

George Carrothers

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Adirondack Park Agency
Terry Martino, Executive Director
Ray Brook , NY

This letter is in response to the Notice of Apparent violation regarding Another Paradise Cove, tax # 25.016-1-5. So as not to confuse the facts, I have constructed a 12' x40 ' deck on the Jennings Pond Side of the existing building that does, in fact require a variance. I will ask that consideration be given to the "spirit" of the law regarding this matter and am presenting a case for settlement prior to the hearing on Dec. 12th.

In 2010, I purchased Lakeside Apartments, (alas, The Heartbreak Hotel) 1231 Main St. Long Lake. This property was section eight housing and in complete disrepair. Over the next few years I restored the property (See photos 1#,2#,3#,4#) 4 being close to the finished product. It now provides seven rental housing unit to the residents of Long Lake. The garage units to the rear of the building provide winter boat storage for summer lake residents.

My resume in this field of work spans 37 years in a design/build business located in Dutchess County, NY. (see

photos 5#,6#,7#,8#), The majority of this work was the historical restoration of noted homes of the Hudson Valley.

I moved to Long Lake in 2018. In the winter of 2018, Long Lake Real Estate (Craig Seamans, Town Bd member) approached me about the availability of the "Island Café" and I purchased it in 2018. There was concern on the part of the town, that the property would be privatized thus restricting use for the children's fishing tournament, the 4th of July fireworks display, and a popular public walking trail. The Town of Long Lake and I agreed to keep all of these activities available on the property. The town carries a liability policy on the property in regards to this agreement.

The short history of the property was that the land was connected to the mainland with the construction of the causeway and dam creating Jennings Pond in the 1930's under the WPA work Project. The original building was constructed in the 1950's as the 'Island Café", a diner.(See photo 9#) Over the years different ownership of the property maintained the use as a diner with the last rendition being "Big Wally's" which closed in 2004. From that date forward the building has been an electrical shop, the plane ride office, an art gallery, real estate office and outfitting business (boat rentals).(see photos,10#,11#,12#)

This brings us to date:

Stacy Pogoda, my business partner at "Another Paradise Cove" had previously run the kayak rental shop for ten years at this location. We discussed maintaining the

business for her employment and others in town and agree to move forward with a business plan. The building was visually unappealing and in serious disrepair. Rotten wall structure, leaking roof, inefficiently insulated, a dangerous electrical wiring condition as well as other issues.

I redesigned building within the footprint of the existing building aware of APA hamlet setback issues. I then requested a meeting with the APA to review my plan. (see photo of original design #9) The proposal was to building a historic replica of a French Provincial dwelling. (see #1 drawing) Odd as this may be, my dream was to build a building that one day would be historic, an oddity that provided curiosity far into the future.

After discussion with members of the APA board, it was their opinion this was perhaps to grand a plan for the property and could this be truncated to accomodate a viable business plan that APA could approve. The major issues were elevation height of existing building and septic design, rate of flow use to existing system. I noted that the septic had been upgraded in 2004 and had served a fullscale dinner business for 50 years.

At the conclusion of this meeting it was agreed that I would revise the plans to address the issues discussed.

I will now address the "facts" presented in affidavit by Jennifer Hubbard, Senior Attorney

1. the pre-existing structure is located almost entirely within the the 50' setback. This condition existed prior to the formation of the APA and therefore

requires consideration as a “grand-fathered” commercial establishment.

2. At the May 2018 meeting various aspects of the project were discussed. The deck in question was discussed as well as other variances that would be required. The staff stressed reducing the scope of the project. I explained that I was willing to do this as long as the final agreement was a viable business plan. I pointed out the obvious need to maintain commercial space on Main street in Long lake, the need for job opportunities in Long Lake and the visual revitalization of the hamlet.

3. The June 13 meeting was a review of new plans. The new plan took into account all that had been previously discussed eliminating all aspects that would require a variance other than the deck on the Jennings Pond side which I stated was necessary sustain the business. This, as well as the architectural integrity of the new building design. The plan conformed to the height requirement and even though a 5/12 pitch is not considered a sufficient pitch in purposeful design, I have successfully made this work by using other elements to offset this. ie. Scalloped wood cedar shingles, window design and color. (see photos !3#,14#)

I complied with building within the existing footprint of the building other than the issue at hand.

On that issue, the original deck size was 60 x 16. The discussion was "could you make that smaller and still have it work?" I suggested 14'. APA staff suggested 12' and so in the revision I did what they suggested making it 12' as well as shortening it from 60" to 40". In addition to all the construction design concessions, the scope of use was changed from the concept of a diner to a bakery/café, (coffee/tea shop and pastries)

The June 27th meeting the smaller deck area was reiterated by Shawn and Colleen, with them stating that the 12x 40 would be preferred.

The Aug 23rd application submission was for three variances. I have eliminated the roof overhang on the west side which in my opinion being a small overhang to protect a door opening should not require a variance as it has no contact to the ground. The rear deck connecting the two rear existing decks is currently on hold but will require a variance according to APA. This despite the fact that it does not encroach on the water line any more than already existing structure and would again provide architectural continuity to the rear elevation of the building.

September 21st the staff requested more information on the variances and again the issue of the deck came up. They requested a smaller deck than the 16 x 60 proposed. We had already agreed in verbal principle to it being 12' wide at their suggestion during the site visit, which I had agreed with.

In these discussions , the issue of septic was discussed. An engineer has been hired to address this but this has no connection with the current deck issue. That is a NYS BOH issue which is being addressed.

On June 3rd an “anonymous” complaint was received by the APA regarding the deck construction. Trevor and Shaun came to APC and we discussed the situation.

I explained that during the winter months, the non jurisdictional aspect of the construction had been carried out. This included the reconstruction of the roof and walls. At 67 years of age, and doing all the work myself, I take all precaution to make sure my work place is safe, so it seemed sensible to construct the deck to have a secure work platform to work of. Since we had reached a verbal agreement that a smaller size deck would be an appropriate compromise, I constructed the deck accordingly with the intent of following up on the legal paperwork.

It is noted in your paperwork and I reiterate that I did get approval with a state certified building permit for the structure.

So where to go from here? As I began this letter, it is important to look at the spirit of the law, the purpose of the “guidelines” with which this issue is being reviewed.

Fact: I did build the “smaller” deck as suggested by APA staff prior to obtaining the variance.

Fact ; I did communicate with the APA regarding this project and took into account their concerns regarding the scale and reduced the scope considerably on their advice.

Fact; That this project falls within the guidelines of the APA purpose in the Adirondack Park, ie. To allow hamlets to develop in the interest of job opportunities, commercial growth that support tourism and the local economy. To enhance the visual appeal of the hamlet communities.

Fact; That the reconstruction of the building has offered Long Lake an attractive commercial building (see Photos) in the center of town , across from the town beach that will be vital to development and future success of Long Lake.

Fact; that commercial property pays taxes, that commercial business generates sales tax.

Fact; That the property is open to public access to the community and tourism, is again an asset to the Long Lake community. The business also enhances other business enterprises in our community (see photos 15#,16#,17#)

Fact; That the Long Lake govt. , Long Lake Chamber of Commerce, and the community at large has expressed support and gratitude for my efforts on Main St. reconstruction.

My proposal for a solution to this “apparent” violation is:

- 1. That I pay a fine, to be no greater than one thousand dollars (preferable less)**

2. That I apply retroactively to acquire the variance for the deck prior to 2020.

That prior to opening the bakery I will be in compliance with NYS Board of health regulations. (note; I met with Dave,BOH, this past week regarding this)

It is my opinion that this is a fair resolution to the situation.

Obviously, removing the deck, would completely ruin the visual esthetic balance of the building and would deter the success of the business plan.

If this needs to be discussed further I will attend the meeting scheduled for dec 12th. Thank You for your consideration in this matter.

Sincerely George Carrothers