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In the matter of the apparent
violations of 9 NYCRR Part 577
by:

NOTICE OF APPARENT VIOLATION
Agency File E2004-043

JOHN AND DAWN MAYE,

Respondents.

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PLEASE TAKE NOTICE THAT pursuant to 9 NYCRR Part 581, the Enforcement Committee shall be convened on May 8, 2008 at 2:00 p.m. or as soon thereafter as the parties may be heard at the offices of the Adirondack Park Agency (the "Agency") on Route 86 in Ray Brook, Essex County, State of New York, to consider the apparent violations by you of 9 NYCRR Part 577 as more specifically described in the allegations of fact and law set forth below.

PLEASE ALSO TAKE NOTICE THAT you have 30 days following receipt of this Amended Notice of Apparent Violation ("NAV") to provide a written response at the address below. Any relevant factual information and affirmative defenses, including exemptions from permit requirements, must be raised in your response. Failure to respond within the 30-day period may result in the Enforcement Committee's accepting as true the allegations of fact and law made in this NAV.

PLEASE ALSO TAKE NOTICE THAT prior to consideration of this matter by the Enforcement Committee, a record consisting of relevant documents, testimony, evidence and any legal briefs must be developed for the Enforcement Committee to consider. If there are no material facts in dispute, that record may be developed by stipulation or at the request of either party for a determination pursuant to 9 NYCRR § 581-2.6(d). A hearing may be scheduled concerning any disputed material facts. The hearing will follow the procedural requirements provided by 9 NYCRR Subpart 581-4 concerning service of paper, powers of the hearing officer, motions, discovery, evidence, ex parte communications, and the conduct of the hearing.

PLEASE ALSO TAKE NOTICE THAT you will be invited to appear before the Enforcement Committee in person, by authorized representative so long as you also appear, or by legal counsel. All Enforcement Committee meetings, except for Enforcement Committee deliberations, are open to the public.

PLEASE ALSO TAKE NOTICE THAT whether or not you appear, the Enforcement Committee will convene at the designated time and place, and that your non-attendance shall not prevent the Enforcement Committee from finding the apparent violations alleged herein or from deciding upon an appropriate disposition of this matter.

Factual Allegations Common to All Apparent Violations

1. Respondents own the subject property in the Town of Black Brook, Clinton County, pursuant to a deed recorded in the Clinton County Clerk's Office as Instrument #01-129018.
2. The subject property is designated as tax map parcel 285-1-1 on the local tax map.
3. The subject property is classified as Rural Use on Adirondack Park Land Use and Development Plan Map and the relevant portion of the subject property is located within the Saranac River designated recreational river area.
4. In 1999, Respondents constructed an approximately 800 square foot single family dwelling within approximately 80 feet of the edge of the Saranac River on the subject property.
5. Respondents did not seek or obtain a permit or variance from the Agency prior to such construction.

First Apparent Violation

6. Pursuant to 9 NYCRR § 577.6, no single family dwelling may be located on Rural Use lands within 150 feet of the Mean High Water Mark ("MHWM") of a designated recreational river without an Agency variance.
7. Respondents are violating 9 NYCRR § 577.6 by constructing their single family dwelling on the subject property within the shoreline setback of the Saranac River without first obtaining a variance from the Agency.

Second Apparent Violation

8. Pursuant to 9 NYCRR § 577.4, no person may construct a single family dwelling within a designated recreational river area without first obtaining a permit from the Agency.
9. Respondents are violating 9 NYCRR § 577.4 by constructing their single family dwelling on the subject property within the Saranac River designated recreational river area without first obtaining a permit from the Agency.

Relief Sought

Agency staff respectfully request that the Enforcement Committee issue a determination finding the alleged violation and determining relief:

- (1) Requiring Respondents to bring their property into compliance with 9 NYCRR Part 577.
- (2) Requiring Respondents to pay, pursuant to Environmental Conservation Law § 15-2723, a civil penalty of up to \$2000 per day for their two violations of 9 NYCRR Part 577.
- (3) Referring this matter to the Attorney General for appropriate civil action in the event that Respondents fail to comply with the Enforcement Committee's determination; and
- (4) Such other and further relief as the Enforcement Committee may deem just and proper.

DATED: Ray Brook, New York

March 19, 2008

ADIRONDACK PARK AGENCY

BY: Mark Sengenberger
Mark Sengenberger
Interim Executive Director