

TOWN OF PITTSFORD, TOWN OF BRIGHTON,
and TOWN OF PERINTON,

Petitioners,

REPLY AFFIDAVIT

vs.

Index No. 2018-945

POWER AUTHORITY OF THE STATE OF NEW
YORK and NEW YORK STATE CANAL
CORPORATION,

Assigned to:
Hon. Daniel G. Barrett

Respondents.

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

ERIC J. NORSEN, being duly sworn, deposes and says:

1. I own and have resided at the property located at 1193 Marsh Road in the Town of Pittsford since 2005.
2. The western border of my property abuts the property of respondent New York State Canal Corporation (“Canal Corporation”) for over 200 feet along a portion of the Erie Canal called the Great Embankment, which looms over my property.
3. The Canal Corporation, apparently acting in conjunction with its parent corporation, respondent Power Authority of the State of New York (“Power Authority”), has flagged the trees the length of my western property line abutting the Canal Corporation property, and designated the removal of all of the trees and shrubs from much of the steep embankment to the top of the embankment at the canal path.

4. I adamantly oppose this clear-cutting. It will vastly alter the view to and from my property and the canal bike path, destroying my summer privacy and further reducing my winter privacy. This lack of privacy will reduce the safety of my family, including our dog, and significantly reduce the market value of my property. The loss of these trees will also decrease the quality of aesthetics that is inherent with my living right next to the canal embankment.

5. I now enjoy all kinds of wildlife that will be displaced by the clear-cut. This includes animals my wife and I see regularly, such as rabbits, moles, groundhogs, deer, foxes, snakes, and possum, as well as the vital bee population and lots of different birds, such as woodpeckers, owls, hawks, orioles, robins, ducks and other waterfowl.

6. The proposed clear-cutting is very close to mature trees on my property. I fear, with good reason, that the work will damage my trees and property.

7. Trees help to resist erosion, and when they are felled and dead roots are left indefinitely, erosion on my land is likely to occur. Tree roots also help to hold together the structure of the embankment. If all of the trees are cut down and removed and all of the stumps and roots are dug up and removed, there is a greater possibility of a catastrophic flood caused by the Canal Corporation than leaving the embankment alone. That obviously concerns me, living right below the Great Embankment.


8. If, after the clear-cut, the Canal Corporation comes back to remove the stumps and roots and plants grass, I am concerned that the resulting lawn will be doused with fertilizers and pesticides which will migrate to and contaminate my property.

9. The Canal Corporation does not need to cut down all of the trees on the embankment behind my property to maintain its stability and protect me and my family. Instead, it can and should inspect the embankment and fix it if and where any weaknesses are found.

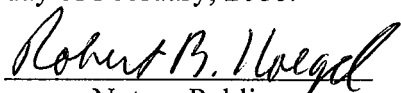
Thus, I believe the clear-cut is unnecessary, harmful to the environment I enjoy, and dangerous to my health and property.

10. Counsel for petitioners has just shown me portions of respondents' answering papers in this case. These papers show that the Canal Corporation has just issued a directive, dated and effective February 19, 2018, declaring an emergency condition of a canal embankment site in the Town of Perinton near the Village of Fairport, and has further determined that this supposed emergency requires the removal of all vegetation on the designated embankment sites in Pittsford, Brighton, and Perinton. This directive is based solely on an inspection report showing a few wet areas and cattails on the embankment site near Fairport, many miles from my home, done on August 30, 2017, nearly 6 months ago.

11. This emergency declaration is totally unfounded and can only be seen as retribution by respondents against those residents, such as I, willing to stand up to governmental abuse of power. Any structural deficiencies at the Perinton site, which seem highly dubious under the circumstances, need not be addressed by cutting down all of the trees on the Great Embankment behind my property, many miles from the Perinton site. I have looked at the embankment behind my property for nearly 13 years and not seen any wet spots or other concerns that would lead me to think that all of the trees need to be removed. And to spring this emergency declaration on all of us affected nearly 6 months after the supposed evidence was available shows that there was, and is, no emergency.


Eric J. Norsen

Sworn to before me this 22nd
day of February, 2018.


Notary Public

ROBERT B. KOEGEL
Notary Public, State of New York
No. 4900494
Qualified in Monroe County
Commission Expires June 22, 2019