

STATE OF NEW YORK: ADIRONDACK PARK AGENCY

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In the matter of the apparent
violation of Executive Law § 806
by:

**NOTICE OF APPARENT VIOLATION
AND REQUEST FOR ENFORCEMENT
COMMITTEE DETERMINATION**

**JOSEPH COTAZINO, JR.
JOY COTAZINO**

Agency File #2019-0127

Respondents, on lands situated in
the Town of Wells, Hamilton County
Tax Map Parcel 130.18-1-17.110
Adirondack Park Agency Land Use Area: Hamlet
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PLEASE TAKE NOTICE THAT pursuant to 9 NYCRR Part 581, the Enforcement Committee shall be convened at the offices of the Adirondack Park Agency (hereinafter Agency) on Route 86 in Ray Brook, Essex County, State of New York, on March 19, 2020, to consider the apparent violation by you of Executive Law § 806 as more specifically described in the allegations of fact and law set forth below.

PLEASE ALSO TAKE NOTICE THAT you have 30 days from the date of this Notice of Apparent Violation and Request for Enforcement Committee Determination (hereinafter NAV) to provide a written response to each of the numbered allegations and the requested relief set forth in this NAV. Any affirmative defenses, including exemptions from variance requirements, must be raised in your response. Affidavits and exhibits, as well as written legal argument, should be provided in support of your response.

PLEASE ALSO TAKE NOTICE THAT the Enforcement Committee will consider this matter based on a record consisting of relevant testimony, exhibits, and legal argument. If there are no material facts in dispute, the Committee may issue a determination pursuant to 9 NYCRR § 581-2.6(d) based on the NAV, your response, affidavits, exhibits, and argument in support thereof. A hearing may be scheduled concerning any disputed material facts and will follow the relevant procedural requirements provided by 9 NYCRR Subpart 581-4.

PLEASE ALSO TAKE NOTICE THAT you are invited to appear and make a statement before the Enforcement Committee either in person, by authorized representative so long as you also appear, or by legal counsel. Any statements made before the Committee must be based only on the record consisting of the Notice of Apparent Violation and supporting documents and any responses. 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

1. Tax Map Parcel 130.18-1-17.100 (Lot 17.100) is an approximately 0.24 acre property, having shoreline on Lake Algonquin and located on Hamlet lands in the Town of Wells, Hamilton County.
2. Respondents are the current owners of Lot 17.100, as described in deeds recorded in Book 208, Page 898 and in Book 234, Page 549 in the Hamilton County Clerk's Office.
3. Agency investigation reveals that, in 2019, Respondents constructed a single-family dwelling on Lot 17.100, with a deck attached to the shoreline side of the dwelling. The dwelling with attached deck is greater than 100 square feet in size and most of the deck, if not all, is located within 50 feet of the mean high-water mark of Lake Algonquin.
4. Agency staff confirmed the violation by field visit on August 13, 2019.
5. No variance was obtained from the Agency prior to construction of this structure within 50 feet of the mean high-water mark of the lake.

Apparent Violation

6. Pursuant to Executive Law § 806, a variance is required prior to the construction of a principal building or accessory structure greater than 100 square feet in size within 50 feet of the mean high-water mark of any lake on Hamlet lands in the Adirondack Park.
7. Agency investigation reveals that Respondents violated Executive Law § 806 by constructing a single family dwelling with an attached deck on Lot 17.100 within 50 feet of the mean high-water mark of Lake Algonquin without an Agency variance.

Relief Sought

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

- (1) Require that, by June 1, 2020, Respondents remove the deck attached to the single-family dwelling on Lot 17.100; and
- (2) Require Respondents to notify Agency Environmental Program Specialist Trevor Fravor no later than June 1, 2020 that this work is complete so that a compliance inspection may be undertaken; and
- (2) Pursuant to Executive Law § 813, Respondents may be assessed a civil penalty of up to the statutory maximum of \$500 per day for each day the violation has continued in an amount to be determined by the Enforcement Committee; and
- (3) Such other and further relief as the Enforcement Committee may deem just and proper.

DATED: Ray Brook, New York
January 31, 2020

ADIRONDACK PARK AGENCY

BY:


Terry Martino
Executive Director

