


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK STATE</b> <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>2025-0038</b></p>
<p>In the Matter of the Application of</p> <p><b>LAURA PAVELKO</b> <b>MARIE BRANIECKI</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 23, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <p><b>1. Laura Pavelko</b> <b>2. Marie Braniecki</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a new commercial use in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, 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 (furniture shop) is opened for business.

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 0.5±-acre parcel of land located on Lake Avenue (NYS Route 9N) in the Town of Lake Luzerne, Warren County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 286.12, Block 1, Parcel 17, and is described in a deed from Charles E. Moore & Shirley B. Moore to Thomas A. Braniecki & Marie E. Braniecki, dated June 5, 1992, and recorded the same day in the Warren County Clerk's Office at Book 854, Page 202.

The project site is improved by a pre-existing structure that was formerly used as a restaurant and is served by an existing on-site wastewater treatment system and water supply well. The restaurant closed in 1998.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves operation of a retail shop for handmade furniture in a building formerly used as a restaurant.

Existing access to the project site is from Lake Avenue (NYS Route 9N).

The project is shown on an un-dated, un-signed Building Plan, prepared by Laura Pavelko and received by the Agency on February 28, 2025. A reduced-scale copy of the Building Plan 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 Moderate Intensity 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 the Building Plan 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 2025-0038, issued April 23, 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 undertaking of the commercial use in the location shown and as depicted on the Building Plan. Any change to the location or type of commercial use on the project site shall require prior written Agency authorization.
6. Any new free-standing or building-mounted outdoor lights associated with the 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 Lake Avenue (NYS Route 9N) adjoining property.
7. All new signs associated with the 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].

#### **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 land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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 23<sup>rd</sup> day  
of April, 2025.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 23<sup>rd</sup> day of April 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

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2029

FINAL  
P2025-0038

RECEIVED

Date: February 28, 2025

