

STATE OF NEW YORK SUPREME COURT
ESSEX COUNTY

LEWIS FAMILY FARM, INC.,

AFFIDAVIT

Plaintiff,

Index No. 000498-07

R.J.I. No. 15-1-2007-0153

v.

NEW YORK STATE ADIRONDACK
PARK AGENCY,

Defendant.

JOHN L. QUINN, being duly sworn, deposes and says:

1. I am an Environmental Program Specialist 3 with the Adirondack Park Agency (the "Agency") and have been employed by the Agency since 1980. I have an Associate's Degree in Forestry and Bachelor's Degree in Environmental Studies.

2. As an Environmental Program Specialist, I am responsible for the review of proposed projects and variances that are subject to the Agency's jurisdiction. I evaluate the potential impacts that a proposed project or variance application may have on adjoining land uses and on the resources of the Adirondack Park. I conduct on-site investigations of the physical characteristics of a parcel, consult with staff experts in soils, hydrology and biology, and examine the nature and extent of land uses in the vicinity

of the project or variance. I determine whether the project information submitted by the permit applicant is "complete" for the purpose of commencing the Agency's formal review of the project.

3. I am familiar with the Lewis Family Farm, Inc. ("Lewis Farm") proposal for new single family dwellings on its property based on my work with the Agency, conversations with staff and Barbara Lewis, and based on my review of information contained in the files of the Agency. I submit this affidavit in support of the Agency's Motion to Dismiss this matter.

4. I was assigned to review Agency Pre-application File A2007-43, a partial permit application submitted by Barbara A. and S.B. Lewis through Mark McKenna, who was acting as their authorized representative. This partial application was received by the Agency on March 14, 2007, and requested a permit for the construction of three single family dwellings in a Resource Management land use area on a property owned by the Lewis Farm, which is located in the Town of Essex, Essex County. A copy of the partial application is attached hereto as Exhibit A.

5. On or about March 15, 2007, Mark E. Sengenberger, Deputy Director of Regulatory Programs for the Agency sent

Mr. and Mrs. Lewis and Mr. McKenna a "Notice of Incomplete Permit Application Receipt of Partial Application," which advised the applicants that, while their proposal constituted a major project, they had submitted only a Minor Project Permit Application. The letter also noted that the Agency could not determine the application to be complete without more information from the applicants. The letter stated that, "because this application is not in the form and manner required by the Agency, it is incomplete and is not accepted for review. Be advised that initial processing of your application cannot begin, and the project review period established by law will not start until the Agency has received all of the required information." A copy of this Notice of Incomplete Permit Application letter is attached hereto as Exhibit B.

6. On March 19, 2007, Barbara Lewis called me at the Agency to discuss Mr. Sengenberger's letter. During this conversation, she informed me that the proposed project actually involved the construction of four new single family dwellings. She informed me that three of these dwellings were to be located at the intersection of Whallons Bay Road and Christian Road, with the fourth to be located at the intersection of Whallons Bay Road and Clark Road. She also

informed me during this conversation that foundations and septic systems had already been installed for these dwellings and that delivery of modular homes to be placed on the foundations was expected later in the week. I stated in response that installing the foundations and septic systems constituted undertaking of the project. Therefore, because the Lewis Farm had not yet obtained a permit from the Agency, a violation of law had apparently occurred. I advised Mrs. Lewis not to place the homes on the foundations, as this would constitute a further undertaking of the project, and that I would be referring the matter to the Agency's enforcement division.

7. On or about March 20, 2007, I again spoke with Barbara Lewis, who clarified that 1,500 gallon septic tanks had been installed for each of the three foundations located at the intersection of Whallons Bay Road and Christian Road. Mrs. Lewis suggested that, in order to hasten review of the project, she would be willing to wait approximately six months before completing construction of two of the three dwellings for which foundations had been established at the intersection of Whallons Bay Road and Christian Road. I informed her that constructing the houses in this manner might constitute segmentation of the overall project and again stated that I

would be forwarding the matter to the Agency's enforcement division for resolution. I also advised Mrs. Lewis that the Agency's former Executive Director Richard Lefebvre, Counsel John Banta, and Deputy Director of Regulatory Programs Division Mark Sengenberger had previously visited the Lewis Farm, where they had told her husband, Sandy Lewis, that a permit would be required for any new single family dwelling in a Resource Management area of the property. Mrs. Lewis then informed me that she had halted delivery of the modular homes pursuant to our conversation of the day before.

8. On March 20, 2007, I submitted a Potential Violation Report to the Agency's enforcement program, in which I summarized the potential violations as I understood them based on the information received to that point. A copy of this Potential Violation Report is attached hereto as Exhibit C.

John L. Quinn
JOHN L. QUINN

Sworn to before me this 23rd
day of July, 2007.

Tracy J. Frechette (Darrak)
Notary Public

TRACY J. FRECHETTE
Notary Public - State of New York
Qualified in Essex County
No. 01FR6114789
Commission Expires Aug. 23, 20 08

QUINN AFFIRMATION

TABLE OF EXHIBITS

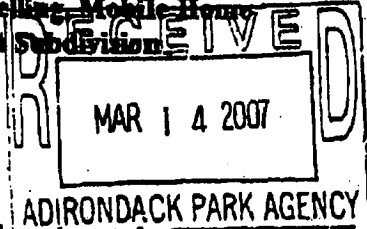
<u>Exhibit</u>	<u>Description</u>
Exhibit A	Partial Application
Exhibit B	Notice of Incomplete Permit Application letter
Exhibit C	Potential Violation Report

EXHIBIT A



APPLICATION FOR MINOR PROJECT PERMIT

Single Family Dwelling, Mobile Home or Two Lot Subdivision



P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 Fax (518) 891-3938 Division of Regulatory Programs

Instructions: Please answer all of the applicable questions in each numbered section and complete all applicable Attachments. Type or print clearly in ink. If you need assistance answering the questions, please refer to the "Applicant's Handbook - Minor Project Permit" or call the Agency at the above telephone number. Mail your application and required attachments to the Agency at the above address. A staff person will call the project sponsor to arrange a site visit.

The Adirondack Park Agency Act provides that the time period for the review of this project will not begin to run until the Agency determines that the application is complete. All applicable attachments must be included with the application, or the application may not be accepted as complete for review and review time periods will not commence. The proposed project may not be undertaken until a permit has been issued by the Agency.

The Agency may request pertinent additional information during the course of its review regarding the application based on the specific scope and extent of your proposed project and the existing site conditions found at the project site.

1. Project Sponsor(s) *

Name(s) Barbara A Lewis S.B. Lewis

Mailing Address: 1212 Whallons Bay Rd Eggert NY 12936

Telephone (Daytime): 518 963 4206

FAX: 963-7710

2. Current Property Landowner(s) (All named on the current deed of record)

Check if same as project sponsor(s)

Name(s):

Mailing Address:

Telephone (Daytime):

FAX:

* The project sponsor is any person having a specific legal interest in property who makes application to the Agency for the review of a project proposed on such property. Documentation demonstrating such legal interest must be provided such as a current deed or purchase contract.

3. Authorized Contact Person

I do not choose to have an authorized contact person.

If you, the project sponsor, choose to have your real estate agent, lawyer, surveyor, engineer, contractor, or another person act on your behalf before the Agency, please complete the following authorization:

I hereby authorize: (name) Maude McKeena

Mailing Address: m. l. l. Road Willsboro NY 12996
in care owner is not available

Telephone (Daytime): 518-943-7153 FAX: cell 518-~~943~~ 572-7337

to act as my agent in all matters relating to this permit application before the Adirondack Park Agency. I acknowledge that all contact regarding the permit application will be through my authorized contact person. I understand that I am ultimately responsible for the accuracy of the information contained in this permit application and for compliance with all terms and conditions of any permit issued to me by the Agency.

4. Project Description (i.e. single family dwelling, mobile home, two-lot subdivision)

Describe the proposed project: 3 single family dwellings
in a farm compound. to be
used by farm employees exclusively

5. Property Site

Town: ESSEX

Tax Map Number (see your tax bill):
Section: 49.3 Block: 2 Parcel: 2.7 000

County: ESSEX

Road: WMA 1/4 N S Bay Water body: _____

6. Project Sponsor's Legal Interest in Project Site (check the one that applies)

- owner developer
- lessee
- option holder
- Contract vendee
- Other _____

Attach and label, as ATTACHMENT A, a complete copy of the current recorded deed(s) for the project site. If you have an executed contract or agreement to purchase or lease the property, please provide a copy of relevant portions to Agency staff in order to establish your legal interest in the project.

7. Prior Agency Contact

a. Has there been any previous discussions with Agency staff regarding this project or project site, or has any Agency staff visited the project site?

- No
- Yes, staff person's name: _____
Date of Contact: _____

*with lead of APT
per Bureau*

b. Has the project site been the subject of a past Agency action (i.e., project application, variance, jurisdictional inquiry, enforcement case or wetland flagging)?

- No
- Yes
- Do not know

If known, provide the following number and date:

Past Project Permit or Variance Number: _____
 Jurisdictional Inquiry Number: _____
 Enforcement Case Number: _____
 Wetland Boundary Flagging: _____

8. Project Site History

a. What is the current acreage of the project site? 4 acres

small corner of a larger site

b. Was the project site part of a larger parcel as of May 22, 1973, including parcels on the opposite sides of public roads?

- Yes
- No

If yes, what was the acreage of all connected lands owned by the May 22, 1973 landowner, even if the parcels had different deeds and/or tax map numbers?

80 acres.

c. What is the current acreage of all connected lands owned by the current landowner, even if the parcels have different deeds and/or tax map numbers and even if larger than the project site.

1200 Acres *entire farm approx.* The whole farm is listed as one tax map property

d. Has any portion of the total contiguous landholding in Question 8.b. as it existed on May 22, 1973 been sold, gifted or otherwise subdivided or developed since that date? Provide a written deed history so that the history of the transfer of ownership of the property can be readily understood.

- No
- Yes If yes, please list the lots or parcels conveyed from the original parcel and the size of each in square feet or acres. (Use a separate 8-1/2"x11" paper if necessary)

Lot Number (from current tax map)	Date of Conveyance	Lot Size (sq. ft. or acres)	Was Conveyance by Gift or Sale?

Attach and label, as ATTACHMENT B, a complete copy of all recorded deeds (not just abstracts) for the project site back through and including May 22, 1973. Make a notation on the bottom of each deed, indicating what current tax map number(s) go with each deed.

Attach and label, as ATTACHMENT C, a full scale copy of a survey map, the current real county property tax map, or a topographic quadrangle map clearly showing the property boundaries of the project site and any tax parcel or lot that the project site was part of on May 22, 1973.

e. Are there structures (buildings) on the total contiguous landholding now owned by the present landowner?

- No (Go to Section 9. Historic Preservation Resources)
- Yes (Please provide the information below. Attach additional sheets if necessary.)

Number	Date of Construction	Size (Sq. Feet of Footprint)	Height (feet)	Type/Use (e.g. dwelling, garage, barn, shed)
1				
2				
3				
4				

f. Describe any other structures which existed on the property as of August 1, 1973 which have since been removed or destroyed. Include the date that the structure was removed or destroyed.

9. Historic Preservation Resources

If the project site or adjacent property has any major buildings (e.g., houses, barns; commercial buildings) that are more than 50 years old, attach and label, as ATTACHMENT D, separate sheets of 8-1/2" X 11" paper with labeled photographs of each such building. The photos must have been taken within the last two years and should show all sides of the building(s) and the setting around these buildings. Show where the photos were taken on a locator map. If any historic structure will be removed, relocated, reconstructed or significantly altered, please provide detailed plans.

10. Proposed Subdivision of Land

Does the project involve the proposed subdivision of land into two lots or sites?

- No
- Yes

If yes, provide the size of the parent lot: _____ acres or _____ square feet, and indicate the sizes of the two proposed lots or sites (these must add up to the parent lot acreage).

Lot #1: _____ acres or _____ square feet

Lot #2: _____ acres or _____ square feet

11. Deed Restrictions and Easements

Describe and provide as Attachment E any current deed restrictions or easements associated with the property.

Attach as Attachment F, the draft deed language if the project sponsor is subdividing land and will deed-restrict the lots as non-building lots, or if any other deed restrictions or easements are proposed.

12. Shoreline Protection

a. Does the project site contain any navigable shoreline?

No (If no, go to Section 13. Wetlands)

Yes. Name of water body: _____

Length of shoreline of the parent property (as it winds and turns): _____ feet

b. Is any portion of the shoreline currently being used or proposed for use by others for deeded or contractual access to the water body?

No

Yes. Please describe the shoreline access parcels and number of lots having access and date access was granted:

c. Will any vegetation be cut within 35 feet of a lake, pond, river or stream or within 100 feet of a designated NYS Wild, Scenic or Recreational River?

No

Yes. Please describe type, amount and location of vegetation to be removed:

d. Except for docks and boathouses, what is the horizontal distance from the existing closest structure greater than 100 square feet in size, including attached decks and porches, to the mean high water mark? _____ feet

e. Except for docks and boathouses, what is the closest horizontal distance from any proposed new or expanded building greater than 100 square feet in size, including attached decks and porches to the mean high water mark? _____ feet

f. If the project involves a subdivision, what is the width of the smallest proposed lot at the shoreline (as it winds and turns)? _____ feet

g. Is the project site subject to flooding or within a federally designated floodplain?

No

Yes

13. Wetlands

a. Are there any wetlands on the project site?

- No (If no, go to the Section 14. On-Site Individual Wastewater Treatment System)
- Yes
- Do not know

b. Will any of the activities listed below be proposed and occur within the boundaries of a freshwater wetland?

- No
- Yes (check all that apply):
 - New land use and development, including driveway, boathouse, dock
 - Subdivision of land involving wetlands
 - Draining; dredging; excavation; removing soil, peat, muck, sand, shells or gravel
 - Dumping or filling with soil, stone, sand, gravel, mud, rubbish or fill of any kind
 - Erecting structures, building roads or driveways, driving pilings, or placing any other obstructions
 - Clearcutting of more than three acres: provide number of acres _____

c. Are any of the activities listed below proposed whether or not within a wetland?

- Yes (check any that apply):
 - Any form of pollution, including discharge of sewage effluent or other liquid waste into or so as to drain into a wetland (describe):

 - Any other activity which impacts the wetland, including diversion of surface or subsurface drainage that adversely affects the natural hydrological regime, or substantially increases erosion or siltation or sedimentation into the wetland (describe)

No

d. Will the project involve the installation of on-site sewage or wastewater treatment system components (e.g., septic tanks, drainage fields, seepage pits, or sewer outfalls) in a wetland or within 100 feet of one?

Yes *See attached*

No

If the proposed project will alter or disturb wetlands, attach as ATTACHMENT G an explanation of the steps taken to avoid the wetlands in your design of the project or to minimize the impact to them and a wetlands mitigation plan if required.

14. On-Site Individual Wastewater Treatment System

a. Will a new or replacement on-site wastewater treatment system be installed as part of the project?

No (go to Section 15 Site Plan Map)
~~Yes~~

b. Provide the number of bedrooms for each residence (if not known, design for four bedrooms):

Lot #1 _____ Lot #2 _____

Residence 1 3 bedrooms
South Cottage 3 bedrooms
North Cottage 3 bedrooms

c. Has a deep-hole test pit been dug on the project site at the locations of the proposed on-site wastewater treatment systems?

No (this will need to be done for a complete application)
 Yes, indicate date: _____ and who observed

MARK BUCKLEY

d. Did the deep test pits reveal high seasonal groundwater, bedrock or impermeable soils within 48 inches of the existing grade?

No SEE PLANS

If no, attach as ATTACHMENT H, detailed plans for the proposed conventional wastewater treatment system(s) that are prepared by a contractor experienced in installing such systems and show at a minimum:

- a. soils test pit location and data
- b. percolation test hole location and results for each lot taken within the proposed absorption area(s)
- c. details on design of the system (application rate and number of bedrooms)
- d. size and type of septic tank
- e. pumping station (if necessary)
- f. distribution box
- g. soil absorption system

Yes

If yes, attach as ATTACHMENT I, detailed plans prepared in accordance with the Agency's "Minimum Requirements for Engineering Plans for On-site Wastewater Treatment Systems," for the proposed shallow absorption trench or other acceptable wastewater treatment system(s). The plans must be prepared by an engineer licensed in the State of New York and show at a minimum:

- a. soils test pit location and data
 - b. percolation test hole location and results taken within the proposed absorption area(s)
 - c. details on design of the system (application rate and number of bedrooms, etc.)
 - d. size and type of septic tank
 - e. pumping station (if necessary)
 - f. distribution box
 - g. soil absorption system
- e. If continued use of an existing wastewater treatment system is proposed, indicate the type, material, capacity (size), age and functional condition of each component of the system (septic tank, distribution box, leach lines, etc.)

15. Site Plan Map or Subdivision Plat

Attach as ATTACHMENT J, a SITE PLAN MAP or SUBDIVISION PLAT clearly labeled with the map scale, north arrow, date of preparation and name of preparer.

If the project sponsor wishes to sell, lease or gift the lots to be subdivided as building lots, then building envelopes must be shown on the site plan. The Agency must know in advance that the proposed lots are physically capable of being developed as building lots prior to approving the subdivision. (A future purchaser of a lot can apply to the Agency for a permit amendment if they want to construct in a location that is different from the approved building location.)

Draw the map to a scale of 1 inch equals fifty feet (1" = 50'). Show the entire project site. For larger parcels, show the entire property at a smaller scale, say 1" = 200' or 1" = 400' and show the area of development at 1" = 50'. Show and label, as applicable, the following:

- a. all existing property boundary lines and proposed lot lines, including dimensions of each line, the acreage of each lot, any existing or proposed right-of-ways or easements and label as Lot #1 and Lot #2, as appropriate;

- b. all existing bodies of water, including the water body name and the mean high water mark for any navigable stream, river, pond, lake or intermittent stream;
- c. all mapped or delineated wetland boundaries;
- d. all existing and proposed structures (e.g., single family dwellings, mobile homes, sheds, signs, fences, docks, decks, boathouses), including location, size, use, and setbacks from all roads, water bodies, property lines and lot lines for each lot created as a building lot;
- e. all existing and proposed paved and unpaved roads, driveways and parking area, including locations, dimensions, and construction materials;
- f. all existing and proposed public utilities denoting whether overhead or underground;
- g. all existing on-site wastewater treatment systems and water supplies;
- h. all existing vegetative cover types (e.g., fields, woodlands, shrub areas, lawns) ;
- i. all existing areas of steep slopes (greater than 15%);
- j. all existing areas of bedrock at or near the surface;
- k. all temporary and permanent erosion control and stormwater management facilities, including ditches, swales, culverts, catch basins and sediment basins;
- l. the proposed limits of planned vegetative clearing (complying with minimum shoreline cutting restrictions);
- m. land use area boundaries as shown on the Official Adirondack Park Land Use and Development Plan Map and acreage of site in each land use area;
- n. local town zoning designation boundaries and required town setbacks;
- o. all proposed landscape plantings, including plant name and size; and
- p. all proposed individual on-site water supply and/or individual wastewater treatment system locations (the plan must show all components of each proposed on-site individual wastewater treatment system and a 100% replacement area);
- q. all proposed exterior lighting fixtures, including height, fixture type and wattage.

16. Structure Plans

If you are proposing construction of a single family dwelling, guest cottage, boathouse, dock or accessory structure, attach as Attachment K scaled floor plans and elevations of the proposed structures and label dimensions, materials and colors. Include all proposed decks, porches and walkways.

Maximum height of structures? _____ (lowest point of existing adjoining grade to highest point of structure)

17. Other Government views

a. Have you contacted the municipality?

- Yes
- No

Attach as ATTACHMENT L a copy of the completed Local Government Notice Form.

Attach as ATTACHMENT M a copy of all municipal documents showing that the project has been or will be approved (e.g., permits, letters of approval, meeting minutes) if approval is required from the local government.

b. Have you contacted any of the following New York State or federal agencies concerning this development proposal?

AGENCY	NO	YES	DATE	CONTACT PERSON & PHONE #, if known
NYS Department of Health	<input checked="" type="checkbox"/>			
NYS Department of Transportation	<input checked="" type="checkbox"/>			
NYS Department of Environmental Conservation	<input checked="" type="checkbox"/>			
NYS Office of Parks, Rec. & Historic Preservation	<input checked="" type="checkbox"/>			
U.S. Army Corps of Engineers	<input checked="" type="checkbox"/>			
Lake George Park Commission	<input checked="" type="checkbox"/>			
Other <u>TOWN OF ESSEX</u>				<u>DAVID</u>

Attach as ATTACHMENT N, copies of all permits, approvals or determinations received from the above agencies.

David housing codes officer

18. Authorization and Signatures

I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION, INCLUDING ALL ATTACHMENTS, AND I AFFIRM THIS INFORMATION TO BE TRUE, ACCURATE AND COMPLETE.

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY, AT REASONABLE TIMES AND WITH ADVANCE NOTICE WHERE POSSIBLE, TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT. WITH PRIOR NOTICE

[Handwritten Signature]

2-15-07

Date

**Signature(s) of all Landowner(s) from current deed of record:
(Required for all applications)**

[Handwritten Signature]

2-15-07

Date

for Lewis Family Farm

**Signature of all Project Sponsors (if not the landowners)
(Required for all applications)**

**Signature of Authorized Contact Person:
(Required if designated in Section 3 of this application)**

Date

EXHIBIT B



Via Certified Mail
APA form October 2002

NOTICE OF INCOMPLETE PERMIT APPLICATION
RECEIPT OF PARTIAL APPLICATION

March 15, 2007

A2007-43

Project Sponsor: Barbara A. and S.B. Lewis 1212 Whallons Bay Rd. Essex, NY 12936	Authorized Representative: Mark McKenna Middle Rd. Willsboro, NY 12996
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**Re: Application for Subdivision into Sites and Construction of
 Three Single Family Dwellings
 Whallons Bay Road
 Town of Essex, Essex County
 Tax Map No.: Section: 49.3 Block: 2 Parcel: 27**

Dear Mr. and Mrs. Lewis and Mr. McKenna:

On March 14, 2007, the Adirondack Park Agency received a Minor Project Permit Application from you; however, the project proposed is a major project as it creates a subdivision into sites for the construction of three single family dwellings in a Resource Management land use area. Therefore, please complete and submit the attached General Information Request (GIR) application form and Application for 3 To 15 Lot Subdivisions Supplemental Information Request (SIR) with all required attachments. Please note that signatures of all landowners listed on the deed, including documentation that the signatories are authorized to sign on behalf of Lewis Family Farms, Inc., as well as the signature of the authorized representative, are required to be submitted with the application. A copy of the current deed is required to be included in the application. Also note that the site plan is required to show the location of all proposed drinking water wells and wastewater treatment systems, as well as 100% replacement areas for the wastewater treatment systems.

It is unclear where the houses are proposed to be located. The site plan and the on-site wastewater treatment system plan show different locations.

Mark McKenna
Barbara A. and S. B. Lewis
March 15, 2007
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While your submission provided some information regarding your proposed project, it did not include all the information required by the application forms. Because this application is not in the form and manner required by the Agency, it is incomplete and is not accepted for review. Be advised that initial processing of your application cannot begin, and the project review period established by law will not start until the Agency has received all of the required information.

Be advised that there may be other information pertinent to your particular project which is required for a complete application in order to start the project review process.

This Notice is issued pursuant to Section 809(2)(b) Adirondack Park Agency Act and Section 572.4 and 572.7 of the Adirondack Park Agency Rules and Regulations. Do not undertake your project until the above information is submitted and a permit has been issued by the Agency. "Undertake" includes, but is not limited to, any construction activities, such as excavation or other land disturbance, tree cutting, and installation of driveways or roads, or in the case of subdivision, the conveyance of any lots.

If you have any questions, please do not hesitate to call John Quinn, the assigned Environmental Program Specialist, at (518) 891-4050.

Sincerely,

Mark E. Sengenberger

Mark E. Sengenberger
Deputy Director (Regulatory Programs)
Adirondack Park Agency

MES:HEK:scs

Enc. (GIR and SIR 3 To 15 Lot Subdivisions)

cc: John Quinn, APA

Mark McKenna
 Barbara A. and S. B. Lewis
 March 15, 2007
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GENERAL INFORMATION REQUEST CHECKLIST

The items checked below, required by the General Information Request, were not included in your application to the Agency:

- X Attachment A - a complete copy of the current recorded deed(s) and/or executed purchase contract or lease agreement for the project site.
- X Attachment B - a complete and current list of the names and addresses of all owners of property which adjoins the project site with the tax map references (tax map section, block, and parcel numbers) of all adjoining parcels. [This includes property directly across any street, road or right-of-way, stream, pond, or lake when title includes submerged land.]
- X Attachment C - a complete copy of all recorded deeds (not just abstracts) for the above conveyances back through May 22, 1973.
- X Attachment D - a full scale copy of a survey map or the current real property tax map clearly showing the property boundaries of the project site and any tax parcel or lot within which the project site was included on May 22, 1973.
- X Attachment E - a completed copy of the Local Government Notice form (last page of this application) to the municipality in which your project is located.
- X Attachment F - a copy of all municipal documents showing that the project has been approved by the municipality (e.g., permits, letters of approval, meeting minutes) if any approval is required from the local government.
- X Attachment G - copies of all permits, approvals and determinations received from the above agencies.
- X Signatures of all landowners listed on the current deed of record for the project site.
- X Signatures of all project sponsors
- X Signature of the authorized representative of the project sponsor

Mark McKenna
Barbara A. and S. B. Lewis
March 15, 2007
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SUPPLEMENTAL INFORMATION REQUEST [3 TO 15 LOT SUBDIVISIONS]
CHECKLIST

The items checked below, required by the Supplemental Information Request, were not included in your application.

- A survey or deed plot of the entire project site
- A professionally prepared, scaled site plan map showing the proposed project
- Plans, details and specifications for all temporary and permanent roads and driveways
- Full-scale, legible construction plans and details for all proposed buildings and structures, including plans and elevations and label dimensions, construction materials and exterior colors
- A detailed erosion and sediment control plan
- Detailed plans for any new, replacement or expanded wastewater treatment system(s) prepared by an engineer licensed in the State of New York
- A signage plan for the project site
- A planting plan for the project site
- A wetland mitigation plan

Project Sponsor: Barbara A. Lewis and S. B. Lewis

Date sent: March 15, 2007

EXHIBIT C

Enforcement File	2007-041	E26	-041
Investigator: Doug Mills		Attorney: Paul V. Cott	

POTENTIAL VIOLATION REPORT
(include copy of map)

Date: March 20, 2007	Report submitted by: John Quinn
Town: Essex	County: Essex
Road:	Water Body:

Tax Map Designation: 49.3-2-27

Land Use Area: RM

Directions:

Violation: Undertaking the construction of one or more single family dwellings by construction of foundations and wastewater treatment systems
--

Probable Basis of Jurisdiction: §809

Manner in which discovered; telephone conversation with Barbara Lewis

Landowner

Name:	Barbara and Lewis and S.B. Lewis
Address:	1212 Whallons Bay Road Essex, New York 12936
Phone:	963-4206

Violator

Name:	Barbara and Lewis and S.B. Lewis
Address:	1212 Whallons Bay Road Essex, New York 12936
Phone:	963-4206

Complainant

Name:	J. Quinn
Address:	
Phone:	

Does Complainant desire acknowledgement of results?

Yes XXXXX	No
-----------	----

Comments:

Alleged violator may have actual knowledge of need for permit from discussion with R. Lefebvre, J. Banta, and M. Sengenberger and or a letter from the Agency. They have submitted a permit application which has been bounced but intend to resubmit asap hoping for a very prompt resolution of the violation and issuance of a permit.