

STATE OF NEW YORK: ADIRONDACK PARK AGENCY

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In the matter of the apparent
violation of Executive Law § 806
and Section 575 of Title 9 of the Official
Compilation of Codes, Rules and Regulations
of the State of New York (9 NYCRR)
by:

Agency File E2019-0070

GEORGE H. CARROTHERS
AUSTIN L. CARROTHERS

Respondents.

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STATE OF NEW YORK)
) ss:
COUNTY OF ESSEX)

Shaun LaLonde being duly sworn, deposes and says:

1. I am a professional engineer licensed to practice in the State of New York and have been employed by the Adirondack Park Agency (the APA or 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, in that capacity since October 2002.
2. As part of my duties, I assist in the review of proposals for compliance with the shoreline restrictions set forth in Executive Law § 806. The restrictions I review include structure setbacks, identification of mean high-water mark, and on-site wastewater treatment system design. I also review applications for shoreline structures that require a permit or variance under the APA Act, as well as the New York State Wild, Scenic and Recreational Rivers System Act and the New York State Freshwater Wetlands Act.
3. I am familiar with the file in this case. I make this affidavit in support of APA staff's request for a determination by the Enforcement Committee.
4. On June 27, 2018, I participated in a site visit to Tax Map Parcel 25.016-1-5 (Lot 5) with Respondent G. Carrothers. Lot 5 contains shoreline on Long Lake and Jennings Pond in the Town of Long Lake, Hamilton County in a Hamlet land use

area. During this site visit I observed the Respondents' pre-existing commercial use structure on Lot 5. I also reviewed Respondent G. Carrothers' proposal to expand the existing commercial use structure, including Respondent G. Carrothers' request to construct a 16-foot wide by 56-foot long deck along the east side of the structure on Lot 5.


5. During the June 27, 2018 site visit, I confirmed that the project site contains shorelines on both Long Lake and Jennings Pond and I determined the mean high-water marks on the project site through visual inspection of the shoreline area and general information gathered. I determined that the existing commercial use structure on Lot 5 is located almost entirely within the shoreline setback area. I advised Respondent G. Carrothers that the proposed deck along the eastern side of the existing building required a variance from the Adirondack Park Agency.

During the site visit I also discussed on-site wastewater treatment issues associated with the proposal with Respondent G. Carrothers. Due to the configuration of Lot 5, the leaching components of the existing on-site wastewater treatment system cannot meet horizontal setbacks to Jennings Pond or Long Lake. In the Variance Information Request forwarded to the Respondent on September 21, 2018, I requested Respondent G. Carrothers to submit a written evaluation prepared by a NYS licensed professional engineer to determine if the existing system is adequate for the proposed use. Based on my review of the file, this information was never received.

6. On June 3, 2019, I participated in a second Agency staff site visit to Lot 5 with Respondent G. Carrothers. I observed that a deck with stairs, approximately 12 feet in width and 41 feet in length had been constructed within the shoreline setback area. The deck is attached along the east side of the commercial use structure, expanding the structure 12 feet closer to the mean high-water mark of Jennings Pond. As constructed, the deck is approximately 27 feet from the mean high-water mark of Jennings Pond and is located entirely within the 50-foot shoreline setback area.


Shaun LaLonde

Sworn to before me this
24th Day of October, 2019


Notary Public

MARY B. PALMER
Notary Public - State of New York
Qualified in Franklin County
No. 01PA6128439
Commission Expires, June 13, 2021