


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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>2022-0015</b></p>
<p>In the Matter of the Application of</p> <p><b>RHR Farms, LLC and TROY BEADNELL</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: May 30, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. RHR Farms, LLC</b></li><li><b>2. Troy Beadnell</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes new commercial use in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Chester, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the commercial use begins operations in the building described herein.

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 12.1±-acre parcel of land located on Schroon River Road in the Town of Chester, Warren 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 122, Block 1, Parcel 18, and is described in a deed from Matthew Fuller (Referee) to RHR Farms, LLC, dated February 7, 2012, and recorded February 16, 2012 in the Warren County Clerk's Office under Instrument Number 2012-00001277.

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

The project site is improved by a pre-existing, two-story, 50-foot by 85-foot structure that was originally used as a tavern and was converted to an automobile body shop/repair garage (authorized in Agency Permit 2008-0064). The previous commercial use has not operated in over 5 years, therefore the previous Agency permit has expired. The site also contains a 12-foot by 20-foot detached garage.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the establishment of a new commercial use distillery and tasting room in an existing two-story building having a 4,250-square-foot footprint. The commercial use will also provide incidental pre-packaged snack foods and beverages. The distillery will be served by a new on-site wastewater treatment system and an existing water supply. Access to the site will occur via an existing 75-foot-wide gravel driveway from Schroon River Road.

The project is shown on four sheets of plans (Project Plans):

- One sheet titled "Distillery Site" (Site Plan), prepared by Tod Beadnell, P.E., last revised February 8, 2023 and received by the Agency on February 9, 2023;
- One sheet titled "Distillery Wastewater Treatment," prepared by Tod Beadnell, P.E., last revised January 9, 2023 and received by the Agency on February 9, 2023; and
- Two sheets titled "Distillery Site Lighting," prepared by Todd Beadnell, P.E., dated (on sheet 2) May 26, 2022 and received by the Agency on February 9, 2023.

A reduced-scale copy of the Site Plan for the project 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 establishment of any commercial use on Rural Use lands in the Adirondack Park.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Rural Use lands within any designated recreational river area in the Adirondack Park.

**CONDITIONS**

**THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Warren 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 authorized commercial use remains 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, 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 2022-0015, issued May 30, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the establishment of a new commercial use distillery and tasting room in an existing two-story building having a 4,250-square-foot footprint in the location shown and as depicted on the Project Plans. No portion of the distillery or tasting room may exceed 32 feet in height, as measured from the highest point on the structure, not including the chimney, to the lower of either existing or finished grade. Any change to the location, dimensions, or other aspect of the commercial use shall require a new or amended permit.
6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within 150 feet of Interstate 87 (the Adirondack Northway) or within one-quarter mile of the Schroon River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
7. Operation for the commercial use shall only occur between 12pm and 8pm Monday through Friday year-round. Operation outside these hours shall require prior written Agency authorization.
8. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the

location and design shown on the Project Plans. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

9. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
10. All exterior building materials, including roof, siding and trim, of the authorized commercial use building shall be a dark shade of green, grey, or brown.
11. All lighting associated with the authorized commercial use on the project site shall comply with the Lighting Plan. Any change to this lighting shall require prior written Agency authorization.
12. All signs associated with the authorized commercial use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
13. Outside the limits of clearing shown on the Site Plan (labeled "edge veg"), no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **CONCLUSIONS OF LAW**

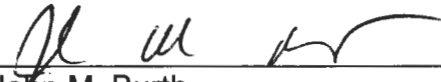
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Chester;
- b. 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;

- c. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- d. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- e. 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.

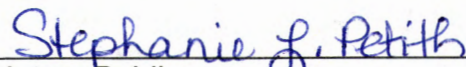
PERMIT issued this 30<sup>th</sup> day  
of may, 2023.

ADIRONDACK PARK AGENCY

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

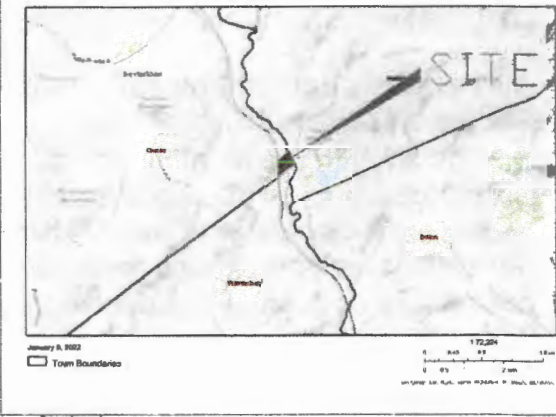
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 30<sup>th</sup> day of may 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.

  
Notary Public

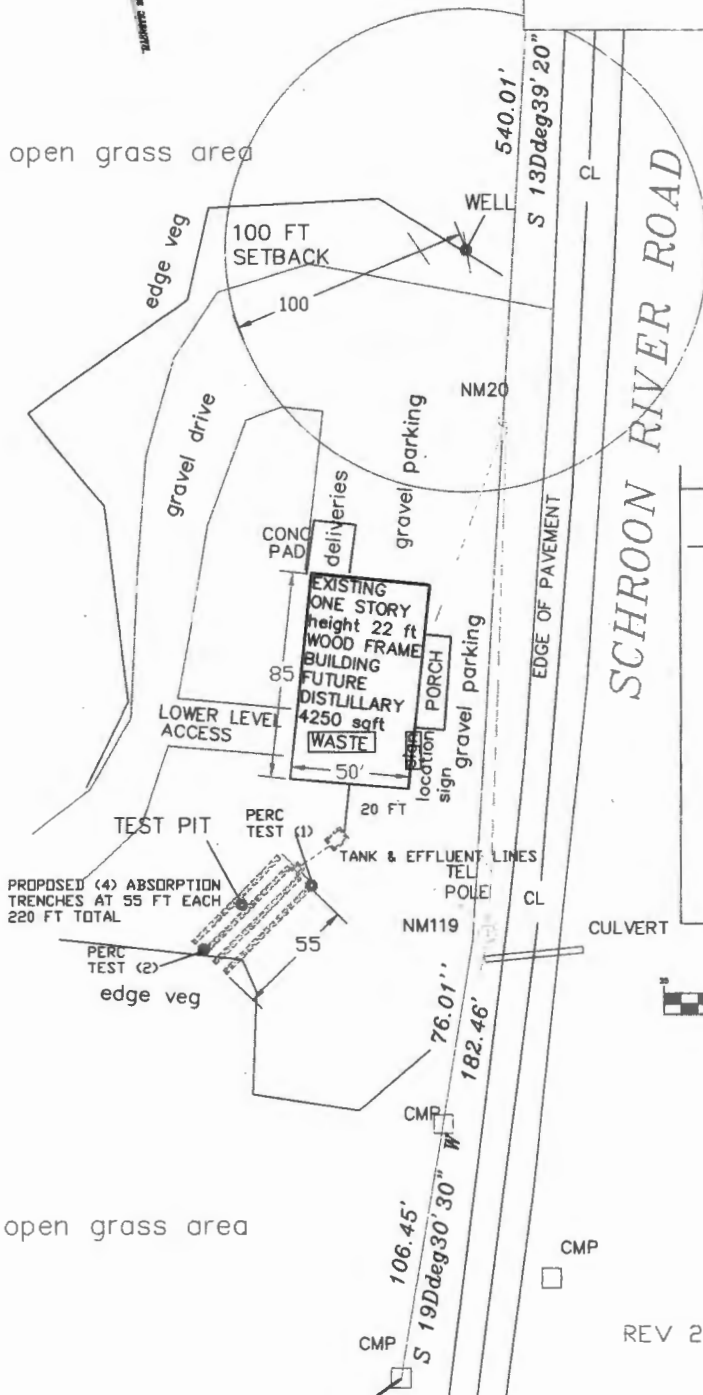
Stephanie L. Petith  
Notary Public, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

SITE PLAN BASE  
 SURVEY & MAP BY  
 James P. Hughes LS  
 for Richard Eastman  
 REVISION 5-26-22



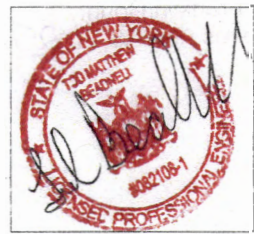
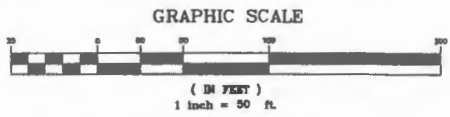
NEW YORK STATE  
 Adirondack  
 Park Agency  
**RECEIVED**  
 Date: February 9, 2023

NEW YORK STATE  
 Adirondack  
 Park Agency  
**FINAL**  
 P2022-0015



**LEGEND**

- STONES
- ⊕ UTILITY POLE
- x — WIRE FENCE
- o — CHAIN LINK FENCE
- □ — WOOD FENCE
- POINT
- F.P. FENCE POST
- o — OVERHEAD WIRES
- WELL
- ▭ (4) 50ft ABSORPTION TRENCHES
- 1000 gal SEPTIC TANK
- ⊛ LIGHTED AREA SEE DESIGN SHEETS FOR SPECS



REV 2-8-23 NOTES APA

Engineer of record  
 Tod Beadnell PE  
 295 Bloody Pond Road  
 Lake George NY  
 12845  
 #082108-1

**DISTILLERY SITE**  
 TAX #122-1-18 12.17 ACRES  
 2431 SCHROON RIVER ROAD CHESTERTOWN NY 12817