

STATE OF NEW YORK: ADIRONDACK PARK AGENCY

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

Agency File E2019-0070

GEORGE H. CARROTHERS
AUSTIN L. CARROTHERS

Respondents.


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

Trevor Fravor being duly sworn, deposes and says:

1. I am an Enforcement Officer 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, and have served in this position since 2004.
2. As part of my duties, I am responsible for investigating alleged violations of the New York State Adirondack Park Agency Act, the Freshwater Wetlands Act, the Wild, Scenic and Recreational River System Act, and Agency Rules and Regulations in an area that includes the Town of Long Lake, Hamilton County.
3. I am familiar with the file in this case and am the Enforcement Officer who undertook Agency staff's investigation into this matter. I make this affidavit in support of APA staff's request for a determination by the Enforcement Committee.
4. Tax map parcel 25.016-1-5 (Lot 5) is an approximately 2.80-acre parcel located on Hamlet Use lands in the Town of Long Lake, Hamilton County. Exhibit A and Exhibit B. Respondents are the current owners of Lot 5, as described in a deed recorded as Instrument Number 2018-645 on May 30, 2018 in the Hamilton County Clerk's Office. Exhibit C.
5. Based on my file review, Lot 5 is improved by a pre-existing commercial use structure.

6. On May 16, 2019, Agency staff opened Enforcement File E2019-0070 in response to allegations that Respondent had constructed a deck within the shoreline setback area without first obtaining a variance from the Agency.
7. On June 3, 2019, I visited Lot 5 with Agency Engineer Shaun LaLonde to inspect the site and meet with Respondent G. Carrothers to discuss the matter.
8. Agency investigation reveals that Respondent G. Carrothers constructed a deck approximately 12 feet in width and 41 feet in length, including the stairs, within the shoreline setback area on Lot 5. The deck is attached to the eastern side of the commercial use structure and is visible from Jennings Pond and neighboring properties. Based upon my review of the file, this is the same deck that was proposed as part of Respondents' variance application P2018-0128. Four photographs that I took of the subject property are attached to this Affidavit as Exhibits D, E, F and G.
9. Based on my review of Agency records, Respondents did not obtain an Agency variance authorizing construction of a deck within the shoreline setback area of Lot 5.
10. Based on my file review, on June 27, 2019 the Agency received a letter dated June 24, 2019 from Respondent G. Carrothers updating Agency staff on the status of the subject property, Respondent G. Carrothers' new plans for expansion of the existing commercial use structure, and a statement that Respondent G. Carrothers was aware that the deck needed Agency approval but found it necessary to construct the deck as a staging platform to safely complete non-jurisdictional work on the existing structure.
11. Based on my investigation, the Respondent G. Carrothers was issued a building permit from the Town of Long Lake for renovations to the existing structure on Lot 5.
12. Based on my file review, on August 23, 2019 a cover letter and proposed settlement agreement intended to resolve the apparent shoreline structure setback violation on Lot 5 were forwarded by staff to Respondents. The proposed agreement required that the deck be removed by November 15, 2019, and a payment of a civil penalty in the amount of \$1000. This settlement agreement was unclaimed and returned to sender by the US Postal Service. Agency staff re-sent the settlement agreement to the Respondents on September 5, 2019.
13. Based on my file review, the Agency has not received a signed settlement agreement as of this date.
14. Based on my file review, the Agency received letters from Respondent G. Carrothers on September 26, 2019 and September 30, 2019 requesting a hearing before the Adirondack Park Agency Board.

15. Based upon my observations and investigation in this matter, it is my recommendation that Respondents be required to remove the deck constructed in 2019 on the eastern side of the existing commercial building or otherwise bring the structure into compliance with Executive Law § 806 and 9 NYCRR § 575.5.


Trevor Fravor

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, 2021

EXHIBIT A

E2019-0070

Exhibit A



October 17, 2019 This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

☐ Parcels 2016, 2017

 Park Boundary Blueline

**NYS Adirondack Park Agency
New York State Adirondack Park Agency**

EXHIBIT B



October 17, 2019 This is advisory only, not to be used to confirm exact boundary location or for determining Agency Jurisdiction.

☐ Parcels 2016, 2017

☐ Park Boundary Blueline

EXHIBIT C

Exhibit C

Warranty Deed

This Indenture, made the 5th day of May, 2018,

between

JANET M. PARKER-FERREN, residing at 301 Charles Bancroft Highway, Litchfield, New Hampshire 03052; DOUGLAS A. PARKER, with a mailing address of P.O. Box 22, Lake Pleasant, New York 12108; and, THOMAS A. PERKINS, with a mailing address of P.O. Box 171, Speculator, New York 12164, as tenants in common,

parties of the first part; and

GEORGE H. CARROTHERS, JR. AND AUSTIN L. CARROTHERS, with a mailing address of 140 Heming Way Lane, Milan, New York 12571, as joint tenants with right of survivorship,

parties of the second part.

Witnesseth, that the parties of the first part, in consideration of One and 00/100 (\$1.00) Dollar lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, does hereby grant and release unto the parties of the second part, their heirs and assigns forever:

SEE SCHEDULE "A" ATTACHED HERETO

This conveyance is made subject to all enforceable covenants, conditions, easements and restrictions of record, and zoning and environmental protection laws; also subject to any existing tenancies, any unpaid installments of street or other improvement assessments payable after the date hereof.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.

WARRANTY DEED

Record and Return to
Paul H. Roddy - Attorney at Law
P.O. Box 735
Long Lake, New York 12047

MOUNTAIN ABSTRACT CO., INC.

418-1147



HAMILTON COUNTY - STATE OF NEW YORK
JANE S. ZARECKI, COUNTY CLERK
PO BOX 204, 102 COUNTY VIEW DRIVE
LAKE PLEASANT, NY 12108

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



INSTRUMENT #: 2018-645

Receipt#: 201841735
Clerk: JZ
Rec Date: 05/30/2018 12:47:14 PM
Doc Grp: RP
Descrip: DEED
Num Pgs: 5
Rec'd Frm: MOUNTAIN ABSTRACT CORP

Party1: PARKER-FERREN JANET M
Party2: CARROTHERS GEORGE H JR
Town: LONG LAKE

Recording:

Cover Page	5.00
Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Additional Names	1.50
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 321.50

Transfer Tax 796.00

Sub Total: 796.00

Total: 1117.50
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 487

Transfer Tax

Transfer Tax 796.00

Total: 796.00

I hereby certify that the within and
foregoing was recorded in the Hamilton
County Clerk's Office.

Jane S. Zarecki

Jane S. Zarecki
Hamilton County Clerk

Record and Return To:

PAUL H ROALSVIG ESQ
PO BOX 735
LONG LAKE NEW YORK 12847

To Have and to Hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

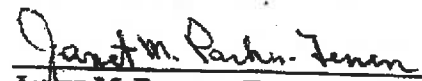
And, said parties of the first part covenant as follows:

First. That the parties of the second part shall quietly enjoy the said premises;

Second. That said parties of the first part will forever WARRANT the title to said premises.


Third. Subject to the trust fund provisions of Section 13 of the Lien Law.

In Witness Whereof, the parties of the first part does hereunto set his hand and seal the day and year first above written.


JANET M. PARKER-FERREN

STATE OF NEW HAMPSHIRE)
) ss.:
COUNTY OF HILLSBOROUGH)

On this 17th day of May, 2018, before me the undersigned, a Notary Public in and for said State, personally appeared JANET M. PARKER-FERREN, personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument; and that such individual executed such appearance before the undersigned in Litchfield NH
(insert city and state or county acknowledgment taken)


Notary Public
Commission exp 1/29/19

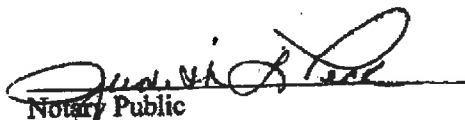

DOUGLAS A. PARKER


THOMAS A. PERKINS

STATE OF NEW YORK)
) ss.:
COUNTY OF HAMILTON)

JUDITH L. PECK
Notary Public
No. 4802000
County of Hamilton, State of New York
My Commission Expires March 2, 2021


On the 15th day of May, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared DOUGLAS A. PARKER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF HAMILTON)

On the 15th day of May, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS A. PERKINS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JUDITH L. PECK
Notary Public
No. 4802000
County of Hamilton, State of New York
My Commission Expires March 2, 2021


Notary Public

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situated in the west part of Great Lot No. 82, Township No. 21 of the Totten and Crossfield Purchase, Town of Long Lake, County of Hamilton, State of New York, being bounded and described as follows: **BEGINNING** at a point indicated by a 4 inch square concrete post situated on the Long Lake and Tupper Lake State Road south line, that crosses the north end of the so-called Pine Island; thence bearing south 63 degrees, 40 minutes west following the said road south line 25 feet to a point in Jennings Lake 15 feet out from the westerly shore of the said lake; thence angling to the right bearing south 45 degrees west following parallel to the easterly shore of the said Pine Island 159 feet to a point the said point being situated 12.50 feet easterly in the said Jennings Lake from a pine tree situated on the south east end of the said Pine Island; thence angling to the left bearing south 23 degrees 30 minutes west 171 feet to a point the said point being situated east 19 feet in the said Jennings Lake from an electric light pole situated on the east side of the said Jennings Lake spill way dam; thence angling to the left bearing south 10 degrees west 600 feet to a point in the said Jennings Lake 12 feet east from a white birch tree blazed on the east side; thence angling to the right bearing south 48 degrees west 90 feet to a point; thence angling to the right bearing south 51 degrees 15 minutes west two hundred (200) feet to a point the said point being situated on the division line of Great Lots No. 81 and 82 and five (5) feet out from the westerly shore of Jennings Lake; thence angling to the right bearing north 25 degrees 15 minutes west one hundred thirty (130) feet (old bearing north 27 degrees west) following the said division line which is indicated by blazed trees to the south east shore of Long Lake at low water mark; thence angling to the right bearing north easterly following the said Lake shore at low water mark as the same winds and turns to a point, the said point being situated on the said state road south line at low water mark on the west side of the said Pine Island; thence angling to the right, bearing south 63 degrees 40 minutes east eighty-seven (87) feet to the place of beginning.

The aforescribed tract or parcel containing two and ninety six one hundredth (2.96) acres of land and water more or less.

BEING the same premises conveyed by Margaret P. Perkins, Executrix of the Estate of Loretta S. Parker to Margaret P. Perkins, Janet Parker-Ferren, and Douglas A. Parker, as tenants in common, by deed dated October 18, 2007 and recorded in the Hamilton County Clerk's Office on October 31, 2007 in Liber 243 of Deeds at Page 28.

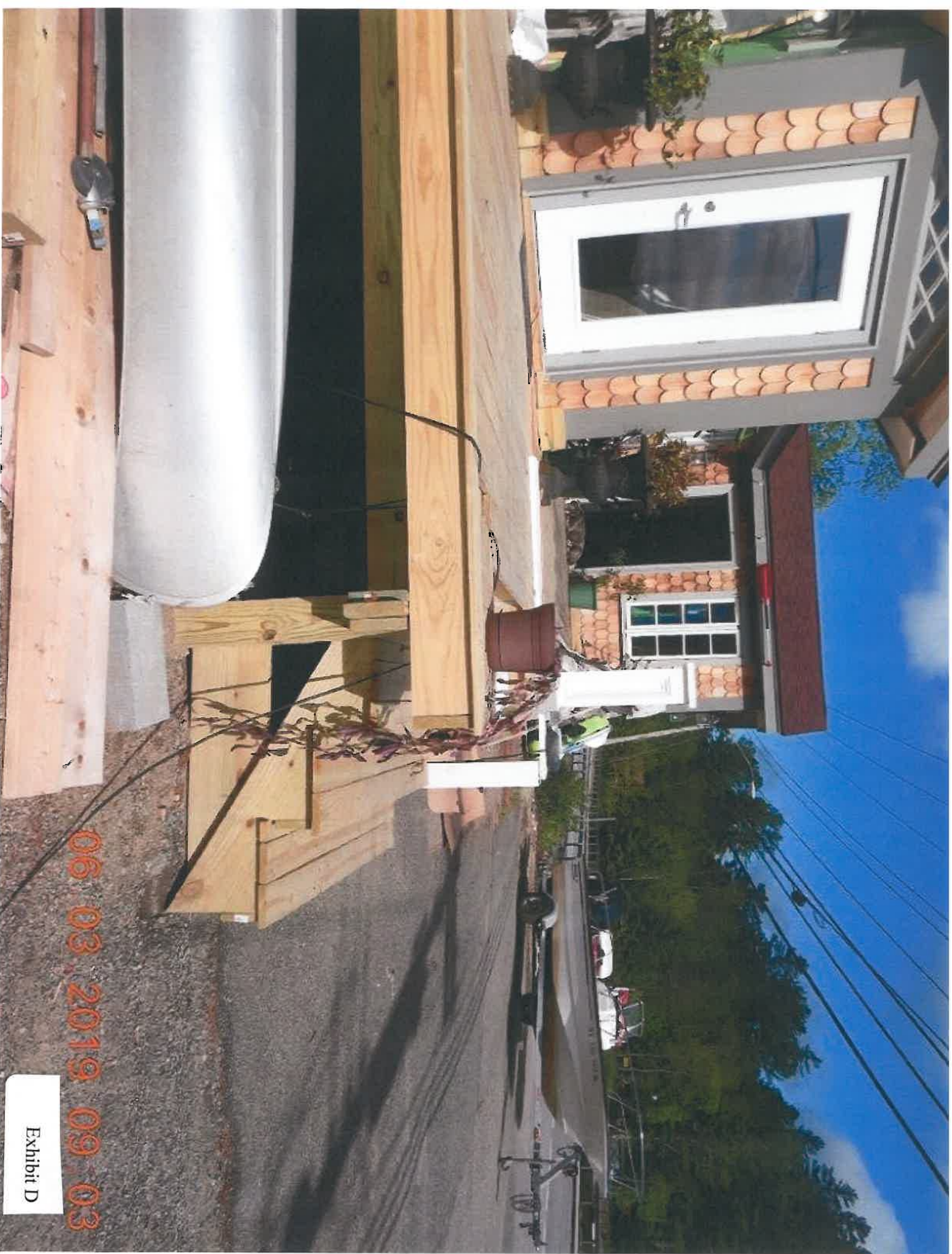
ALSO BEING the same premises whereas Margaret P. Perkins conveyed her undivided one-third (1/3) interest in the above described parcel to Thomas A. Perkins and Margaret P. Perkins, as husband and wife, tenants by the entirety, by deed dated December 10, 2008 and recorded in the Hamilton County Clerk's Office on December 16, 2008 in Book 245 of Deeds at page 1.

Margaret P. Perkins died April 8, 2009 a resident of the Village of Speculator, County of Hamilton and State of New York, leaving Thomas A. Perkins surviving.

WARRANTY DEED

222. Paul Roalsvig
PO Box 735
Long Lake NY 12847

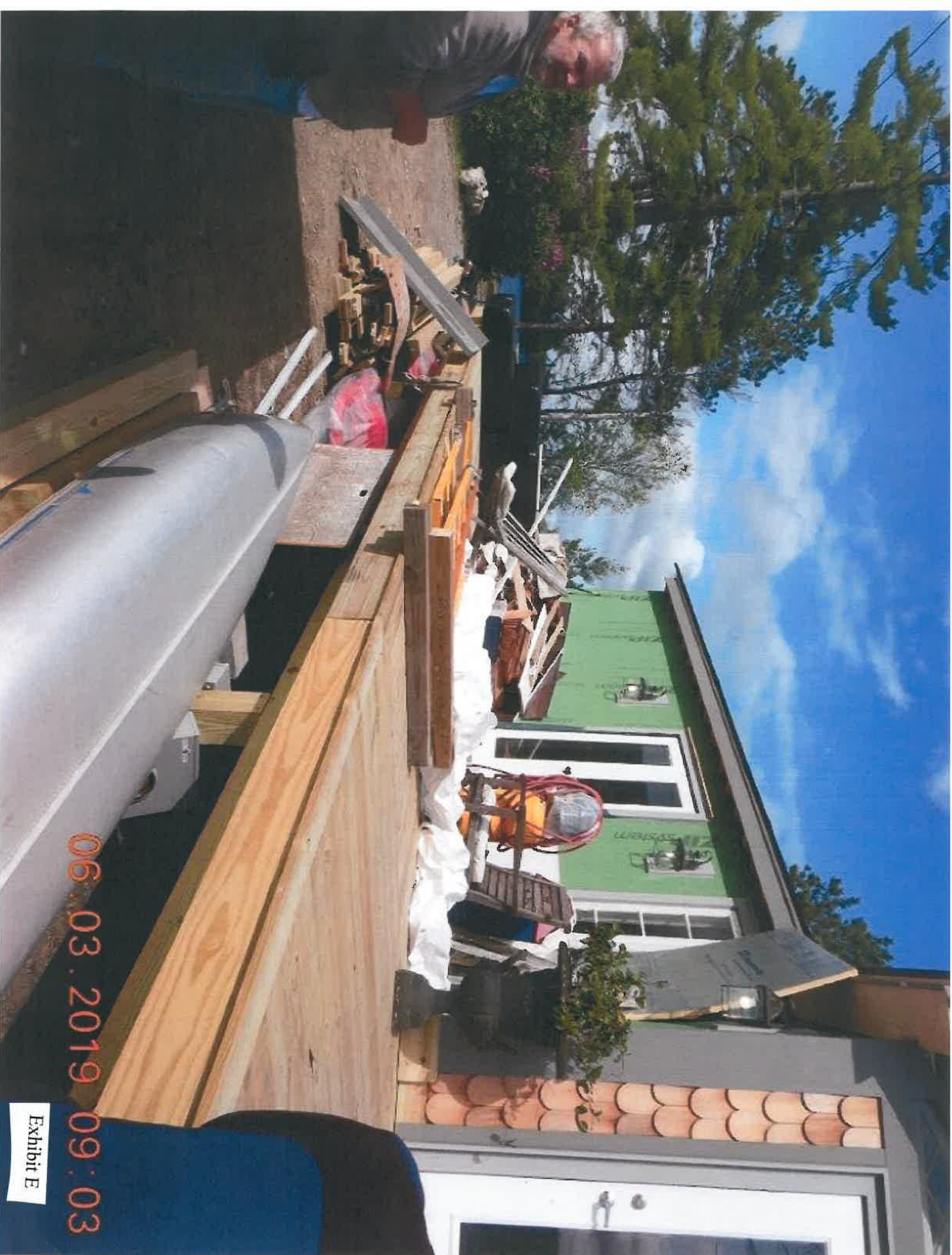
EXHIBIT D



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Exhibit D

EXHIBIT E



06.03.2019 09:03

Exhibit E

EXHIBIT F



EXHIBIT G



06-03-2019 09:48

Exhibit G