

THIS IS A TWO-SIDED DOCUMENT



**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
2025-0077

Date Issued: **September 16, 2025**

In the Matter of the Application of

LARRY KOLLER
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. Larry Koller

SUMMARY AND AUTHORIZATION

This permit authorizes continued operation and expansion of an existing mineral extraction and sand and gravel extraction in an area classified Low Intensity and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of North Hudson, 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 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 consists of three tax parcels as follows:

- A 7.94±-acre parcel, identified as Tax Map Section 104.4, Block 1, Parcel 20;
- A 11.5±-acre parcel, identified as Tax Map Section 104.2, Block 1, Parcel 2.100; and
- A 93.20±-acre parcel, identified as Tax Map Section 104.2, Block 1, Parcel 3.100.

All three tax parcels are accessed by Pepper Hollow Road in the Town of North Hudson, Essex County in an area classified as Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. Tax Map Section 104.2, Block 1, Parcels 2.100 and 3.100 are described in a deed from Jonni Ann Koller to Larry Koller, dated January 31, 2007, and recorded February 1, 2007 in the Essex County Clerk's Office under Instrument Number 2007-00000578. Tax Map Section 104.4, Block 1, Parcel 20 is described in a deed from Linda Decker to Larry Koller, dated January 10, 2013, and recorded January 11, 2013 in the Essex County Clerk's Office under Instrument Number 2013-148.

The project site is forested with a mix of northern hardwood and softwood trees, except for the active sand and gravel and mineral extraction areas that are cleared of vegetation. The previously reclaimed sand and gravel extraction area is vegetated with a mix of 6 to 10-foot-tall white pine trees and grassed areas. West Mill Brook, a permanent non-navigable stream, forms a portion of the project site's southeast property boundary. A coniferous/deciduous shrub swamp wetland having a value rating of "3" adjoins this waterbody. There is also a mixed deciduous/coniferous forested wetland having a value rating of "2" located to the east of the mineral extraction area. 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.

The project site is improved by an existing mineral and sand and gravel extraction as authorized by Agency Permits 2015-0020 and 2015-0020A. Agency Permits 2008-208 and 2008-308 and their amendments authorized subdivisions by lease of the project site for the construction of telecommunication towers and related infrastructure. Agency Permit 2017-0173 authorized access over the project site for operation of an adjoining commercial sand and gravel extraction.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the expansion and continued operation of an existing mineral extraction and sand and gravel extraction, and an increase in the maximum number of daily truck trips. The Life of Mine will expand by 14.9 acres, with the affected area for mining increasing by 8.8 acres. Existing phases 1, 3, 4, 5, and 6 will increase in size, and phases 7 and 8 will be added to the Life of Mine. The maximum allowable daily truck trips will increase from 20 to 35.

Existing access to the project site is from Pepper Hollow Road.

This facility is subject to a NYS Department of Environmental Conservation Mine Land Reclamation Permit (MLF #505185).

The project is shown on the following Project Plans:

- A four-sheet set of site plans titled "Koller's Excavating & Materials Koller Pit Mining Plan Map DEC Permit #5-1542-00001/00001 MIN ID 50185," prepared by Alpha Geoscience, dated June 26, 2025 and received by the Agency on June 27, 2025 (Site Plans);
- A 27-page report titled "Blasting Plan Koller Sand & Gravel," prepared by Maine Drilling & Blasting, dated April 1, 2018, and received by the Agency on May 14, 2018 (Blasting Plan);
- A nine-page report titled "Mining Permit Expansion Application and Reclamation Report," prepared by John Koller, and received by the DEC Division of Mineral Resources May 24, 2000 (Mining/Reclamation Report);
- A 26-page report titled "Noise Impact Assessment" prepared by Barton and Loguidice, D.P.C., dated December 2016 and received by the Agency on May 14, 2018 (NIA Report);
- A single sheet 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., dated June 4, 2000 and received by the Agency on February 4, 2008 (Sand and Gravel Extraction Map);
- A single sheet map titled "Kohler Pit Proposed Expansion of Existing Mining Permit (Proposed Final Contours)," dated June 2000 and received by the Agency on February 4, 2008 (Sand and Gravel Reclamation Plan);
- A 28-page report titled "Larry Koller, Koller Mine, Stormwater Pollution Prevention Plan, Stormwater and Erosion & Sediment Control (Best Management Practice) Manual" prepared by AEG, dated May 2018 (Stormwater Plan);
- A 22-page report titled "Visual Analysis, Koller Pit" prepared by CLA Site, dated March 20, 2018 and received by the Agency on May 14, 2018 (Visual Analysis); and
- An 80-page report titled "Life of Mine, Mined Land-Use Plan" prepared by Barton and Loguidice, D.P.C. dated February 2016, received by the Agency February 26, 2016. This document is amended by a document titled "Mined Land-Use Plan Amendment" prepared by AEG and dated March 2018, received by the Agency May 14, 2018 (Mineral Extraction Report).

A reduced-scale copy of the Mining Plan Map Sheet of the Site Plans for the project 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 expansion by more than 25% of any mineral extraction on Low Intensity and Resource Management lands in the Adirondack Park.

The project originally authorized by Agency Permit 2015-0020 required a permit pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577 for any new land use or development on Low Intensity Use and Resource Management lands within any designated Recreational River area in the Adirondack Park.

Conditions 7, 10, 13, and 22 of Agency Permit 2015-0020A require a new or amended permit prior to any change to the Site Plans, expansion of the Life of Mine, vegetation cutting outside of the Life of Mine, or change in the maximum authorized daily truck trips.

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 or 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, 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 Permit 2015-0020A. The terms and conditions of Permit 2015-0020A shall no longer apply.
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 2025-0077, issued September 16, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Mineral Extraction Location and Size

6. This permit authorizes the undertaking of the mineral extraction in the location shown and as depicted on the Site Plans. The project shall be undertaken in the order of phases shown on the Site Plans 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 prior written Agency authorization.

Sand and Gravel Extraction Location and Size

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

New Land Use & Development

8. 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 Schroon River will require a new or amended permit.
9. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within 300 feet of the right of way of Interstate 87 (I-87) on the Resource Management portion of the project site will require a new or amended permit.

Outdoor Lighting

10. Any new free-standing or building-mounted outdoor lights associated with the commercial sand and gravel extraction or mineral extraction on the project site shall require prior written Agency authorization.

Signage

11. 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].

Tree Cutting/Vegetation Removal

12. Outside of the Limit of Proposed Excavation boundary and Life of Mine shown on the Site Plans, 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.
13. Prior to any vegetation removal for new phases of the Life of Mine, the Limits of Excavation shall be clearly delineated on the ground.

Plantings

14. The 12 white pine trees planted in 2023 along the northern fence line of the I-87 Northbound High Peaks Rest Area shall be monitored. Any trees that do not survive shall be replaced annually until established in a healthy growing condition.

Wetlands

15. The undertaking of any activity involving wetlands shall require a new or amended permit. There shall be no soil disturbance or vegetation removal within 100 feet of wetland boundaries without prior written Agency authorization.

New Structures

16. The construction of any new structures on the project site shall require prior written Agency authorization.

Project Operations

Operations Schedules

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

Blasting

19. 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. Blast monitoring shall include monitoring sites at or near the I-87 Northbound and Southbound High Peaks Rest Areas. Blast monitoring reports shall be provided to the Agency monthly for the first year of operation. If determined necessary, measures to inform the public at the rest areas that blasting is conducted on the project site may be required.
20. Blasting shall only occur between March 1 and December 31, and shall not occur on the following holidays: Memorial Day, Juneteenth, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

Trucking

21. No more than 35 truckloads may be removed from the project site per day. This number does not include the maximum number of loaded trucks authorized to traverse the project site for the operation of the adjoining commercial sand and gravel extraction as authorized by Agency Permit 2017-0173.

Air Quality

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

Noise

23. Increase in noise levels at the I-87 Northbound High Peaks Rest Area and nearby residences shall be no greater than as projected in the Noise Impact Assessment Report without prior written Agency authorization.
24. The existing berm immediately southwest of the processing area and existing gravel pit shown on the Site Plans shall be maintained at a height which screens the crusher from view from the I-87 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.

Permit Term

25. 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

26. Reclamation for the mineral extraction shall occur according to the Site Plans 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 Site Plan Map and Mineral Extraction Report.
27. 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

28. 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 placed 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

29. 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.

30. 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.

Stormwater Management/Erosion Control

31. 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.
32. 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.

Invasive Species Control/Sanitizing Equipment

33. 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.

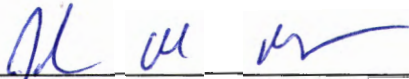
CONCLUSIONS OF LAW

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 and Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity and Resource management 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;
- 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.

PERMIT issued this 16th day
of September, 2025.

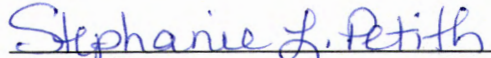
ADIRONDACK PARK AGENCY

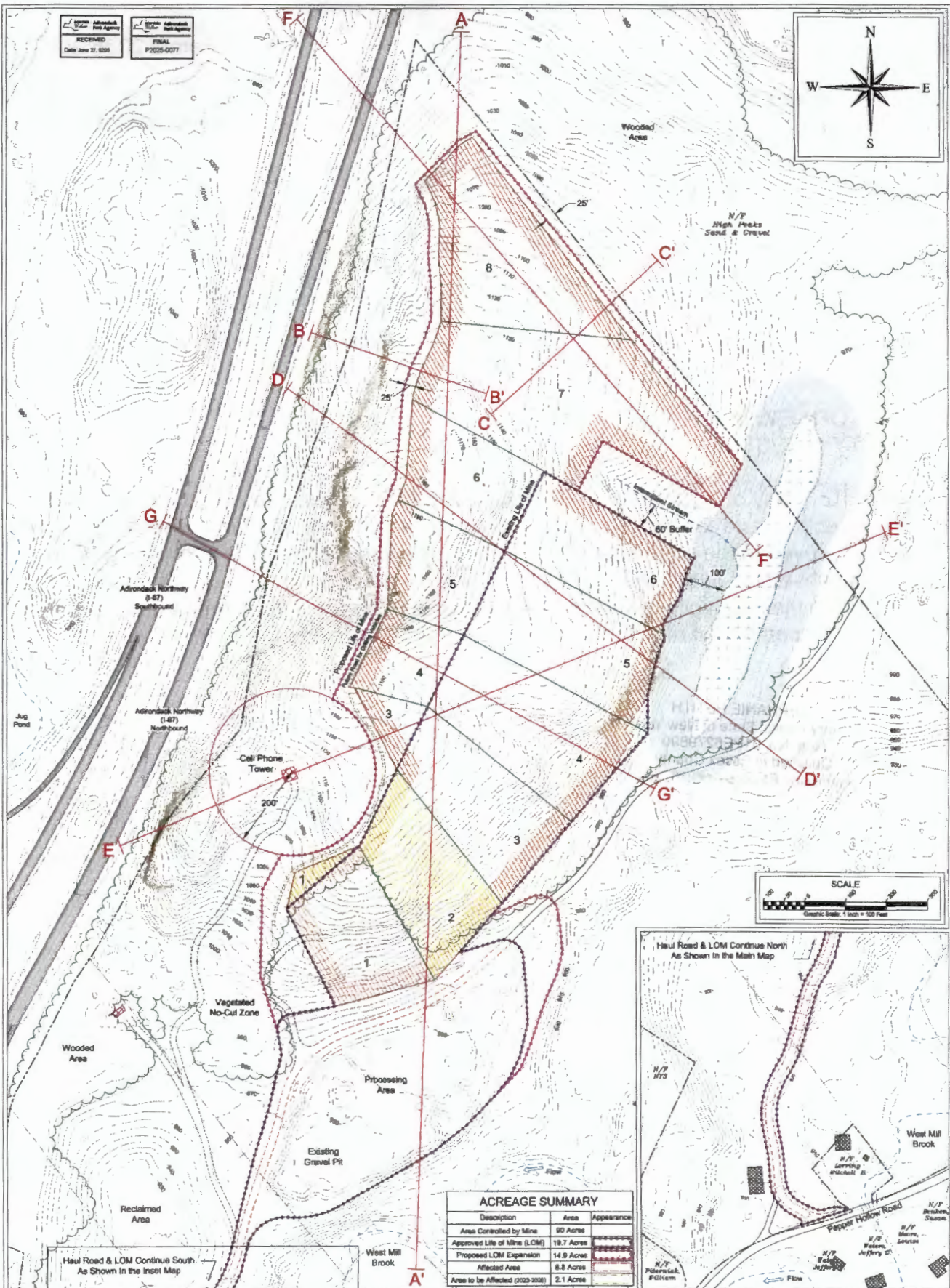
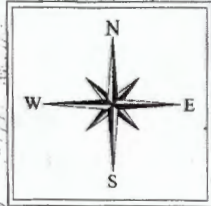
BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

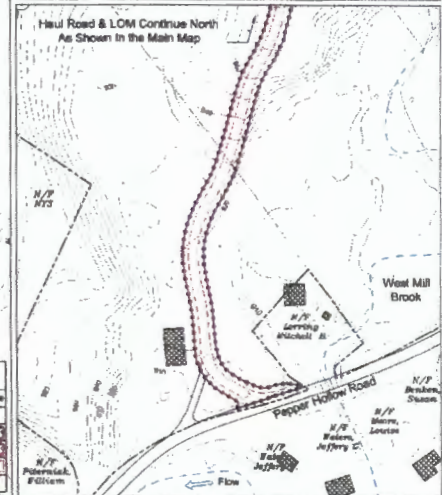
On the 16th day of September in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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 PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029


Notary Public



ACREAGE SUMMARY		
Description	Area	Appearance
Area Controlled by Mine	90 Acres	
Approved Life of Mine (LOM)	19.7 Acres	
Proposed LOM Expansion	14.9 Acres	
Affected Area	8.8 Acres	
Area to be Affected (2023-2028)	2.1 Acres	



LEGEND	
--- Koller Property Boundary	--- Neighboring Property Line
--- Internal Property Lines	--- NYS 1m DEM - 5' Contours
--- Approved Life of Mine (LOM)	--- Paved Road
--- Proposed LOM	--- Unpaved Road
--- Limit of Proposed Excavation	--- Haul Road
--- Mining Phase Boundaries	--- Access Road
--- Affected Area	--- Surveyed Wetland (with 100' buffer)
--- Area to be Affected (as operating permit term)	--- Stream & River
--- Residential Buildings	--- Intermittent Stream (with 50' buffer)
--- Commercial Buildings	--- Cross Section Lines

NOTES		
Site topography derived from high resolution (1 meter) bare-earth digital elevation model (DEM) generated by the NYS Geospatial Services in 2019 (https://gis.ny.gov/geospatial)		
Inset map at the same scale as the main map		
REVISIONS		
Date	Description	By
4/7/2025	Map prepared	NRS
6/9/2025	WPA edits - LOM moved to ridge line	NRS
6/26/2025	WPA 2 edits - Add sections F-F' & G-G'	NRS

KOLLER'S EXCAVATING & MATERIALS
KOLLER PIT
MINING PLAN MAP
 DEC Permit #S-1542-00001/00001
 Mine ID 50185
 TOWN OF NORTH HUDSON, ESSEX COUNTY, NEW YORK
 USGS 7.5-minute QUADRANGLE: ESSEX
 Contour Interval: 5 foot
 Datum: NAD 1983 SPCS New York East
 Prepared By: Alpha Geoscience

