

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.

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

John M. Burth being duly sworn, deposes and says:

1. I am an Environmental Program Specialist 3 for 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. I have served in the position of Environmental Program Specialist (EPS) 3 since March 2019 and have worked for the APA since August 2007.
2. As part of my duties I am responsible for managing the activities of the Agency's Enforcement Program, including resolution of apparent violations of 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 have reviewed the file in this case, and I make this affidavit in support of APA staff's request for a determination by the Enforcement Committee.
4. Based on my file review, it appears that Respondent G. Carrothers constructed a deck within the shoreline setback without the necessary Agency variance. Staff have attempted to resolve this apparent violation through settlement agreement. The settlement agreement required that the Respondents remove the deck attached to the eastern side of the structure on their property in order to bring the

structure into compliance with the Agency's shoreline restrictions. In these circumstances, requiring the deck to be removed in order to resolve the apparent shoreline setback violation is consistent with the Agency's enforcement procedures.



John M. Burth

Sworn to before me this
28th Day of *October*, *2019*

Mary B. Palmer

Notary Public

MARY B. PALMER
Notary Public - State of New York
Qualified in Franklin County
No. 01PA6128439
Commission Expires, June 13, 20*21*