled “Mined Land-Use Plan Amendment” prepared by AEG and dated March 2018 (Mineral Extraction Report);
- j. A document titled “Noise Impact Assessment” prepared by Barton and Loguidice, D.P.C. and dated December 2016;
- k. A document titled “Visual Analysis, Koller Pit” (Visual Analysis) prepared by CLA Site and dated March 20, 2018;
- l. A document titled “Blasting Plan, Koller Sand and Gravel” (Blasting Plan) prepared by Maine Drilling and Blasting and dated December 23, 2016 and last revised April 1, 2018; and
- m. A document titled “Larry Koller, Koller Mine, Stormwater Pollution Prevention Plan, Stormwater and Erosion & Sediment Control (Best Management Practice) Manual” (Stormwater Plan) prepared by AEG and dated May 2018.
- n. A report titled “Mining Permit Expansion Application and Reclamation Report,” prepared by John Koller and received by DEC Division of Mineral Resources May 24, 2000 (Mining/Reclamation Report).

A reduced-scale copy of the Site Plan Map and Sand and Gravel Extraction Map are attached as a part of this permit for easy reference. The original, full-scale maps, plans and reports described above are the official plans and reports for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to §§ 809(2)(a), 810(1)(c)(11), 810(1)(e)(12), and 810(1)(e)(1)(e) of the Adirondack Park Agency Act [Executive Law, Article 27] as a mineral extraction project on Low Intensity Use and Resource Management lands and within the I-87 critical environmental area. The permit also requires an Agency permit pursuant to Condition 4 of Agency Permit 2006-186B, which established a permit term that ended on April 17, 2018, for the existing commercial sand and gravel extraction. In addition, the project is a rivers project requiring an Agency permit pursuant to §§ 577.4(a) and 577.5(c)(1) of Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act [Article 15, Title 27 of the Environmental Conservation Law], because the sand and gravel extraction and mineral extraction are located on lands within the Recreational River area of the Schroon River.

### **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 mineral extraction continues on the site. Copies of this permit and the Site Plan Map and the Sand and Gravel Extraction Map 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. 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 2015-0020, issued \_\_\_\_\_, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

### **Mineral Extraction Location and Size**

5. This permit authorizes the mineral extraction in the location shown and as depicted on the Site Plan Map. The project shall be undertaken in the order of phases shown on the Site Plan Map and described in the Mineral Extraction Report. Any change to the order of phases, location, dimensions, or other aspect of the mineral extraction shall require a new or amended permit or prior written Agency authorization.

### **Sand and Gravel Extraction Location and Size**

6. This permit authorizes the continued operation of the commercial sand and gravel extraction in the location shown and as depicted on the Sand and Gravel Extraction Map for the remaining 4 acres of the previously authorized 14-acre sand and gravel extraction. Any change to the location, dimensions, or other aspect of the sand and gravel extraction shall require a new or amended permit or prior written Agency authorization.

### **Operations Schedules**

7. All trucking, mining, excavating, grading, stockpiling, constructing infrastructure, reclamation activities, and outdoor maintenance operations authorized herein shall only occur from March 1 to December 31 annually, and only between 7 am and 6pm, from Monday through Friday, and between 8am and 2pm on Saturdays. No operations shall occur on Sundays or the following Federal holidays: Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.
8. Upon prior written approval from the Agency, these hours of operation may be extended to meet contractual obligations necessary for public works projects.

### **Blasting**

9. The project shall be undertaken in compliance with the Blasting Plan. There shall be no more than three blasts per week, and blasting shall only occur between 10am and 3pm, Monday through Friday.
10. Blasting shall only occur between March 1 and December 31, and shall not occur on the following Federal holidays: Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

### **Material Processing**

11. Crushing and processing of materials shall only occur between 7:00 am and 6:00 pm, Monday through Friday, from March 1 to December 31 annually. There shall be no crushing or processing of materials on Saturdays or the following Federal holidays:

Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

### **Trucking**

12. No more than 20 truckloads may be removed from the project site per day. This number does not include the maximum of 40 loaded trucks authorized to traverse the project site from an adjoining mine as authorized in Agency Permit 2017-0173.

### **Tree Cutting/Vegetation Removal**

13. Outside of the Life of Mine boundary shown on the Site Plan Map, and outside of the Approximate Limits of Original Mine Area and Proposed Expansion Area shown on the Sand and Gravel Extraction Map, no trees, shrubs, or other woody-stemmed vegetation/trees 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.
14. No vegetation shall be cut, culled, trimmed, pruned, or otherwise removed or disturbed between the Life of Mine boundary and the wetland shown on the Site Plan Map in the vicinity of phases 5 and 6. All vegetation within 100 feet of the wetland shown on the Site Plan Map, except within the existing road, shall remain undisturbed.

### **Plantings**

15. A minimum of forty (40) 4 to 6-foot tall White Pine and Spruce trees native to the region shall be planted along the chain link fence that is located along the southwest property boundary adjoining the tractor trailer, bus, and RV parking area of the I-87 northbound High Peaks Rest Area. The trees shall be planted in three rows of staggered plantings at a maximum 8 feet on center as shown on Exhibits A-3 and A-4 of the Visual Analysis. All trees shall be planted within two years of recordation of this permit and any trees that do not survive shall be replaced annually until established in a healthy growing condition.

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

16. For phases 1, 2, and 3, the project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan. Prior to commencing any work associated with phases 4, 5, or 6 of the mineral extraction, written approval shall be obtained from the Agency for a revised stormwater management plan.
17. Stormwater from the sand and gravel extraction shall be managed within the remaining 4 acres of the previously authorized 14-acre sand and gravel extraction.

**Air Quality**

18. Dust control and air emission measures shall be implemented in accordance with the Mineral Extraction Report.

**Noise/Visual**

19. Increase in ambient noise levels at the northbound High Peaks Rest Area and nearby residences shall be no greater than as projected in the Noise Impact Assessment Report.
20. A berm at least 20 feet in height, but no more than 40 feet in height, which may consist of stockpiled sand, gravel, cobble, or crushed stone materials excavated from the site, shall be maintained immediately southwest of the crusher and screener shown on the Site Plan Map. The berm shall be maintained at a height which screens the crusher from view from the northbound High Peaks Rest Area for as long as the crusher remains on the site. The existing berm along the southeast boundary of the sand and gravel extraction shall remain in place.

**Invasive Species Control/Sanitizing Equipment**

21. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, 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.

**New Structures**

22. Any new structures not authorized herein shall require prior written Agency authorization.

**Outdoor Lighting**

23. If any new free-standing or building-mounted outdoor lights associated with the mineral extraction or the sand and gravel extraction on the project site are proposed, a lighting plan shall be submitted to the Agency for review and approval in the form of a new or amended permit or other written Agency authorization.

**Signage**

24. All signs associated with the mineral extraction or 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].

### **Reclamation**

25. Reclamation for the mineral extraction shall occur according to the Reclamation Plan Map and the Mineral Extraction Report. Reclamation shall be an on-going process whereby areas no longer needed for extraction purposes shall be promptly and successfully reclaimed in accordance with the Reclamation Plan Map and Mineral Extraction Report.
26. Reclamation for the sand and gravel extraction shall occur according to the Sand and Gravel Reclamation Plan and the Mining/Reclamation Report.

### **Waste Disposal Area**

27. Highway departments may stockpile a maximum of 300 cubic yards per year of fill within the life of mine boundary of the sand and gravel extraction as long as there is a valid Adirondack Park Agency and Department of Environmental Conservation Permit authorizing the operation of the mine. Only clean fill shall be disposed of at the project site and the fill may only be trucked to the project site during the operating days and hours authorized in this permit.

### **Reports**

28. An annual report shall be provided to the Agency by January 31st of each year for the mineral extraction. This report shall include information regarding the previous year's operation, including but not limited to the daily number of truck trips of material, dates and number of blasts, up-to-date mining projections, reclamation status, and the number and content of any complaints received and how the complaints were resolved.
29. 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.

### **Permit Term**

30. This permit shall expire on July 15, 2023 unless an application for renewal is received by the Agency at least one month prior to that date. Any written request to renew this permit must be received in writing before its expiration and must be accompanied by updated mining and reclamation maps and narratives.



## **FINDINGS OF FACT**

### **Background/Prior History**

1. On May 25, 1999, Agency Permit 98-248 was issued authorizing a greater-than-25% expansion of a commercial sand and gravel extraction resulting in an approved 12-acre Life of Mine area for the extraction.
2. On August 1, 2000 Amended Permit 98-248A was issued approving a 2-acre expansion of the previously authorized 12-acre Life of Mine area, a temporary increase in the annual production, and the use of the extraction area for a temporary equipment and material storage area to facilitate nearby highway improvements.
3. The originally authorized project and amended project were undertaken. Permit 98-248A expired on April 16, 2004. On April 15, 2008 Permit 2006-0186 was issued authorizing the expanded sand and gravel extraction.
4. On January 7, 2011, Permit 2006-0186A was issued authorizing crushing of material on the site.
5. Permit 2006-0186B was issued on April 8, 2013 to extend the permit term.
6. On June 17, 2016 Agency Permit and Order 2006-0186C authorized the Department of Transportation to dispose of ditch cleaning/waste materials at the sand and gravel extraction. The permit authorized the disposal of clean fill during the approved operating days and hours.
7. There are two cell towers on the project site. Agency Permits 2008-0208 and 2008-0308 and their amendments authorized the installation of the cell towers and antennae and remain in effect.
8. Agency Permit 2017-0173, issued April 25, 2018, authorized a sand and gravel mine on an adjoining property and remains in effect. Trucking from this adjoining sand and gravel mine uses the access road through the project site to transport material off-site. Permit 2017-0173 authorized a maximum of 40 trucks exiting the adjoining mine along this access road on a daily basis.

### **Project Site**

#### **Prior Extraction Activities**

9. To date, 14± acres of the sand and gravel extraction authorized by Permit 2006-0186B has been disturbed, and approximately 10± acres have been reclaimed. Extraction of sand and gravel will continue on the 4± acres that have not been reclaimed; this area

will also be used as part of the mineral extraction operations. As shown on the Site Plan Map, this area will be primarily used for material processing, stockpiling, and stormwater management.

### **Soils and Bedrock**

10. Soils on a portion of the project site are well drained sands and gravels. There is also an area with very large rock outcrops where the mineral extraction will be located. The highest elevation of the rock outcrop on the project site is approximately 1,185± feet above mean sea level (MSL). The highest elevation of the authorized mineral extraction is 1,135± feet above MSL. The sand and gravel extraction is located at approximately 950± feet above MSL.

### **Slopes**

11. Slopes at the extraction site vary considerably from 0% on the floor of the sand and gravel mine and access road to greater than 25% on the westerly faces of the mineral extraction site. Topography of the mineral extraction area is shown on the Survey and Topographic Map.

### **Vegetation**

12. The project site is forested with mix of northern hardwood and softwood trees, except for the active sand and gravel extraction area that is cleared of vegetation. The previously reclaimed sand and gravel extraction area is vegetated with a mix of 4 to 6 foot tall white pine trees and grassed areas.

### **Water Resources and Wetlands**

13. West Mill Brook forms a portion of the project site's southeast property boundary. It is a permanent non-navigable stream in this area. A coniferous/deciduous shrub swamp wetland having a value rating of 3 pursuant to 9 NYCRR Part 578 adjoins this waterbody. The authorized extractions are located more than 100 feet from West Mill Brook and the associated wetlands.
14. There is also a mixed deciduous/coniferous forested wetland having a value rating of 2 pursuant to 9 NYCRR Part 578 located east of phases 5 and 6 of the mineral extraction area. A vernal pool within the wetland provides important habitat for amphibians and other wildlife.
15. Additional wetlands not described herein or depicted on the Site Plan Map or Sand and Gravel Extraction Map may be located on or adjacent to the project site.
16. The Site Plan Map depicts a proposed sediment basin for phases 4, 5, and 6 within 100

feet of wetlands. Prior Agency review and authorization of a revised stormwater management plan is required prior to commencement of mining operations in these phases.

### **Access**

17. Access to the project site is from Pepper Hollow Road, a two-lane road maintained by the Town of North Hudson.

### **Nearby Land Uses**

18. The project site is located off Pepper Hollow Road, which is a dead end Town road with seasonal and year-round residential development. There are ten residences within one half mile of the mine access road; six of these are located along that portion of Pepper Hollow Road between the extraction's access road intersection with Pepper Hollow Road and Pepper Hollow Road's intersection with U.S. Route 9. The lands surrounding the project site are undeveloped forested lands with limited residential and commercial development. The site also adjoins the I-87 northbound High Peaks Rest Area. The section of the rest area closest to the authorized extractions is the tractor trailer, bus, and RV parking area.

### **Critical Environmental Areas**

19. The portion of the project site that is designated as Resource Management and located within 300 feet of I-87 is a critical environmental area. No authorized extraction areas are located within the critical environmental area.
20. A small section of the project site is located within one-quarter mile of the Schroon River, which is a designated Recreation River pursuant to the New York State Wild, Scenic and Recreational Rivers System Act. The authorized extractions are not within the designated Recreational River area and will not be visible from the river due to intervening forestland. The existing access road for the sand and gravel extraction and mineral extraction is located within the Recreational River area.

### **Other Sensitive Areas**

21. I-87 and the northbound High Peaks Rest Area adjoin the northwest property boundary of the project site. The authorized extractions are not visible from either the northbound or southbound lanes of I-87 due to a 300 to 500 foot wide forested buffer along the northwest property boundary of the project site that will be maintained. However, the sand and gravel extraction is visible from the tractor trailer, bus, and RV parking area of the northbound High Peaks Rest Area, and the mineral extraction will be partially visible from the tractor trailer, bus, and RV parking area of the northbound High Peaks Rest Area. From this portion of the rest area there are views through the mine site to

undeveloped forested low-lying hillsides.

### **Noise**

22. Ambient sound levels at the northbound High Peaks Rest Area and nearby residences range from 50 to 55 decibels (dBA). The predicted maximum noise levels generated from mining operations at these locations are estimated at 52 to 54 dBA. This represents a change in noise level ranging from 2 to 5 dBA at these receptors. The High Peaks Rest Area is approximately 1,100 feet from the Life of Mine boundary of the mineral extraction and 1,200 feet from the crusher shown on the Site Plan. The closest residence is 1,000± feet from the crusher location and 1,100± feet from the Life of Mine boundary.

### **Trucking**

23. Pursuant to Agency Permit 2006-186, no more than twenty (20) loaded trucks were to depart the project site on a daily basis. No increase in these existing truck limits is authorized herein.
24. Pursuant to Agency Permit 2017-0173, no more than 40 truckloads may exit the adjoining mine through the project site on a daily basis. No increase in these existing truck limits is authorized herein.

### **Blasting**

25. Previously authorized extraction activities were for sand and gravel only. Mineral extraction of hard rock requires blasting to remove the material from the large areas of bedrock. Blasting will occur on the project site as described in the “Blasting Plan” and will be subject to requirements established in the Mined Land Reclamation Permit issued for the site by the NYSDEC.

### **Visual Impact Analysis**

26. The project site has been used for the extraction of sand and gravel for more than 30 years. Agency Permit 96-231 issued June 11, 1999 authorized the construction of the northbound and southbound High Peaks Rest Areas. Both rest areas were constructed thereafter.

The applicants submitted a Visual Analysis as part of the project application. The existing sand and gravel extraction and the newly authorized mineral extraction area are not visible from the travel lanes of I-87, the I-87 southbound High Peaks Rest Area, Pepper Hollow Road, NYS Route 9, or nearby residential areas. The existing sand and gravel extraction is not visible from most areas of the northbound High Peaks Rest Area; however, it is visible from the tractor trailer, bus and RV parking area of the

northbound High Peaks Rest Area. The mineral extraction will be partially visible from the tractor trailer, bus and RV parking area of the northbound High Peaks Rest Area, but not from other areas within the rest area.

A buffer of existing vegetation will be maintained along the western and southwestern perimeter of the mining operation at each level of mining to provide natural screening of the mining operations as viewed from the tractor trailer, bus, and RV parking area of the northbound High Peaks Rest Area. Additional coniferous trees will be planted along the fence along the easterly property boundary between the mine and the rest area.

### **Historic Sites or Structures**

27. There are no structures greater than 50 years old on or visible from the project site, and the site is not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation.

### **Public Notice and Comment**

28. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments have been received.

### **Other Regulatory Permits and Approvals**

29. The project requires a Mined Land Reclamation permit under Article 23, Title 27 from the NYSDEC. The most recent NYSDEC mining permit was issued on April 18, 2018 and expires April 17, 2023.

## **PROJECT IMPACTS**

### **Visual**

1. Requiring vegetative plantings between the mineral extraction and the I-87 northbound High Peaks Rest Area will mitigate visual impacts as the authorized extractions are viewed from the tractor trailer, bus, and RV parking area of the rest area. Requiring maintenance of trees and other woody stemmed vegetation outside the Life of Mine boundary for both authorized extractions will mitigate potential visual impacts as viewed from the northbound High Peaks Rest Area.
2. Requiring the mineral extraction to be undertaken in the phases shown on the Site Plan Map and in the authorized locations will also mitigate visual impacts.
3. Provided no vegetation is removed outside the boundaries of the authorized extractions shown on the Site Plan Map and Sand and Gravel Extraction Map, visual impacts to

adjoining landowners along Pepper Hollow Road will be minimized.

4. Requiring the applicant to receive written Agency authorization prior to installing lighting or constructing any structures on the project site will minimize visual impacts to adjoining and nearby residents and other land uses.
5. Requiring the applicant to reclaim the mine in accordance with the Reclamation Plan Map, the Mineral Extraction Report, the Sand and Gravel Reclamation Plan, and Mining/Reclamation Report, and to be an ongoing process, will ensure the mine returns to a vegetated state and minimizes visual impacts to adjoining and nearby residents and other land uses.
6. Requiring a berm that is at least 20 feet in height to be maintained immediately southwest of the crusher and screener shown the Site Plan, and requiring the existing berm along the southeast boundary of the sand and gravel extraction to remain in place, will minimize visual impacts to the public rest area and neighboring properties.

#### **Operational Issues Affecting Nearby Land Uses**

7. Continuing the existing schedule of days of operations on the project site, including truck trips, will minimize new impacts to nearby residents or other land uses.
8. Ensuring that crushing and processing of materials occur only Monday through Friday and only as authorized will limit noise impacts and ground vibrations. Locating the crushing and screening equipment as shown on the Site Plan Map and requiring a berm between the crusher and screener and the High Peaks Rest Area, and the berm between the crusher and screener and the nearest residence to remain will also mitigate potential noise impacts.
9. Requiring the ambient noise levels to remain as projected in the Noise Impact Assessment will minimize potential noise impacts to the identified sensitive receptors.
10. Requiring blasting to occur in compliance with the Blasting Plan, and limiting the months, days, and hours of blasting will minimize sound and ground vibrations and minimize impacts to nearby residents and other land uses.
11. Continuing the existing schedule of truck trips, including limiting the number of truck trips and the days and hours of trucking, will mitigate potential impacts to nearby and adjoining land owners.
12. A previously issued Agency permit limited the removal of material from the project site to 25,000 cubic yards of material annually. Not limiting the amount of material removed from the project site, but limiting the number of truck trips to that previously authorized, will not result in new impacts to nearby residents and other land uses.

**Permit Term**

13. Limiting the permit term to five years will ensure continuing Agency review of the sand and gravel and mineral extractions and their potential impacts.

**Air Quality**

14. Operating the mine in compliance with the Mineral Extraction Report for air quality will adequately protect air resources.

**Habitat/Wetlands**

15. Provided the development authorized herein is undertaken in the location depicted on the Site Plan Map and the Sand and Gravel Extraction Map, and in accordance with the conditions of the permit, the entire wetland will be preserved.
16. Requiring written authorization prior to any change in the phasing of the project or authorized location of extraction activities on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact wetlands. A new or amended permit will be required for any future activity that involves wetlands pursuant to 9 NYCRR § 578.
17. Maintaining a no cut/no disturbance buffer within 100 feet of all wetlands on the project site will protect wetlands and water quality.
18. Requiring a revised stormwater plan prior to commencing phases 4, 5, and 6 of the mineral extraction will ensure wetlands remain protected.

**Soils/Surface Waters/Groundwater**

19. Requiring the project to be undertaken in compliance with the Stormwater Pollution Prevention Plan will minimize impacts to groundwater and surface water. Requiring a revised stormwater plan prior to commencing phases 4, 5, or 6 will further protect water quality.
20. Requiring stormwater from the sand and gravel extraction to be managed within the remaining 4 acres of the previously authorized 14-acre sand and gravel extraction will minimize impacts to groundwater and surface water.
21. Allowing the stockpiling of up to 300 cubic yards of clean fill by highway departments within the life of mine boundary of the sand and gravel extraction will not have any impacts to site resources within or outside the life of mine boundaries of the authorized extractions.

### **Invasive Species**

22. Requiring inspection and cleaning of construction vehicles and tools prior to use on the project site or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site and adjoining properties.

### **Historic Sites or Structures**

23. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, 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 and Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use and Resource Management 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;
- f. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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.



