

AFFIDAVIT

STATE OF FLORIDA)
) SS:
COUNTY OF PINELLAS)

I, Michael W. Finkbeiner, being duly sworn, deposes and states:

1. I am a licensed NY Land Surveyor since 1999 (NY LS# 050352), registered to practice until Aug 2022. I hold a Master of Forest Science degree from Yale University (MFS-1971) and have practiced as a forester since 1971, holding a Professional Forester's License #150 from the State of Connecticut.
 2. I have reviewed documents of record from NY State, Orange County and the Town of Highlands NY regarding the layout of building, roads, drives and topographic elevations above "sea level" in the North American Vertical Datum of 1988.
 3. Using the Orange County Topographic Survey of 2016 and my GPS rover survey account with NYS DOT Real Time Network, and a drone survey by an FAA-licensed UAV pilot, I have prepared a digital model of terrain, trees and structures in the vicinity of the Tonneson property and a new house built by Tonneson on parcel 11-1-1.52, which is at a land elevation of 336 ft. The Kopald house is built on sloping ground between 388 and 402 ft in elevation.
 4. Each pixel in the model carries its correct NY State grid coordinates and elevation. The trees on site are modeled to an elevation of 474 ft, with the tallest trees up to 115 ft over terrain.
 5. I have prepared a topographic survey based on the above, along with my boundary survey of the property lines between the subject houses. See Appendix A attached.
 6. The digital model allows photographic like views of the 3-D rendering. Appendix B is the view from north Tonneson to Kopald, which reflects the mid-day sun angle. Appendix C is the view in the opposite direction from Kopald to Tonneson, which looks into the mid-day sun.
 7. I performed addition survey work at the Kopald residence at 88 Forest Hills Rd on June 14, 2020. From the east side deck of Kopald, I was able to see the Tonneson house though the forest cover by line of sight.
 8. The Kopald residence is 20 ft below the elevation of Forest Hill Rd down a steep driveway, which does not permit views of other houses in the Canterbury Forest subdivision.
 9. There is no right-of-way to anybody other than the owners of Canterbury Forest Corp that permits passage or utilities through parcel 20-2-6 connecting Forest Hill Rd to Hemlock Rd.
 10. Reference to a reservation of a right-of-way in the deed to Tonneson for parcel 11-1-1.52 is for the benefit of Kopalds and their heirs and assigns only.
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11. I have examined forest cover photographs from 2016 and prior of the subject area and it is my professional opinion that an area in excess of 1 acre has been disturbed, comprised of expansion of the existing drives connected to Hemlock, drainage pipes installed along the drives, the 700 ft of driveway to service the new residence, a supposed fire truck turn-around area, the house and septic envelope, and a trespass connection from the end of the new drive toward Forest Hill Rd.
12. Pre-construction forest canopy photographs show a consistent unbroken forest cover of the subject construction area, without meadow areas.
13. Measurement of the tree heights between the Kopald and the Tonneson new house average between 80 and 110 feet in height, having top elevations near 474 ft. NAVD. The removal of trees within 180 ft of the Kopald house would in my opinion increase the light levels received at the Kopald house, due to removal of shade-cast shadows in the disturbed area, and extended shadows.
14. In December and January at the latitude of the subject properties at North 41 degrees 20.3 minutes, a 100 ft tall tree casts a shadow over 200 ft in length. Therefore, trees removed from the clear-cut area 180 ft from the Kopald house would have cast winter shadows onto the Kopald house. The clear-cut impact is to increase light reaching Kopald's residence.
15. In Nov 2019 I prepared an affidavit on the diameters of trees removed by a shadow analysis from 2016 aerial photographs. Those same shadows permit a measurement of the heights of the trees removed, which we consistent in size with remaining trees around the perimeter of the clear-cut.
16. The state of the forest health is good, as reflected by aerial photos showing dense canopy. My opinion as a forester is that forest health on site was not a justification for pre-construction clear-cutting.



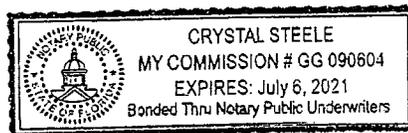
Michael W Finkbeiner

Michael W. Finkbeiner, LLS

State of Florida, Pinellas County

Sworn to before me this
16th day of September, 2020

Crystal Steele
Notary Public



APPENDIX A
TOPOGRAPHIC EXHIBIT WITH SUN ANGLES

APPENDIX B

SUN ANGLE VIEW FROM

TONNESON NORTH TO KOPALD

SHOWING MID-DAY SHADOW DIRECTION



215

APPENDIX C
SUN ANGLE VIEW FROM
KOPALD SOUTH TO TONNESON
SHOWING MID-DAY SUN DIRECTION

