


THIS IS A TWO-SIDED DOCUMENT

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|  <p><b>NEW YORK</b><br/>STATE OF<br/>OPPORTUNITY.</p> <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2019-0150C</b></p>  |
| <p>In the Matter of the Application of</p> <p><b>STEVE RIEHS and LAUREL RIEHS</b><br/><b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act and 9 NYCRR Part 577 and 9<br/>NYCRR Part 578</p>  | <p>Date Issued: April 25, 2023</p> <p>To the County Clerk: Please<br/>index this permit in the grantor<br/>index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Steve Riehs</b></li><li><b>2. Laurel Riehs</b></li></ol> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 County Clerk's Office. The Agency will consider the project in existence when a final survey of an authorized lot has been recorded in the County Clerk's Office or an authorized lot has been conveyed to an outside party.

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 includes tax map parcels 16.4-4-17.100 (Parcel 17.100) and 16.4-4-16.200 (Parcel 16.200) located on Bonnie View Road in the Town of Wilmington, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map.

Parcel 17.100 is approximately 8.31 acres and described in a deed from Steve Riehs as Executor of the Last Will and Testament of Patrick F. McIntyre to Steve Riehs and Laurel Riehs, and recorded May 19, 2022 in the Essex County Clerk's Office as Instrument 2022-2417. Parcel 17.100 is improved by an existing single family dwelling, on-site wastewater treatment system and individual water supply well constructed in 1984 and was created as "Lot 1" as authorized by Agency Permit 2019-0150.

Parcel 16.200 is approximately 28.3 acres and described in a deed from Laurel Riehs and Steve Riehs to Laurel Riehs and Steve Riehs, dated January 10, 2020 and recorded January 23, 2020 in the Essex County Clerk's Office under Instrument Number 2020-313. Parcel 16.200 was created as "Lot 2" by Agency Permit 2019-0150 and is improved by a single family dwelling, on-site wastewater treatment system and municipal water supply constructed in 2013 as authorized by Agency Permit 2011-0153A.

The project site contains shoreline on the West Branch AuSable River and is partially located within the designated West Branch AuSable River Recreational River area. The project site also contains wetlands associated with a permanent stream. Additional wetlands not described herein or depicted on the Survey may be located on or adjacent to the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of Parcel 17.100 to result in a 5.11-acre parcel containing the existing development (Lot 1A) and a vacant 3.21-acre lot (Lot 1B) to be merged with Parcel 16.200. No new land use or development is proposed.

The project is shown on a map titled, "Riehs Subdivision 2023," prepared by Adirondack Surveying, PLLC, dated March 27, 2023 (Survey). A reduced-scale copy of the Survey is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands 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 subdivision of Low Intensity Use lands located within any designated recreational river area in the Adirondack Park.

This permit amends Condition 6 of Permit 2019-0150.

**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. Copies of this permit and Survey 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 2019-0150 in relation to the project site. The terms and conditions of Permit 2019-0150 shall no longer apply to the project site.
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 2019-0150C, issued April 25, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Survey. Any subdivision of the project site not depicted on the Survey shall require prior written Agency authorization.
7. Within 30 days of conveyance of Lot 1B, a new deed shall be filed in the Essex County Clerk's office describing Parcel 16.200 and Lot 1B as a single, un-divided lot.
8. The undertaking of any new land use or development on the project site within one-quarter mile of the West Branch AuSable River shall require prior written Agency authorization. The undertaking of any activity involving wetlands shall require a new or amended permit.
9. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the West Branch AuSable River.

Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.

10. Prior to construction of any replacement or expanded on-site wastewater treatment system on Parcel 16.200 associated with the single family dwelling constructed in 2013, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A) and the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

11. Within 100 feet of the mean high water mark of the West Branch AuSable River, no vegetation may be cut or otherwise removed 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.
12. No trees, shrubs or other woody-stemmed vegetation within 25 feet of the top of bank shown on the Survey may be cut, culled, trimmed, pruned or otherwise removed or disturbed.
13. There shall be no more than two principal buildings located on Lot 1A at any time. The single family dwelling shown on the Survey and constructed on the property in 1984 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
14. After Lot 2B has been merged with Parcel 16.200, there shall be no more than six principal buildings located on the resulting 31.51-acre parcel at any time. The single family dwelling constructed on the property in 2013 as authorized by Agency Permit 2011-0153A and shown on the Survey constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

### **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 subdivision 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use 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 secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. 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.

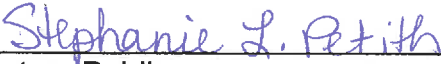
PERMIT issued this 25<sup>th</sup> day of April, 2023.

ADIRONDACK PARK AGENCY

BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 25<sup>th</sup> day of April in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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

**Map Notes:**

1. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this Boundary Survey marked with an original of the Land Surveyor's seal are valid for legal purposes. (Initial print shall be stamped with the surveyor's seal with an original signature.)
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to the persons for whom the surveying services are provided, to the data company, to the governmental agency, and to the intended use of the survey. It does not constitute a certification of the accuracy of the land's location. These certifications are not transferable to additional institutions or subsequent owners.
4. This map may not be used in connection with a "Survey Affidavit" or similar document, unless the instrument is specifically intended for any subsequent or future grants.
5. Copyright © 2023 Adirondack Surveying PLLC.
6. Parcel is located within the Low Intensity Adirondack Park Agency Land Use Classification.
7. The Subdivision was approved by Adirondack Park Agency Permit No. 2019-0150. This permit expired and was re-submitted to the Agency in which Permit No. 2019-0150 was granted.

**Legend:**

- 3/8" Iron rod or pipe
- Survey cap (to be set)
- Found Property Evidence
- Corner
- Controlled corner
- Water well
- Set iron pin
- Utility pole
- Barbed wire
- Alone grade
- APA ventless bag
- Property line
- Proposed property line
- Overhead utility line
- Shading setback line
- Edge of woods
- Stone wall
- Fence
- Recessed or "dry" corner
- Corner set in concrete
- 2" x 2" post
- 35.5' ramp

**Reference Deeds:**

1. Acton E. Dubois and Lucille Dubois to Patrick E. McIntyre and Felicia McIntyre by deed dated September 26, 1978 and recorded in Deed Book 873 at page 034 November 16, 1978 in the Essex County Clerk's Office
2. Steve Riels, Executor of Patrick E. McIntyre to Steve Riels and Laurel Riels by deed dated May 12, 2022 and recorded in Deed Book 2094 at page 001 on May 19, 2022 in the Essex County Clerk's Office.

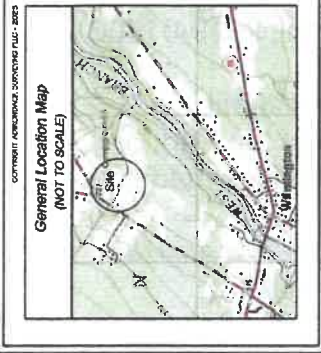
**Tax Map References:**

Section 18.4 - Block 4 - Lot 17-100  
Town of Winthrop - County of Essex



**Reference Maps:**

1. "Map of a certain parcel to be conveyed by Arden E. Dubois to Lot 1A, Lot 1B and Lot 1C, McIntyre and Riels L.L.C. and Felicia McIntyre" prepared by Norman G. Elggin, L.S., dated December 15, 1977.
2. "Map of Survey of lands of Marc V. Dubois and Felicia Dubois showing the Dubois Subdivision 2011" prepared by Ralph C. Schaefer III, L.S., of Adirondack Surveying PLLC dated January 27, 1994 and filed in the Essex County Clerk's Office as filed map # 8932.
3. "Map of Available Run" prepared by Bruce R. Fleming, L.S., dated January 27, 1994 and filed in the Essex County Clerk's Office as filed map # 8936.
4. "Map of Survey of certain lands of Patrick McIntyre and Felicia McIntyre showing McIntyre Subdivision 2015" prepared by Ralph C. Schaefer III, L.S., of Adirondack Surveying PLLC dated January 27, 1994 and filed in the Essex County Clerk's Office as filed map # 7128.

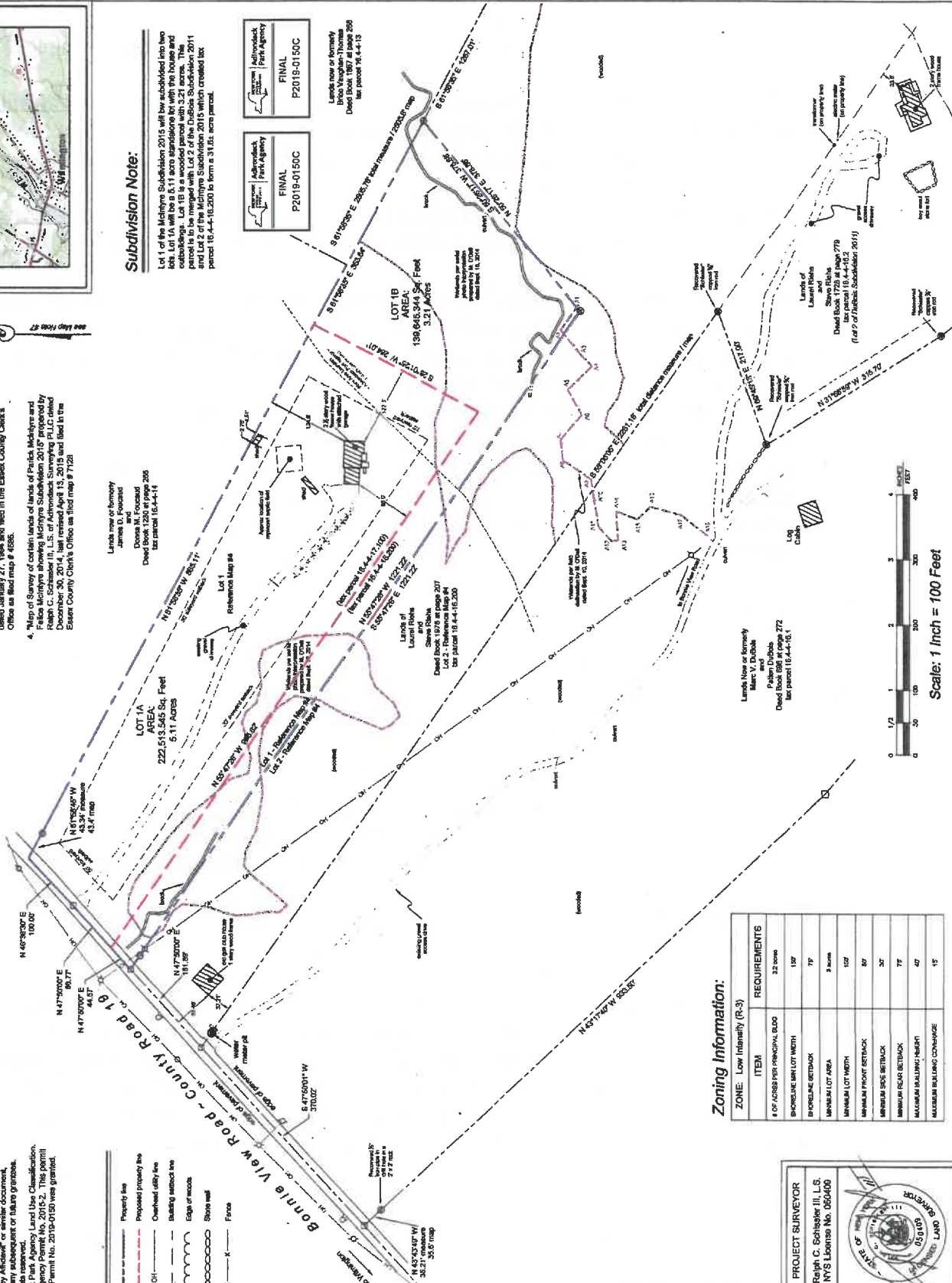


**Subdivision Note:**

Lot 1 of the McIntyre Subdivision 2015 will be subdivided into two lots, Lot 1A, which will be 0.11 acre separate for the house and garage, and Lot 1B, which will be 5.11 acres. The subdivision period to be merged with Lot 2 of the Dubois Subdivision 2011 and Lot 2 of the McIntyre Subdivision 2015 which created lot parcel 19.4-4-16.200 to form a 31.62 acre parcel.

Adirondack Park Agency  
FINAL  
P2019-0150C

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**Zoning Information:**

| ZONE                          | LOW Intensity (R-3) | REQUIREMENTS |
|-------------------------------|---------------------|--------------|
| # OF ACRES PER PRINCIPAL BLDG |                     | 32 acres     |
| SHORELINE SETBACK             |                     | 150'         |
| SHORELINE SETBACK             |                     | 75'          |
| MINIMUM LOT AREA              |                     | 3 acres      |
| MINIMUM LOT WIDTH             |                     | 100'         |
| MINIMUM FRONT SETBACK         |                     | 80'          |
| MINIMUM SIDE SETBACK          |                     | 30'          |
| MINIMUM REAR SETBACK          |                     | 75'          |
| MAXIMUM BUILDING HEIGHT       |                     | 45'          |
| MAXIMUM BUILDING COVERAGE     |                     | 15'          |

**PROJECT SURVEYOR**  
Ralph C. Schaefer III, L.S.  
NYS License No. 050400

**ADIRONDACK SURVEYING PLLC**  
PO BOX 334  
JAY, New York 12941  
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**Map of Survey**  
of lands of  
**LAUREL RIEHS**  
and  
**STEVE RIEHS**  
showing proposed  
**RIEHS SUBDIVISION 2023**

- Subdivided -  
Portion of Lot 1 McIntyre Subdivision 2015  
Town of Winthrop  
Essex County  
State of New York

|                |          |            |             |
|----------------|----------|------------|-------------|
| Project No.    | 2023-016 | Scale      | 1" = 100'   |
| Date of Survey | 09/19/14 | Drawn by   | R. Schaefer |
| Date of Map    | 05/27/23 | Checked by | R. Schaefer |
| Approved       |          |            |             |
| Revised        |          |            |             |

