

State of New York: Adirondack Park Agency

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

AFFIDAVIT
Agency File E2004-043

JOHN AND DAWN MAYE,

Respondents.

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STATE OF NEW YORK)
) SS.:
COUNTY OF ESSEX)

SUSAN PARKER, being duly sworn, deposes and says:

1. I am an Environmental Program Specialist 1 for the Adirondack Park Agency (the "Agency"), an executive agency of the State of New York created pursuant to Executive Law § 803, with offices located in the Town of North Elba, Essex County, New York, and have served in this position since 2002. Prior to this position I have been employed by the Agency since 1984 in the titles of Cartographic Technician 1, Natural Resource Planning Assistant, and Cartographic Technician 3. In the course of my duties, I am responsible for reviewing projects and writing permits for projects under the Adirondack Park Agency Act, Adirondack Park Agency Rules and Regulations, the New York State Freshwater Wetlands Act, and the NYS Wild, Scenic and Recreational Rivers Act.



2. I am familiar with the file in this matter and have participated in Agency staff's investigation into this matter. I also conducted a site visit to the subject property on behalf of the Agency on October 9, 1991 as requested by the landowner, John Maye, during the course of wetland map verification for Clinton County, while I held the title of Natural Resource Planning Assistant. I make this affidavit in support of Agency staff's request for an Enforcement Committee determination in this matter.

3. During my site visit to the property in 1991, I toured the portion of the property where Respondents' single family is located. I observed no evidence of a single family dwelling or of any foundation during my site visit.

4. During my site visit to the property in 1991, I observed upland areas between Silver Lake Road and the Saranac River which are within the designated river area and over 150 feet from the shoreline of the river. I believe that there are suitable alternative locations on the subject property, outside of the river area setback, where Respondents could have built their single family dwelling.

Group
10.10.91
10.10.91

Map requested
and land assistance

any other
sites
map 4595

any other
sites
map 4595

5. On April 28, 2004, Mr. Dave Nettles, a NYS Department of Environmental Conservation employee at the time, provided photos of the Maye dwelling along the river, which were taken on April 18, 2004 while canoeing on the Saranac River.

*When aerial
photo taken?*

6. I have reviewed aerial photos of the subject property in the course of my investigative work. From my review of aerial photos and measurements, I determined that there is only one structure on the subject property that could possibly be the single family dwelling identified in the Town of Black Brook's assessment record as of 2003, the most recent aerial photos available. On Exhibit A, which shows the subject property in a 2003 aerial photograph, Respondents' single family dwelling is located in the center of the photograph, at the end of a driveway that provides access to the dwelling from Silver Lake Road. Exhibit B shows the single family dwelling on the subject property in the center of the photograph, on the west shore of the Saranac River and approximately 1,200 feet (0.8 inches on the photo) southeast of Silver Lake Road at the end of a driveway visible on the photo. I have superimposed the tax map boundary for the subject property and surrounding

properties (blue lines), and the Saranac River river area boundary (green lines) on the photo for ease of reference.

7. I further determined that that structure is approximately 800-1,200 square feet in size, and that it is located between 75 and 80 feet from the shoreline of the Saranac River. The scale on Exhibit A is accurate and confirms these measurements.
8. In addition to the 2003 aerial photos, I reviewed aerial photos of the subject property from 1995, 1978 and 1968. There is no evidence in any of those photos of a single family dwelling or of a foundation for any structure in the vicinity of where Respondents' single family dwelling is now located.



SUSAN PARKER

Sworn to before me this
14th day of March, 2008.



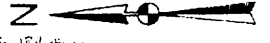
Notary Public

JILL LAWRENCE
Notary Public - State of New York
Qualified in Franklin County
No. 01LA6175330
Commission Expires Oct. 9, 2011

Map E2004-43 2003 portion of tax map 285-1-1



Scale 1:1,200 1 inch = 100 feet



Maye E2004-43 2003 tax map 285-1-1



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 Feet

Scale 1:18,000 1 inch = 1500 feet

Allparcels_u83.shp
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