


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>2022-0270</b></p>
<p>In the Matter of the Application of</p> <p><b>TITUS VAUS AND STEPHANIE VAUS</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 7, 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. Titus Vaus</b></li><li><b>2. Stephanie Vaus</b></li></ol>

**This permit supersedes un-recorded Permit 2022-0270, issued by the Agency on January 24, 2023.**

**SUMMARY AND AUTHORIZATION**

This permit authorizes a new commercial use in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Warrensburg, 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 County Clerk's Office. The Agency will consider the project in existence when the authorized structure has been constructed.

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 5.56±-acre parcel of land located on US Route 9 in the Town of Warrensburg, 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 197, Block 1, Parcel 29, and is described in a deed from George J. Horwath to Titus Vaus and Stephanie Vaus, dated June 30, 2021, and recorded July 2, 2021 in the Warren County Clerk's Office at Book 6401, Page 89.

The project site is partially located within a Federal Highway critical environmental area. The project site is improved by an existing structure previously associated with a commercial use auto sales that has been abandoned since 2007.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the conversion of an existing structure to establish a new 1,660-square-foot commercial use wellness and creative arts center. Existing access to the project site is from US Route 9.

The project is shown on the following maps, and plans:

- A one-sheet plan titled "Map of a Survey made for Titus Vaus," prepared by Van Dusen & Steves Land Surveyors, dated June 16, 2022 (Survey Map); and
- Four sheets of plans titled "4182 State Route 9, Warrensburg, NY 12885," prepared by SRA Engineers, dated September 26, 2022, and last revised December 13, 2022 (Engineered Plans).

A reduced-scale copy of Sheet 3 of the Engineered Plans 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.

### **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 commercial use continues on the site. Copies of this permit and Engineered 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 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 2022-0270, issued February 7, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes the conversion of an existing structure to a new commercial use on the project site in the location shown on the Site Plan.

The commercial use structure shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The commercial use structure shall be less than 1,660 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act/9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right of way of US Route 9 will require a new or amended permit.
7. Any operation of the commercial use prior to 8 a.m. or after 9 p.m. 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 Engineered 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.

10. All exterior building materials, including roof, siding and trim, of the commercial use structure shall be a dark shade of green, grey, or brown.
11. Any new free-standing or building-mounted outdoor lights associated with the new commercial use 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 US Route 9 or adjoining property.
12. All signs associated with the new commercial use on the project site shall comply with the Sign Detail as depicted on the Engineered Plans. Any change to this signage shall require prior written Agency authorization.
13. There shall be no more than one principal building located on the project site at any time. The new commercial use authorized herein constitutes a principal building.


### **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 Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use 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 7<sup>th</sup> day  
of February, 2023.

ADIRONDACK PARK AGENCY


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


STATE OF NEW YORK  
COUNTY OF ESSEX

On the 7<sup>th</sup> day of February 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


**RECEIVED**  
 Date: December 14, 2022


**FINAL**  
 P2022-0270

**LEGEND**

- - - - - (S) - - - - - EXIST. BRIDGE CONT.  
 - - - - - (S) - - - - - EXIST. MAJOR CONT.  
 - - - - - (S) - - - - - EXIST. MINOR CONT.  
 - - - - - (S) - - - - - EXIST. PROPERTY LINE  
 - - - - - (S) - - - - - EXIST. BUILT FENCE  
 - - - - - (S) - - - - - EXIST. MOOSE EDGE  
 - - - - - (S) - - - - - EXIST. EDGE OF GRAVEL  
 - - - - - (S) - - - - - EXIST. SETBACK  
 - - - - - (S) - - - - - EXIST. WATER LINE  
 - - - - - (S) - - - - - EXIST. UNDERGROUND ELECTRIC LINE  
 - - - - - (S) - - - - - EXIST. TEST PIT LOCATION  
 - - - - - (S) - - - - - EXIST. DRILLED WELL LOCATION  
 - - - - - (S) - - - - - EXIST. UTILITY POLE  
 - - - - - (S) - - - - - EXIST. BUILDING LOCATION  
 - - - - - (S) - - - - - EXIST. 1" x 1" TIMBER LOAD COLUMN  
 - - - - - (S) - - - - - EXIST. 45 TIES @ 12" C.C.  
 - - - - - (S) - - - - - EXIST. 19# IN. VERT. BARS  
 - - - - - (S) - - - - - EXIST. FINISH GRADE  
 - - - - - (S) - - - - - EXIST. CONCRETE FOUNDATION  
 - - - - - (S) - - - - - EXIST. OPTIONAL PVC FOR ELECTRICAL CONDUIT (TYP.)

REV.	DATE	DESCRIPTION
A	11/29/22	ISSUED FOR PERMITS
B	12/15/22	RESPONSE TO AIA COMMENTS

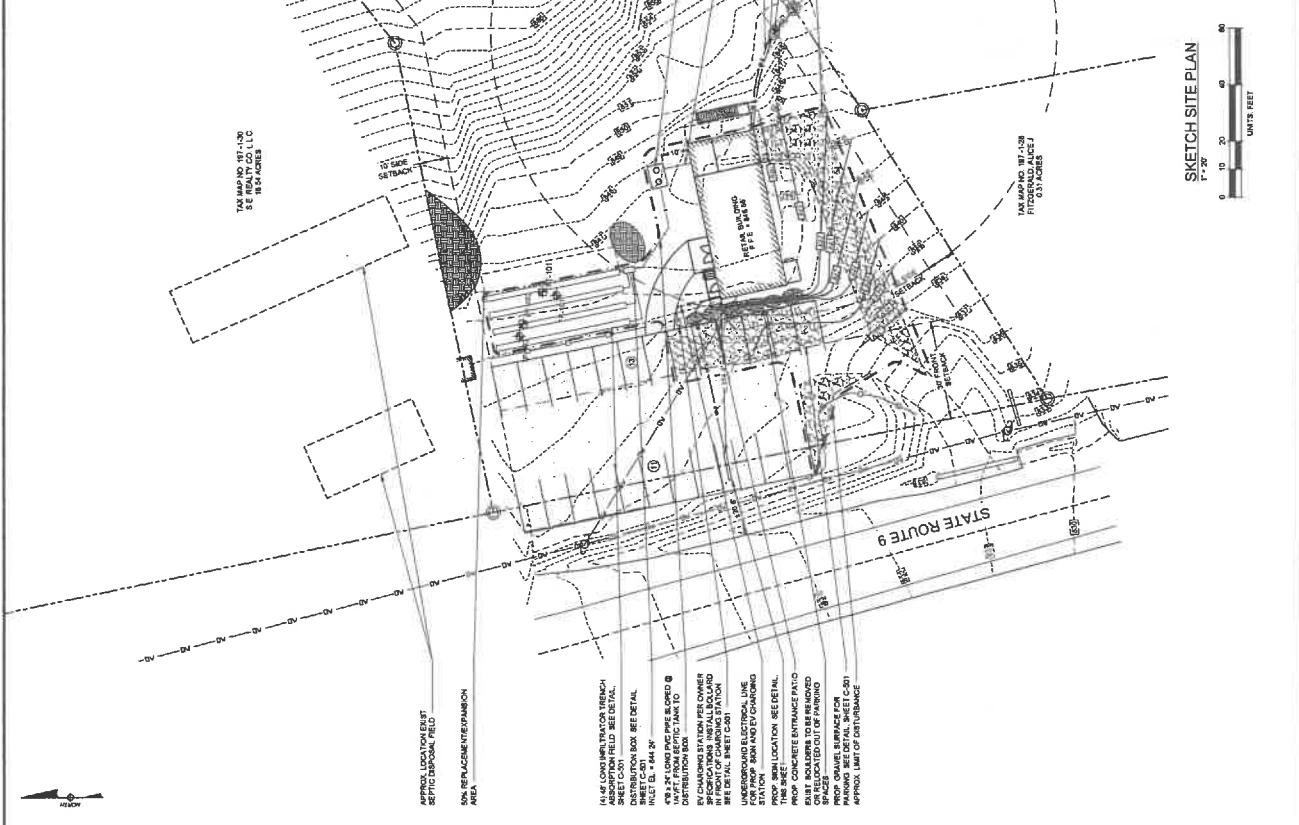
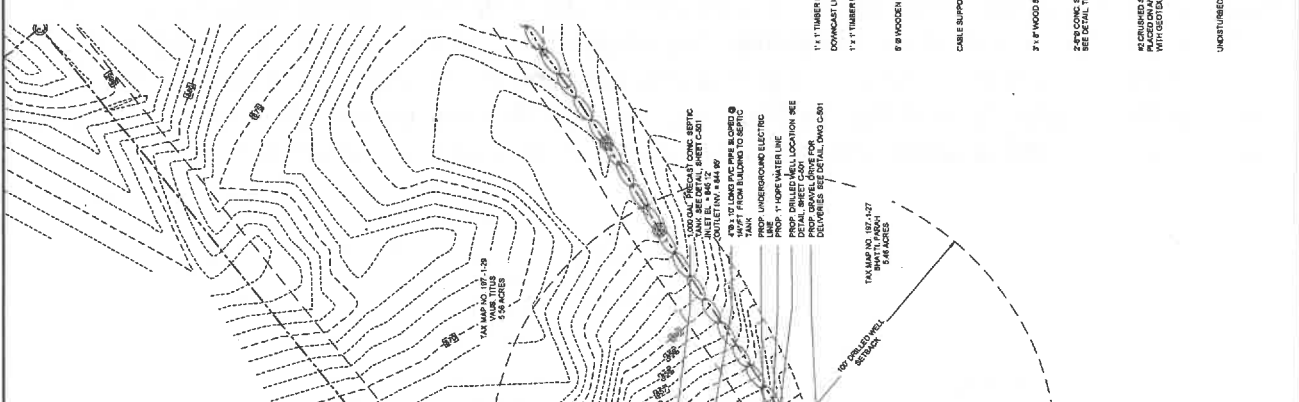
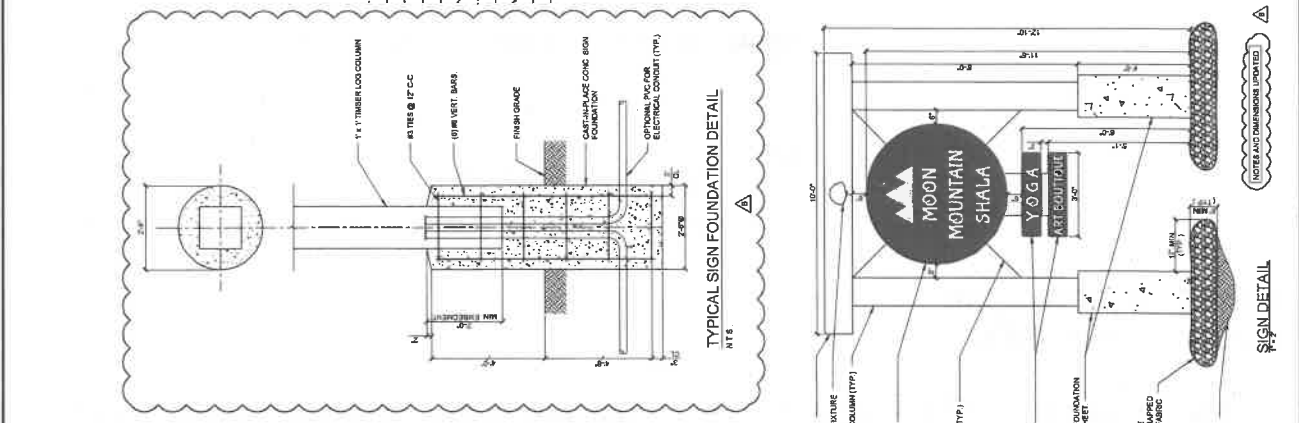
**PRELIMINARY  
NOT FOR  
CONSTRUCTION.**

**SRA ENGINEERS**  
 ENGINEERS ARCHITECTS INTERIORS  
 THIS PROJECT IS A VIOLATION OF SECTION 12-2.1 OF THE NEW YORK STATE EDUCATION LAW

Englewood Professional Park  
 453 Dixon Road, Suite 7, Bldg. 3  
 Queensbury, New York 12804  
 (518) 781-0417 FAX: (518) 781-0513  
 SCALE: AS SHOWN | DRAWN BY: SRA  
 DATE: 8/20/22 | INCHES: 1/8" = 1'-0"  
 CLIENT NAME: STATE LEGISLATOR

**TITUS & STEPHANIE VAUS**  
 3 COMBS ROAD  
 WARRENBURGH, NY 12885

**RETAIL STORE RENOVATION  
PROPOSED SKETCH PLAN**  
 DRAWING NO. **C-102** SHEET 3 OF 3  
 REV. 8



1. 1/4" x 1/4" LONG LINE TRENCH  
 ABSORPTION FIELD SEE DETAIL.  
 DISTRIBUTION BOX SEE DETAIL.  
 2. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 3. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 4. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 5. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 6. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 7. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 8. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 9. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 10. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 11. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 12. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 13. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 14. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 15. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 16. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 17. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 18. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 19. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO  
 20. 1/4" x 1/4" LONG PVC PIPE & BORED  
 HOLE FROM REPORT TANK TO