STATE OF NEW YORK: ADIRONDACK PARK AGENCY					
In the matter of the appare violation of Executive Law by:	Agency File #2019-0127				
JOSEPH COTAZII JOY COTAZINO	NO, JR.				
Respondents.					V
STATE OF NEW YORK COUNTY OF ESSEX)) ss:)		Hel L	8	lookell

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.
- 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. On October 1, 2019, I spoke with Respondents' attorney James R. Schultz to discuss resolution of this matter. Mr. Schultz informed me that the Town of Wells had indicated to Respondents that the Town would prefer the proposed single family dwelling be located closer to Lake Algonquin. I explained the Agency's regulatory restrictions, stating that Respondents' single family dwelling was located at the shoreline setback line and that Respondent Joseph Cotazino was informed by Agency staff that any deck on the shoreline side of the dwelling would require a variance. I also stated that a variance is for an activity that is otherwise prohibited under Agency law.

In regards to the Settlement Agreement proposed by staff, I explained that requiring full compliance with the Agency's shoreline restrictions is consistent with the Agency's enforcement practice in these cases.

John M. Burth

Sworn to before me this

31 Day of Janvary, 20

Notary Public

SUSAN A. STREIFF
Notary Public - State of New York
Qualified in Franklin County
No. 01ST6229306
Commission Expires Oct. 12, 20