

June 10, 2024

Adirondack Park Agency
Ray Brook Region 5
Division of Regulatory Programs
1133 NYS Route 86
Ray Brook, NY 12977



**Re: Olde Valcour and Snug Harbor Marinas
Application for Commercial and/or Industrial Uses**

Dear Permitting Committee:

Lake Champlain Transportation (“LCT”) has purchased ~41.1 acres of land, where Olde Valcour and Snug Harbor Marinas are currently permitted to operate with docks, moorings, and various buildings to serve customers. The project site, located in the town of Peru, consists of the following parcels, Tax Map #258.-2-2.1, 2.2, 2.3, 12, 13.1, 13.3, and 13.4.

The existing marinas currently reside on parcel #258.-2-2.3 & 12 respectively. LCT proposes to reconfigure, modernize, and make needed safety and environmental improvements to the docks, mooring field, and breakwaters. No changes to the existing onshore facilities at either marina are anticipated or proposed.

The total number of Moorings proposed is 44 less than the existing permitted total. The total number of slips proposed is 68 more than the permitted total. This results in a <7% increase (or, 24 slips) added to the total permitted capacity. Furthermore, the existing tire breakwaters and wooden docks will be replaced with modern metal breakwaters and docks which will be safer and more aesthetically pleasing than what exists. The proposed breakwater will be 6,750 SF compared to the ~27,500 SF permitted for the tire breakwaters.

Given the minimal change to permitted capacity, the existing facility’s infrastructure, including but not limited to, access, parking, and utilities will not need to be increased or changed.

The Snug Harbor and Olde Valcour Marinas have been servicing to the community for over 40 years. The Applicant desires to not only continue this legacy but to enhance it by modernizing the docks and breakwaters, improving the aesthetics, functionality, as well as the safety, while operating within the existing permitted limits. The proposed improvements will also provide environmental improvements.

To assist in your review of this Application we have included the Commercial and/or Industrial Uses Application with required attachments, as well as letters of the support.

If you have any further questions or require additional information, please do not hesitate to contact our office.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Aaron J. Ovios, P.E.
Robert M Sutherland, PC

<p>ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov</p>	 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p>	<p>APPLICATION FOR COMMERCIAL AND/OR INDUSTRIAL USES</p>
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Applicability: This application is for an Adirondack Park Agency permit for new or expanded commercial uses and/or industrial uses. Commercial uses include stores, offices, lodging facilities, warehousing and distribution facilities, commercial maintenance facilities, tourist attractions, recreational facilities available for a fee, and other types of retail or commercial service establishments. Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. It is the appropriate application for saw mills, pallet mills, chipping mills and similar wood using facilities. Please note that for a new commercial use in an existing commercial use structure, General Permit 2010G-3 is available and may be applicable.

Instructions: Please answer all of the questions in each numbered section and provide all applicable attachments. Questions 31-35 need only be answered for industrial uses as instructed. Type or print clearly in ink. **Submit three completed copies of this application and all required attachments to the Agency at the above address.** A site visit by Agency staff will also be required. The Agency may also request additional information based on the information contained in the application.

The Adirondack Park Agency Act provides that the time period for the review of this project will not begin to run until the Agency determines that the application is complete. If the application is not complete, a request for additional information will be issued within 15 days of receipt of the application, indicating which information is still required for a complete application. The proposed project may not be undertaken until an Agency permit has been issued.

Assistance: For assistance in completing this application or to request a pre-application meeting, please contact the Agency's Regulatory Programs division at the above address/telephone number and/or refer to the Agency's website.

1. Project Sponsor(s)*:

2. Current Property Owner(s): (if different than Project Sponsor)**

Name(s): Lake Champlain Transportation
Kyle Bostwick
 Mailing Address: 1 King Street Dock
Burlington VT 05401
 Telephone (Daytime): 802-864-9804
 Fax/E-mail: kyleb@ferries.com

Name(s): _____

 Mailing Address: _____

 Telephone (Daytime): _____
 Fax/E-mail: _____

* A project sponsor is a person having legal interest in property who makes application to the Agency for the review of a project proposed on such property. Documentation demonstrating such legal interest must be provided such as a current deed or purchase contract.

** List all names on the current deed of record.

3. Project Sponsor's Authorized Representative:

By filling in the name and address below and signing this application, the project sponsor is authorizing the person named below to act as his/her agent in all matters relating to this permit application before the Adirondack Park Agency. The project sponsor acknowledges that all contact regarding the application will be through his/her Authorized Representative. The project sponsor is, however, ultimately responsible for the accuracy of the information contained in this application and for compliance with all terms and conditions of any permit issued to him/her by the Agency.

Name: Robert M Sutherland
Mailing Address: 11 MacDonough St. Plattsburgh NY 12901
Telephone (daytime): (518) 561-6145 Fax/E-mail: _____

4. Project Site Location/Identification (a project site is generally considered to be all adjoining properties owned by the current landowner(s) including properties separated by a public road):

Road/Highway: NYS Route 9
Nearby Waterbody: Lake Champlain/Silver Stream
Town(s): Peru County: Clinton
Size: 41.1 acres

Tax Map Designation (from the tax bill for the property):
Section: 258 Block: 2 Parcel: 12,13.1,13.3,13.4
Section: 258 Block: 2 Parcel: 2.1,2.2,2.3
Section: _____ Block: _____ Parcel: _____

5. Project Sponsor's Legal Interest in Project Site (check the one that applies):

owner signed purchase agreement holder
 lessee option holder other (Identify: _____)

6. Subdivision of Land:

Will the project require the subdivision of land to create the building lot or building site?
 No
 Yes. If yes, answer the following:

What is the size of all lots to be created?

Lot #1 _____ acres Lot #2 _____ acres *Lot #3 _____ acres
(*May require separate application for 3 to 15 Lot Subdivisions)

7. Prior Agency Contact:

a) Has there been any previous contact or discussions with Agency staff regarding this project or project site, or has Agency staff visited the project site?
 No
 Yes. Staff person's name: See APA permits below
Date of contact: See below

- b) Has the project or project site been the subject of a past Agency action (e.g., permit, variance, jurisdictional inquiry, enforcement case or wetland flagging)?

No

Yes. If yes, provide the number and date:

Permit/Variance/Order Number:	<small>86-184,86-317,87-416,91-378,94-379, 87-416A & 94-379A, 2004-248,2007-243</small>	date:	<small>9/23/1986,12/19/1986,8/11/1998,8/11/ 1998,8/11/1998,4/1/2003,1/11/2005, 10/29/2007</small>
Jurisdictional Inquiry Number:	_____	date:	_____
Enforcement Case Number:	_____	date:	_____
Wetland Boundary Flagging*:	_____	date:	_____

*** If possible, seek consultation with Agency staff regarding the potential location of wetlands on the project site prior to submitting application form.**

PROJECT PROPOSAL

8. Detailed Project Description:

- a) Provide a detailed written description of the intended commercial/industrial activities or services to be provided:

The Snug Harbor and Olde Valcour Marinas are two of the oldest marinas on the western shore of Lake Champlain. Applicant recently purchased both marinas to continue the existing permitted marina use. Applicant is requesting to make minimal changes to the marinas to increase safety, to protect the environment, and improve the recreational experience of boaters.

- b) Provide a detailed written description of the major site development elements of the project (e.g., new building, parking for 32 cars):

See Attachment J

- c) Provide a detailed written description of the need for the selected project design and describe what, if any alternatives were considered and the reasons for rejection of each alternative:

See Attachment J

9. Operational Maintenance of the Site:

Identify who will be responsible for the operational maintenance of the commercial/industrial use:

Name: Lake Champlain Transportation

Address: 1 King Street Dock Burlington, Vermont 05401

Telephone Number: (802) 864-9804

10. Periods of Operation:

- a) Describe the hours, days of the week and seasons that you plan to operate your facility at the initial period of full operation:

8:00am to 9:00pm, 7 Days/Week through April 1st to October 31st.

8:00am to 5:00pm, 6 Days/Week through November 1st to March 31st.

- b) If you anticipate expanding your periods of operation within the next five years, please describe the probable future hours, days of the week and seasons that you may operate the facility:

No upland activity plans at this time.

11. Planned Level of Activity at Full Operation:

Complete the following table for anticipated numbers of customers/visitors at full operation.

Customers/Visitors	Spring	Summer	Fall	Winter
Maximum Number/Day	30	30	30	20
Average Daily Total	25	25	25	15
Season Total	2,275	2,350	2,275	1,335

12. Traffic:

Complete the table for anticipated traffic at full operation during the busiest season.

Traffic	Monday to Friday	Saturday and Sunday
Peak Hours of Traffic	12:00pm-6:00pm	10:00am-8:00pm
Number of Cars/Trucks at Peak Period	300	300
Number of Buses at Peak Period	5	0

13. Deliveries and Shipments:

Will your facility be shipping or receiving any raw materials, supplies or other goods or products?

No

Yes. If yes, please answer the following questions:

- a) Type of materials, supplies or goods to be shipped/received: Marine and Restaurant related supplies/goods.
- b) Type of shipping/delivery vehicles: Food trucks & Trailers
- c) Average number of deliveries per day: 1
- d) Hour of earliest delivery: 7:00am
- e) Hour of latest delivery: 4:00pm
- f) Type and number of delivery vehicles that will stay on site overnight: 0
- g) Location on site where deliveries will be received: Restaurant & Service building.
- h) Location on site where deliveries will be stored: Within buildings or parking lot to stage.

14. Project Employment and Other Benefits:

- a) Construction: Describe the number of persons that will be employed in constructing the project and the average number of weeks workers will be employed:

Part-time 7 Avg. # Weeks 6
Full-time 0 Avg. # Weeks 0

Please provide the anticipated payroll during construction: \$100,000

- b) Operation/Occupancy: Describe the number of proposed part-time and full-time year-round and seasonal employees at full operation:

Year-round:

Part-time 0 Avg. # Weeks 0
Full-time 3 Avg. # Weeks 52

Seasonal:

Part-time 4 Avg. # Weeks 20
Full-time 0 Avg. # Weeks 0

Please provide the anticipated payroll at full operation/occupancy: _____

- c) Commercial, industrial, residential, recreational as well as other benefits may be derived by a project. For example, a new commercial/industrial use might provide benefits to the community by filling a need for specific goods or services not currently available, providing goods or services that support existing commercial/industrial uses, or generating economic growth by promoting the need for additional new commercial/industrial uses. Please describe any potential benefits to be derived from the project including general service improvements to the community:

Provides docking for the community, access to water related activities and amenities on Lake Champlain, and a place to store boats throughout the year.

15. Real Property Tax:

- a) What is the current assessment of the project property? \$ 2,983,900.00

- b) Are any tax abatements proposed?

No
 Yes

16. Project Costs:

Provide approximate cost estimates for the proposed project, including:

- a) site acquisition costs (if any): \$1.4 million
- b) annual lease costs (if applicable): N/A
- c) construction costs for site access and preparation, construction of principal buildings and associated accessory structures, parking areas, utilities, and other site development: _____
- d) annual maintenance and operation costs: \$1.0 million

17. Site Plan Map:

A detailed, to-scale Site Plan Map is required for each commercial/industrial use application. The Site Plan Map may be combined with the survey or deed plot required by Section 38, as **ATTACHMENT D**. Site Plan Maps should be prepared by an appropriately qualified person to so act in the State (i.e., licensed surveyor, engineer, architect or landscape architect). The Site Plan Map is the best way to show what you propose to do on the project site.

Provide a Site Plan Map drawn to scale of one inch equals 20 or 40 feet, which is clearly labeled with the map scale, north arrow, date of preparation and name of preparer. Show and label all of the following within the proposed project limits for each area of proposed construction:

a) Existing Conditions:

Natural resources, including all:

- 1) waterbodies, including ponds, rivers and permanent and intermittent streams;
- 2) wetlands (to be delineated by Agency staff or by trained professionals with review by Agency staff);
- 3) floodplain boundaries and elevation of the 100-year floodplain;
- 4) areas of bedrock at or near the surface;
- 5) boundaries of existing vegetation cover types (e.g., forested, field, agricultural);
- 6) topographic contours at 2-foot intervals;
- 7) natural swales and drainage features; and
- 8) any special plant or animal habitats contained on the NYSDEC Natural Heritage database.

Existing human-made resources, including all:

- 1) principal and accessory buildings (label size, use and materials);
- 2) retaining walls, fencing and other structures;
- 3) public roadways, bridges, railroads, and parking lots (label size and materials);
- 4) intersecting private roadways and driveways (label size and materials);
- 5) sidewalks, stairways and other pedestrian facilities (label size and materials);
- 6) boat docks, fishing piers and other waterfront facilities (label size and materials);
- 7) culverts, headwalls, ditches, settling basins and other stormwater management facilities (label size and materials);
- 8) overhead and underground public utilities located within the right-of-way (ROW);
- 9) guide rails and signs; and
- 10) property lines, lot lines and easement lines, and ROW lines of all municipal, county and State highways.

b) Proposed Conditions, including all:

- 1) new principal and accessory buildings (label use, size, and materials);
- 2) retaining walls, fencing and other structures (label size and materials);
- 3) all new roadway and parking areas (label size and materials);
- 4) new sidewalks, stairways and other pedestrian facilities (label size and materials);
- 5) proposed property lines, lot lines, and easement lines;
- 6) construction limit lines;
- 7) grading limit lines and final grading shown at 2-foot intervals;
- 8) permanent stormwater management facilities (label size and materials);

- 9) new or relocated private and public utilities;
- 10) new guide rails and signs;
- 11) fuel and bulk chemical storage and dispensing facilities;
- 12) docks, bulkheads, piers and other waterfront facilities;
- 13) temporary access roads and work pads;
- 14) temporary stream diversions;
- 15) limits of vegetative cutting; and
- 16) new landscape development, limits of wetland fill and wetland mitigation areas.

PROJECT DETAILS

18. Proposed Construction and Operation Dates:

- a) Estimated Start of Construction Date: 8/1/2024
- b) Estimated Construction Completion Date: 9/31/2024
- c) Estimated Start of New or Expanded Commercial/Industrial Use Date: 10/1/2024

19. Proposed Site Access:

- a) Describe the location, type of material, and size of any proposed temporary construction access drives to the project site:

No temporary access drives

- b) Describe the location, type of material, and size of any proposed permanent roads and driveways within the project site:

Existing Access to the project site will be utilized.

- c) Will the project require a highway work permit from county transportation departments or New York State Department of Transportation (NYSDOT)?

No

Yes. If yes, provide plans, details and specifications for all temporary and permanent roads and driveways. Attach a copy of the county or NYSDOT Highway Work Permit if one is required.

20. Proposed Buildings and Structures:

- a) Are there buildings on the total contiguous landholding now owned by the present landowner?

No

Yes. If yes, provide the following information (attach additional sheets if necessary):

Date of Construction	Size (square feet)	Height (feet)	Type/Use (e.g., rental cabin, store, warehouse)
Before August 1st, 1973	4,590 SF	Unknown	store/office/shop/restuarant
Before August 1st, 1973	550 SF	Unknown	Bathroom
Unknown	~165 SF	Unknown	Fueling Facility
Before August 1st, 1973	1,260 SF	Unknown	Residence

*See Attachment J for continuation

Describe any other structures which existed on the property as of August 1, 1973 which have since been removed or destroyed and their use (e.g., residential, commercial). Include the date that the structure was removed or destroyed:

Check if no buildings or structures have been removed or destroyed since August 1, 1973.

b) Will any buildings or other structures be demolished, replaced or constructed new as part of this project?

No

Yes. If yes, describe:

Tire Breakwaters will be removed, Moorings will be removed or relocated, new breakwater will be installed, and docks will be expanded for additional slips. One 16' x 20' accessory structure proposed on gas dock for the dock attendant and gas sales.

c) Provide construction plans and details for all proposed commercial, industrial, warehouse, storage and other accessory buildings; bulkheads, piers, docks or other waterfront facilities; or fencing, sidewalks, stairways or retaining walls that will be constructed as part of the project. Show plans and elevations and label dimensions, construction materials and exterior colors.

21. Exterior Parking:

a) Describe the number and location of *existing* vehicle, boat, trailer, or airplane parking spaces on the existing property:

Parking in front of Valcour Store East of NYS Route 9. 115 Capacity overflow parking west of NYS Route 9 across from Valcour Store. 13 Parking spots in front of the Mariner Bar & Grill. 120 Parking Spots west of NYS Route 9 across from the Mariner Bar & Grill. 85' x 150' Boat Storage Building building west of NYS Route 9 across from the Mariner Bar & Grill. Boat Staging Area located north of boat service building, west of NYS Route 9. Two 60' x 100' Boat storage buildings located West of NYS Route 9 across from the Valcour Store. Out-of-doors boat storage area located south of Boat storage buildings across from the Valcour Store. 110 Slips & 60 Moorings existing in Olde Valcour Marina and 124 Slips & 52 Moorings existing in Snug Harbor Marina.

b) Describe the number and location of all *proposed* vehicle, boat, trailer or airplane parking spaces:

302 Total Slips proposed & 68 Total Moorings proposed. Due to <7% increase to the total capacity, no additional parking is proposed.

c) Show and label all existing and proposed parking areas on a separate parking plan or on the Site Plan Map. Provide construction plans and details for all parking areas.

22. Proposed Outside Storage:

Will the project involve outside storage of inoperable vehicles, construction materials, equipment, raw materials or finished goods after the project is constructed?

- No
 Yes. If yes, describe the type and location of materials or objects to be stored:

See vehicle storing locations described in (21a).

23. Fuel Storage and Handling:

Will the project involve the storage and dispensing of motor, heating, or jet fuels, process chemicals and/or raw materials?

- No
 Yes. If yes, provide the following information:

- a) Describe the type, volume, method of storage and manner in which fuels, process chemicals and/or raw materials will be dispensed (e.g., material will be stored in closed aboveground silos and will be pumped into the industrial plant via pipes) and location of all fuel and bulk chemical storage and dispensing facilities:

Two fueling facilities are located where the marina dock meets the shoreline. See tank info in Attachment D.

- b) Provide plans and details for all fuel storage and dispensing facilities. Show and label the facilities on the Site Plan Map. If applicable, provide a copy of the NYSDEC Tank Registration for each tank.

24. Wastewater Treatment Systems:

- a) Type of existing system:
 None
 Community
 Municipal (Operating Entity) Town of Peru
 Existing wastewater flows _____ gallons/day
 Individual on-site system

Describe type and size of existing absorption area:

- b) Type of new, replacement or expanded wastewater treatment system:
 None
 Community
 Municipal (Operating Entity) _____
 Individual on-site system

Describe type and size of system:

- c) Provide detailed plans for any new, replacement or expanded wastewater treatment system(s) prepared by an engineer licensed in the State of New York. If an on-site system is proposed and unless otherwise instructed by Agency staff, show at a minimum:
- 1) soils test pit location and data;
 - 2) percolation test hole location and results taken within the proposed absorption area(s);
 - 3) details on design of the system (application rate and number of bedrooms, etc.);
 - 4) size and type of septic tank;
 - 5) pumping station (if necessary);
 - 6) distribution box; and
 - 7) soil absorption system.

25. Proposed Water Supply Systems:

- a) Type of existing system:
- None
 - Community
 - Municipal (Operating Entity) _____
 - Individual on-site system
- b) Type of new, replacement or expanded system:
- None
 - Community
 - Municipal (Operating Entity) _____
 - Individual on-site system
- c) Show and label on the Site Plan Map the location of any on-site well or, if a community or municipal system, the distribution piping.

26. Other Public Utilities:

- a) Type of other existing utilities:
- Natural Gas (Operating Entity) _____
 - Electric (Operating Entity) _____
 - Telephone (Operating Entity) _____
 - Other (Operating Entity) _____
- b) Type of new, replacement or expanded system:
- None
 - Type _____ (Operating Entity) _____
 - Type _____ (Operating Entity) _____
- c) Show and label on the Site Plan Map all existing and proposed public utilities.

27. Exterior Lighting:

Will the project involve new exterior site lighting that will be freestanding or attached to existing or proposed buildings?

- No
 Yes. If yes, provide a Lighting Plan as follows:

- a) Show the location of and label all exterior light fixtures on the Site Plan Map or on a separate to-scale lighting or utility plan.
- b) Provide plan and elevation views and construction details of all freestanding light standards. Show the foundation, the light standard, the light fixtures, and any shielding that will restrict projected light from being seen off-site.
- c) Provide manufacturers specifications and details describing:
 - 1) the size, color, and type of light standards and light fixtures;
 - 2) bulb types and wattages;
 - 3) surface area lit by each light; and
 - 4) shields and reflectors.

28. Exterior Signing:

Will the project involve any new exterior signing?

- No
 Yes. If yes, provide a Sign Plan as follows (the sign plan must comply with 9 NYCRR Appendix Q-3 – Standards for Signs Associated with Projects):

- a) Show and label on the Site Plan Map, or on a separate Sign Plan, the number, location, and orientation of all exterior signs.
- b) Provide to-scale details and specifications for each proposed outdoor sign that includes at a minimum:
 - 1) width and height from ground surface to top of each sign;
 - 2) construction details and materials;
 - 3) proposed text, color scheme, logos or other graphics; and
 - 4) details of any raised foundations, planters or retaining walls.

29. Proposed Landscape Development:

Will the project involve landscape development (e.g., planting of trees and shrubs for screening, aesthetics or erosion control or establishment of turf areas)?

- No
 Yes. If yes, provide a Planting Plan as follows:

- a) Provide and label on the Site Plan Map or a separate plan the location of all proposed planting. Provide a keyed list that provides the species and common names, sizes, and whether the plants are nursery grown or field collected. (Note: The planting plan should only include native species or ornamental plants commonly found in the vicinity of the project site).
- b) Provide specification, typical planting details, and seed mixes for temporary and permanent grassed areas.

- c) Provide a plan for maintenance and care of all plantings during the initial period of establishment and during the post-construction warranty period.

30. Use of Herbicides, Pesticides, Fertilizers, Sand and Salt:

Will the operation of the project involve the use of herbicides, pesticides, fertilizers, sand or salt?

- No
 Yes. If Yes, please provide the following information:

- a) Describe the type, proposed areas of use, storage and handling of all products:
- b) If using herbicides or pesticides, provide copies of all product labels.

INDUSTRIAL USES ⁽¹⁾: (answer questions 31-35)

31. Operating Profile - Products and By-products:

- a) Describe the primary product(s) to be created through this industrial activity:
N/A - no industrial uses proposed
- b) What are the anticipated volumes of production in numbers of units, tons, cases or other measures?
- c) Will there be salable by-products? If yes, please describe and provide anticipated volumes:
- d) Provide an overview of the production process:

32. Operating Profile - Raw Materials and Process Materials:

- a) What raw materials will be used in production and in what volumes?
- b) What process chemicals or other process materials will be used in production and in what volumes?

⁽¹⁾ Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. These questions should also be answered for saw mills, pallet mills, chipping mills and similar wood using facilities.

- c) Will the production process involve the use of water and/or process heat? If so, provide details:

33. Operating Profile - Waste Materials:

- a) What liquid and/or solid wastes will be produced as a result of production? In what volumes?
- b) Detail how wastes will be stored and disposed of. Any outside storage or disposal facilities should be shown on the Site Plan Map.
- c) Indicate whether you have applied for a NYS Department of Environmental Conservation (NYSDEC) Article 19 air pollution control permit, an Article 17 SPDES (water discharge) permit, or any other permits (if required).

34. Operating Profile – Machinery:

- a) Provide a list of all major installed and mobile equipment and the noise decibel levels of each.
- b) Identify on the Site Plan Map the expected operating location(s) of any outside mobile equipment and any installed equipment with through-the-wall openings to the outside (e.g., debarkers or chippers).

35. Operating Profile - Periods of Operation:

- a) Indicate the expected hours of operation and number of days per week that the facility is expected to operate.
- b) How many work shifts are anticipated? Indicate the expected starting hour for each.
- c) Are changes in numbers of shifts, overall operating hours, or number of operating days expected as the operation matures?

PROJECT SITE DOCUMENTATION

36. Deed(s):

Provide, as **Attachment A**, a complete copy of the current recorded deed(s) for the project site containing the recording information. Copies are available from the County Clerk's Office. Also, if the project sponsor has an executed contract or agreement to purchase or lease the project site, please provide a copy of it in order to establish the sponsor's legal interest in the project site. (The purchase price and other confidential information may be blackened out.)

37. Adjacent Properties:

Provide, as **Attachment B**, a complete and current list of the names and addresses of all landowners whose property adjoins the project site with the tax map references (tax map section, block, and parcel numbers) based on the latest completed tax assessment roll. This list must include landowners whose property would otherwise adjoin the project site but is located across a public road or right-of-way from the site. Attached is a sheet which should be used to provide the required list of adjoining landowners. (This information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.)

38. Project Site History:

As part of its review of the project, Agency staff must understand the history of the project site. If the project site was part of a larger parcel on May 22, 1973 (the enactment date of the Adirondack Park Agency Land Use and Development Plan), the exact property boundaries of the larger parcel and the size of all buildings on that date must be established.

a) State the current acreage of all connected lands owned by the current landowner, even if the parcels have different deeds and/or tax map numbers and even if larger than the project site: 41.1 acres

b) As of May 22, 1973, did the owner at that time own any adjoining property, including properties on the opposite sides of public roads?

No

Yes. If yes, provide the Tax Map References of these adjoining properties:

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

c) Has any portion of the total as it existed on May 22, 1973 been conveyed, sold, given away or otherwise subdivided since that date?

No

Yes. If yes, provide the following information for those lots or parcels (Use a separate 8-1/2"x11" paper if necessary):

Lot Number (from current tax map)	Date of Conveyance	Lot Size (sq. ft. or acres)	Was Conveyance by Gift or Sale?
258.-2-13.1,13.3,13.4	11/09/2007	38.29 AC	Subdivided

Provide, as **Attachment C**, a complete copy of all recorded deeds (not just abstracts) for the above conveyances back through May 22, 1973.

Provide, as **Attachment D**, a full scale copy of a survey map or the current real property tax map clearly showing the property boundaries of the project site and any tax parcel or lot that the project site was part of on May 22, 1973.

39. Deed Restrictions and Easements:

Describe and provide, as **ATTACHMENT E**, any current deed restrictions or easements associated with the project site.

Attach, as **ATTACHMENT F**, any proposed deed language that will restrict further subdivision or development on the project site and any other proposed deed restrictions or easements.

PROJECT SITE RESOURCES

40. Historic Resources:

Does the project site have any buildings that are more than 50 years old, or does the project site or surrounding area contain any structures or districts which are listed or deemed eligible to be listed on the State or National Register of Historic Places or does the project site involve any known archeological resources?

No

Yes to any of the above criteria

If yes, provide a location map, project description, site plan map, and recent photographs keyed to the location map, which the Agency will then submit to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as part of consultation required by the State Historic Preservation Act. Please be advised that the Agency cannot deem an application as complete until the OPRHP's determination and/or recommendations for historic resource impact mitigation have been provided to the Agency.

41. Character of the Area/Adjoining Land Uses:

Describe the natural and human made character of the nearby and adjoining land uses including the type and density of existing commercial, industrial and residential development, roads, State lands, and public recreation /open space recreational facilities (e.g., hiking trails, boat launches):

The area in the vicinity of the project is somewhat intensively commercially developed. The immediate area includes a marina, a restaurant, single family dwellings, seasonal cabins, a motel, and a multiple family dwelling. There is a state-owned boat launch, a gun shop, and several residences located south of the project along NYS Rt 9.

42. Shoreline:

Shoreline means that line at which land adjoins waters of lakes or ponds or navigable (by boat or canoe) rivers and streams. There are minimum shoreline vegetation cutting restrictions, lot width, structure setbacks, sewage disposal system setback and shoreline access requirements under the Adirondack Park Agency Act and regulations implementing the NYS Wild, Scenic and Recreational Rivers System Act. These shoreline protection standards are measured from the mean high water mark (MHWM - the average of the annual high water levels). Please contact Agency staff for requirements. If the project site has shoreline and you propose construction of any kind within 100 feet of the shoreline (150 feet for Recreational Rivers, 250 feet for Scenic Rivers), the MHWM will have to be established and shown on a site plan map in order to have a complete application. At the project sponsor's request, Agency staff will determine the MHWM at the project site or you can have the determination made by a NYS licensed land surveyor. If you are unsure of navigability, please contact Agency staff.

- a) Does the project site contain any navigable water?
 No (If no, go to Section 43 – Wetlands)
 Yes. Name of water body: Lake Champlain
Length of shoreline on the project site (as it winds and turns): 810 feet

- b) Is any portion of the shoreline currently being used or proposed for use by others for deeded or contractual access to the water body?
 No
 Yes. If yes, identify and describe all shoreline access parcels, the number of lots having access to each parcel and the dates access was granted. Also provide a complete copy of all deeds for all properties which have been granted access to the water body via a shoreline access parcel:

- c) Will any vegetation be cut or removed within 35 feet of a lake or pond or navigable river or stream or within 100 feet of a designated NYS Wild, Scenic or Recreational River? (If you are uncertain whether the shoreline is along a designated river, check on the Adirondack Park Land Use and Development Plan Map, or the APA Regulations Appendix Q-6, or contact Agency staff.)
 No
 Yes. If yes, describe type, amount and location of vegetation to be removed:

43. Wetlands:

Are there any wetlands on the project site?

No (If no, go to Section 44 – Visual Impacts)

Yes. If yes, answer the following questions. The wetland boundaries as delineated and/or confirmed by Agency staff must be shown and labeled on the Site Plan Map.

a) Are any of the activities listed below proposed to occur within the boundaries of a freshwater wetland?

No

Yes. If yes, check all that apply:

Draining; dredging; excavation; removing soil, peat, muck, sand, shells or gravel

Dumping or filling with soil, stone, sand, gravel, mud, or fill of any kind

Erecting structures, building roads or driveways, driving pilings, or placing any other obstructions

Clearcutting of more than three acres: state number of acres _____

Applying pesticides or fertilizers

Constructing a wastewater treatment system or discharging a sewer outfall

If yes, please also provide a detailed written description of the measures taken to avoid or minimize wetland impacts:

b) Will the project result in the temporary or permanent loss of any wetland acreage by filling or draining?

No

Yes. If yes, amount of acreage to be lost: _____ square feet.

c) Will any of the activities listed below occur within the 100 feet of a wetland?

No

Yes. If yes, check all that apply:

_____ Constructing a wastewater treatment leaching or absorption facility

_____ Applying pesticides

_____ Conducting other activities that could impair the functions or benefits derived from wetlands, including any diversion of water or change in hydrology, or substantially increases erosion or sedimentation.

If “Yes” was checked for any of the questions in this section, a compensatory wetland mitigation plan prepared in accordance with the “New York State Adirondack Park Agency Compensatory Mitigation Guidelines” may be required. A copy of these guidelines is available on the Agency’s website (www.apa.ny.gov) or upon request.

44. Visual Impacts:

Will the project involve a building, tower or other structure greater than 40 feet in height?

- No (If no, go to Section 45 – Erosion and Sediment Control Plan)
- Yes. If yes, will the building, tower or other structure be visible from public roads, or publicly accessible open space or recreational facilities (e.g., hiking trails, parks, canoe routes)?
- No
- Yes. If yes, Agency staff may direct that you prepare a “Visual Resource Assessment” report that identifies:
- a) key viewpoints from publicly accessible areas;
 - b) key viewer groups; and
 - c) the type, distance and duration of the view.

You will also be asked to describe efforts to mitigate adverse visual impacts and may be required to prepare visual simulations showing how the proposed building or structure will appear after construction from selected viewpoints.

45. Erosion and Sediment Control Plan:

Will the project involve clearing, grading, grubbing or excavation?

- No
- Yes. If yes, provide an Erosion and Sediment Control Plan. The plan shall apply to all on-site and off-site construction work areas, staging areas, on-site or off-site detours, borrow areas, and wetland mitigation sites.
- a) Provide and label all temporary and permanent erosion and sediment control practices, including but not limited to silt fence, turbidity curtains, diversion structures, seeding, soil stabilization fabrics, and stone fill. Label the plan to show the type, size, and length of these measures.
 - b) Provide and label typical details, special notes and specifications for all stormwater management and erosion and sediment control facilities and practices. Describe installation and maintenance requirements. Typical details shall show the type, size, materials, and installation methods.
 - c) Identify temporary practices that will be converted to permanent facilities.
 - d) Provide an implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration each practice is to remain in place.

46. Stormwater Management Plans:

Will the project involve a cumulative disturbance of one or more acres of land area by clearing, grading, grubbing or excavation or does the project involve a stormwater discharge to Waters of the United States?

- No
- Yes. If yes, you may be required to obtain coverage under the NYSDEC Stormwater General Permit. Provide a copy of your Stormwater Management Plan required pursuant to the general permit.

47. Construction Staging Areas:

a) Describe (and show on the Site Plan Map) the location and proposed use of all on-site and off-site construction staging areas (e.g., for field office, equipment and materials storage, batch plants) for the project:

b) Describe how the staging areas will be restored after construction completion:
 All Areas will be restored to their pre-existing condition

If the staging areas will be out of the right-of-way, provide the following information for each involved parcel:

Landowner Name: _____
 Mailing Address: _____
 Staging Area Site Location:
 Street Address: _____ Town: _____ County: _____
 Tax Map No: _____
 Telephone Number (daytime): _____

48. Solid Waste Disposal:

Describe the type, estimated quantities, methods of disposal and on-site and off-site disposal locations of all waste materials generated from the project.

Type of Waste Material	Estimated Quantity	Disposal Method	Disposal Location
Trees, stumps and other grubbed materials	0	N/A	N/A
Unsuitable and excavated existing soils	0	N/A	N/A
Construction and demolition debris	0	N/A	N/A
Asbestos, paint chips and other hazardous substances	0	N/A	N/A

If waste disposal will occur off-site, provide the following information for each involved parcel. Please note that a separate permit may be required for each off-site waste area.

Landowner Name: _____
 Mailing Address: _____
 Waste Disposal Site Location:
 Street Address: _____ Town: _____ County: _____
 Tax Map No: _____
 Telephone Number (daytime): _____

49. Other Regulatory Permits and Approvals:

The Agency cannot approve a project which has been denied a permit or which is a prohibited use under local zoning requirements and other local laws or ordinances. The Agency will also recognize community goals expressed in a formally adopted land use plan. The project should be designed to the regulatory requirements of other involved agencies.

- a) Local Government Notice Form:
Provide, as **Attachment G**, a completed copy of the Local Government Notice Form from the municipality in which your project is located. Have it filled out and signed by an appropriate official (e.g., Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and return it with the project application. Please read the form for instructions.
- b) Municipal Approval Documents:
If local approval has been obtained for the proposed project, then provide as **Attachment H**, documentation (e.g., permit, site plan approval or final subdivision plat) to the Agency which confirms that the project has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the project has been discussed. (This last request is continuous; the information should be provided to the Agency as it becomes available.)
- c) State and Federal Agency Contacts:
Complete the following and indicate whether any of the following agencies or departments have been contacted. Your APA application may remain incomplete until all state agency applications are complete, to allow a coordinated review.

Agency	No	Yes	Date	Contact Person & Phone Number
NYS Department of Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
NYS Department of Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
NYS Department of Environmental Conservation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
NYS Office of Parks, Recreation & Historic Preservation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
NYS Department of Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
U.S. Army Corps of Engineers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Lake George Park Commission	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

- d) State and Federal Permits, Approvals and Determinations:
Provide, as **Attachment I**, copies of all permits, approvals and determinations received from the above agencies.

50. Required Signatures:


I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION, INCLUDING ALL ATTACHMENTS. I BELIEVE THIS INFORMATION TO BE TRUE, ACCURATE AND COMPLETE. IN ADDITION, IN THE CASE OF ANY PROJECT SPONSOR CORPORATION, LIMITED LIABILITY CORPORATION, PARTNERSHIP OR OTHER LEGAL ENTITY, I ALSO AFFIRM THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION ON BEHALF OF THAT ENTITY.

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY, AT REASONABLE TIMES AND WITH ADVANCE NOTICE WHERE POSSIBLE, TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT.

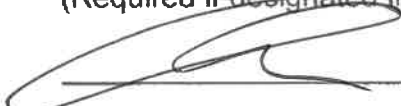
Signature of all Project Sponsors: (if not the landowners)
(Required for all applications)

_____	_____	_____
_____	_____	_____
Signature	Print Name/Title	Date

Signature(s) of all Landowner(s) from current deed:
(Required for all applications)

 _____	Kyle Bostwick _____	6.10.24 _____
_____	_____	_____
Signature	Print Name	Date

Signature of Authorized Representative:
(Required if designated in Section 3 of this application)

 _____	Aaron J Ovios _____	6-10-24 _____
_____	_____	_____
Signature	Print Name	Date

Attachment A - Current deed



John H. Zurlo, County Clerk
 137 Margaret St
 Ste 101
 Plattsburgh, NY 12901-2966
 (518) 565-4700

Clinton County Clerk Recording Cover Sheet

Received From :
 LEGACY TITLE SERVICES LLC
 18 DIVISION STREET
 SARATOGA SPRINGS, NY 12866

Return To :
 LEGACY TITLE SERVICES LLC
 18 DIVISION STREET
 SARATOGA SPRINGS, NY 12866

First 1ST PARTY(---OR)

DLC PARTNERS LLC

First 2ND PARTY(--EE)

LAKE CHAMPLAIN TRANSPORTAION COMPANY

Instr Number : 2024-00337985

Index Type : Land Records

Type of Transaction : Deed - (Other Property)

Recording Fee : \$325.00

Recording Pages : 6

The Property affected by this instrument is situated in Peru, in the County of Clinton, New York

Real Estate Transfer Tax

RETT # : 2224

Deed Amount : \$1,100,000.00

RETT Amount : \$4,400.00

Total Fees : \$4,725.00

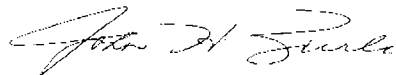
State of New York

County of Clinton

I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York

On (Recorded Date) : 06/07/2024

At (Recorded Time) : 8:24:00 AM



John H. Zurlo, County Clerk



WARRANTY DEED

THIS INDENTURE. Made the 31st day of May, Two Thousand Twenty-Four

Between **DLC PARTNERS, LLC**, a New York Limited Liability Company, with an address of 4013 Route 9, Plattsburgh, New York 12901,

Party of the first part; and

LAKE CHAMPLAIN TRANSPORTATION COMPANY, d/b/a LAKE INDUSTRIES, a Vermont Corporation which maintains its principal offices at King Street Dock, Burlington, Vermont 05401,

Party of the second part.

Witnesseth that the party of the first part, in consideration of ONE and No/100 Dollar (\$---1.00---) and other good and valuable consideration, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever, **ALL THOSE CERTAIN PIECES OR PARCELS OF LAND** as more particularly described in "Schedule A" attached hereto and made a part hereof.

BEING the same premises conveyed by MMS Marinas I, LLC to DLC Partners, LLC by deed dated September 17, 2008 and recorded in the Clinton County Clerk's Office on September 24, 2008 as Instrument Number 2008-00219323.

This conveyance is made with the unanimous consent of all officers, directors and members of party of the first part and is made in the ordinary course of business of party of the first part.

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

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And said party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That said party of the first part will forever Warrant the title to said premises;

Third, That, in Compliance with Sec. 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this Instrument on the date and year first above written.

In presence of

DLC PARTNERS, LLC

BY:



JEFFREY OLSON, MEMBER

STATE OF NEW YORK)

) SS.:

COUNTY OF CLINTON)

On this 30th day of May, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared **JEFFREY OLSON**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the entity upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

EVAN F. BRACY
Notary Public, State of New York
No. 02685026609
Qualified in Clinton County
Commission Expires April 25, 2026

Record & Return:

John B. DuCharme, Esq.
DuCharme Clark, LLP
646 Plank Road, Suite 204
Clifton Park, NY 12065



FIDELITY NATIONAL TITLE INSURANCE COMPANY

CERTIFICATE FOR TITLE INSURANCE

EXHIBIT "A" – PROPERTY DESCRIPTION

Property 1:

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the westerly bounds of New York State Route 9, which point is the southeast corner of the parcel herein described and is also the northeast corner of lands of, now or formerly, of Louis J. and Kristine A. Nuzzo (Deed instrument # 134815); Thence N 87 deg 31' 57" W, along the southerly bounds of the parcel herein described and along the northerly bounds of said Nuzzo, 1340.24 feet to an iron pin set in the easterly bounds of the CP Rail Company, which point is the southwest corner of the parcel herein described and is also the northwest corner of said Nuzzo; Thence N 07 deg 13' 26" E, along the westerly bounds of the parcel herein described and along the easterly bounds of said CP Rail Company, 398.45 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also the southwest corner of lands of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87 deg 35' 08" E along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 1,368.68 feet to an iron pin set in the westerly bounds of aforesaid Route 9; Thence S 12 deg 19' 54" W, along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 202.95 feet to a point; Thence S 11 deg 38' 47" W, and continuing along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 200.74 feet to the point or place of beginning.

Property 2:

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the easterly bounds of New York State Route 9 which point is the southwest corner of the parcel herein described and is also the northwest corner of lands, now or formerly, of James D. Carter (Vol. 822, Page 238); Thence N 12 deg 38' 56" E, along the easterly bounds of said Route 9 and along the westerly bounds of the parcel herein described, 200.94 feet to a point; Thence N 12 deg 38' 56" E, and continuing along the easterly bounds of said Route 9 and continuing along the westerly bounds of the parcel herein described, 203.20 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also a point in the southerly bounds of lands, now or formerly, of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87 deg 36' 17" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Goodrich, 13.36 feet to a point; Thence S 87 deg 40' 50" E, and continuing along the northerly bounds of the parcel herein described and continuing along the southerly bounds of said Goodrich, 39.32 feet to a point; Thence continuing along the same bearing of S 87 deg 40' 50" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 10 feet, more or less, to the high water mark of Lake Champlain; Thence southerly, along the high water mark of Lake Champlain, as it winds and turns, and along the easterly bounds of the parcel herein described, 400 feet, more or less, to a point, which point is the southeast corner of the parcel herein described and is also the northeast corner of aforesaid Carter; Thence N 87 deg 14' 01" W, and along the southerly bounds of the parcel herein described and along the northerly bounds of said Carter, 94.04 feet to the point or place of beginning.

Property 3:

All that certain piece or parcel of land situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the easterly bounds of New York State Route 9, which point is the southwest corner of the parcel herein described, and is also northwest corner of lands, now or formerly, of James D. Carter (Vol. 614, Page 104); Thence N 06 deg 25' 16" W, along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 299.19 feet to a point opposite the center line of an existing culvert; Thence N 11 deg 00' 00" E, and continuing along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 153.39 feet to a concrete monument, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of James D. Carter (Vol. 646, Page 458); Thence S 87 deg 30' 57" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 140.00 feet to a point; Thence S 87 deg 30' 57" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Carter, 47.00 feet to an iron pin set on the top of a bank; Thence continuing along the



FIDELITY NATIONAL TITLE INSURANCE COMPANY

CERTIFICATE FOR TITLE INSURANCE

EXHIBIT "A" – PROPERTY DESCRIPTION

same bearing of S 87 deg 30' 57" E, and along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 22 feet, more or less, to the high water mark of Lake Champlain; Thence southerly along the high water mark of Lake Champlain, as it winds and turns, 410 feet, more or less, to a point, which point is the southwest corner of the parcel herein described, and is also the northwest corner of aforesaid Carter (Vol. 614, Page 104), which point is located in the bed of Silver Stream, and is located S 08 deg 50' 04" E, 400.00 feet from the northeast corner of the parcel herein described; Thence S 81 deg 54' 30" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Carter (Vol. 614, Page 104), 300.00 feet to the point or place of beginning.

Property 4:

All that certain piece or parcel of land situate lying and being on the westerly side of U S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the westerly bounds of New York State Route 9, which point is the southeast corner of the parcel herein described, and is also the northeast corner of lands, now or formerly, of Daniel A. and Crystal R. Joy (Deed Instrument # 1415563); Thence S 64 deg 24' 46" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Joy, 196.00 feet to a point, said point being the northwest corner of said Joy, and is also a point on the northerly bounds of lands, now or formerly, of Donald K. Derby (Vol. 1005, Page 122); Thence westerly, along the southerly bounds of the parcel herein described and along the northerly bounds of said Derby, on the following bearings and distances: S 67 deg 09' 48" W, 57.13 feet to a point; S 70 deg 51' 08" W, 191.97 feet to a point; S 72 deg 29' 20" W, 137.91 feet to a point; N 88 deg 38' 31" W, 60.85 feet to a point; N 86 deg 32' 14" W, 102.32 feet to a point; S 83 deg 56' 12" W, 31.13 feet to a point; S 08 deg 06' 25" W, 43.29 feet to a point; S 57 deg 31' 04" W, 54.42 feet to a point; S 71 deg 53' 21" W, 36.31 feet to a point; N 87 deg 35' 54" W, 208.84 feet to a point; S 89 deg 09' 29" W, 246.71 feet to a point, said point being the southwest corner of the parcel herein described, and is also the northwest corner of said Derby, and is also a point on the easterly bounds of the CP Rail Company; Thence N 00 deg 15' 32" E, along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 852.00 feet to a point; Thence N 01 deg 37' 50" E, and continuing along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 172.22 feet to an iron pin set, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of Derek J. Miller (Deed Instrument # 132954); Thence S 87 deg 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Miller, 165.86 feet to a point, said point being the southeast corner of said Miller, and is also the southwest corner of lands, now or formerly, of Thomas E. Burt (Deed Instrument # 109997); Thence S 87 deg 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Burt, 1,088.09 feet to a concrete monument set in the westerly bounds of aforesaid Route 9, said point being the northeast corner of the parcel herein described, and is also the southeast corner of said Burt; Thence S 12 deg 26' 05" W, along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 262.92 feet to a point; Thence S 10 deg 43' 26" E, and continuing along the easterly bounds of the parcel herein described, along the westerly bounds of said Route 9, 44.51 feet to a concrete highway monument; Thence S 09 deg 22' 42" W, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 49.75 feet to a concrete highway monument; Thence S 10 deg 59' 02" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 7.25 feet to an iron pipe found, said point being the northeast corner of lands, now or formerly, of Terry and Jeanne Barber (Vol. 612, Page 973); Thence S 89 deg 36' 05" W, along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 100.00 feet to an iron pipe found; Thence S 00 deg 23' 55" E, and continuing along easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 20.00 feet to a point; Thence S 89 deg 36' 05" W, and continuing along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 129.83 feet to a point, said point being the northwest corner of said Barber; Thence S 00 deg 23' 55" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Barber, 85.00 feet to an iron pipe found, said point being the southwest corner of said Barber; Thence N 86 deg 26' 05" E, and continuing along the easterly bounds of the parcel herein described, and along the southerly bounds of said Barber, 123.03 feet to a point; Thence N 89 deg 36' 05" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the southerly bounds of said Barber, 123.54 feet to an iron pipe found, said point being the southeast corner of said Barber, and is also a point in the westerly bounds of aforesaid Route 9; Thence S 23 deg 49' 29" W, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 198.32 feet to a concrete monument; Thence N 77 deg 40' 49" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9,



FIDELITY NATIONAL TITLE INSURANCE COMPANY

CERTIFICATE FOR TITLE INSURANCE

EXHIBIT "A" – PROPERTY DESCRIPTION

130.91 feet to a point; Thence S 10 deg 43'26" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 76.99 feet to the point or place of beginning.

Attachment B - Adjacent Properties Summary

Attachment B

Provide names, mailing addresses, and tax map references (tax map, block and parcels numbers) for all landowners with property adjoining the project site, including property across public roads and rights-of-way.

Richard T Walker 13 Northwood Ave Apt C Peru NY 12972 258.-1-11.3	Claude Landry & Marie A Landry 1 Port Jackson Way Peru NY 12972 258.-2-1	Michael Patrick Bateman & Ashley Jane Bateman 4009 Rt 9 Peru NY 12972 258.-2-3
Lighthouse Apartments LLC 27 Trombley Way Morrsonville NY 12962 258.-2-4	D & H Corporation 7th Floor Tax Department 120 S 6th St. Minneapolis MN 55402 270.-2-39	Vicki L Thomas & James J Mooney 3995 Rt 9 Plattsburgh NY 12901 258.-2-10
Douglas Powers 3898 Rt 22 Plattsburgh NY 12901 258.-2-11	Jeanne Barber 3971 State Route 9 Plattsburgh NY 12901 258.-2-13.2	Jean Francois Leveille 13 Prospect St. Rouses Point NY 12979 258.-2-14
Jennifer Monette 3957 Rt 9 Peru NY 12972 258.-2-22	Donald K Derby 3929 Rt 9 Plattsburgh NY 12901 258.-2-23	Justin R Blaine 220 Lyons Rd Plattsburgh NY 12901 258.-1-8.2

Attachment C - Subject Chain of Title and Deeds



ENGINEERS • PLANNERS • SURVEYORS • SOIL & MATERIAL TESTING

Robert M. Sutherland P.C.

Project Site History

Tax Map Parcel: 258.-2-2.1, 2.2, 2.3, 12, 13.1, 13.3, 13.4

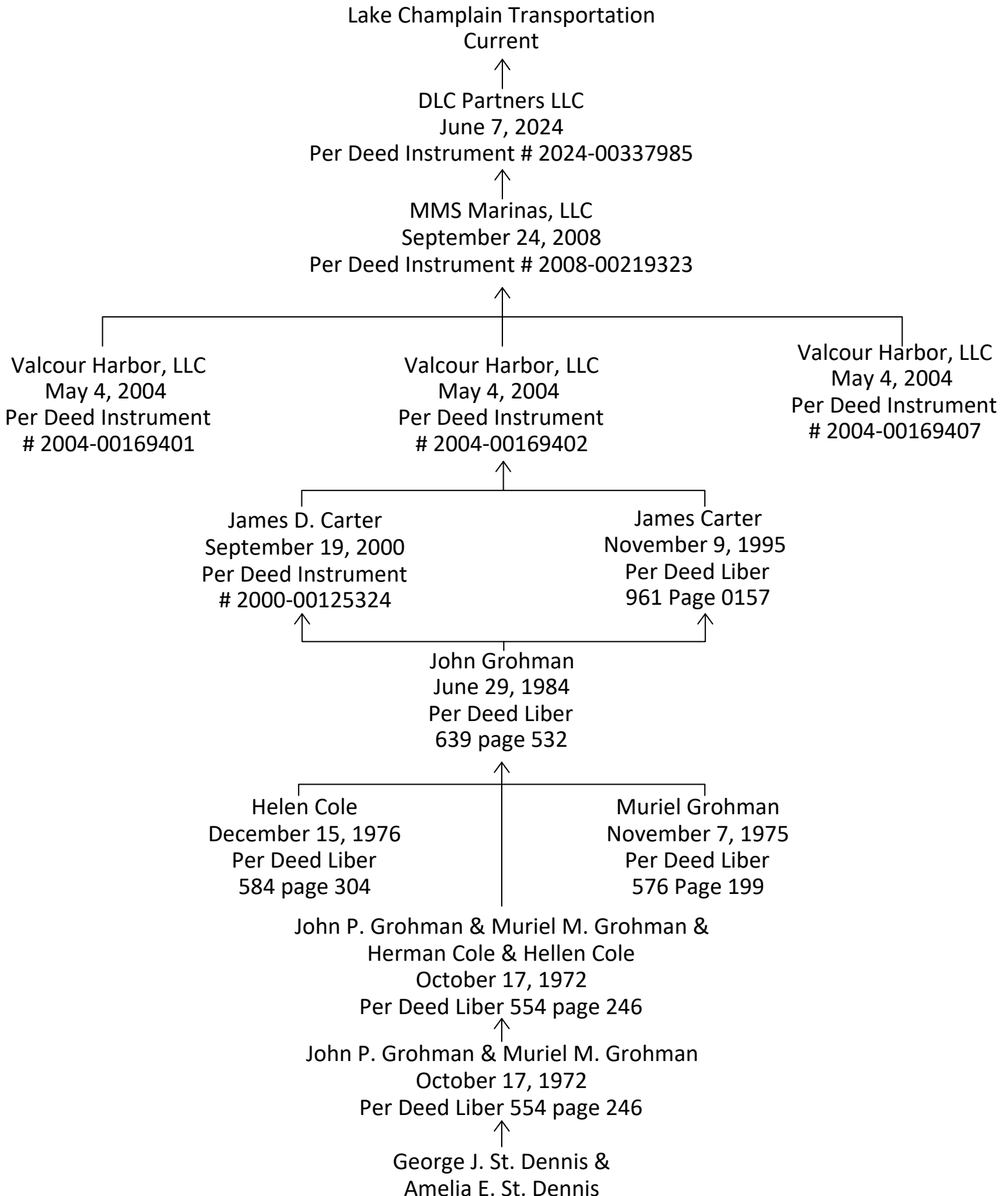
June 7, 2024

41.10 acres

Sale

Subject Chain Of Title

Tax Map Parcel: 258.-2-2.1, 2.2, 2.3, 12, 13.1, 13.3, 13.4





John H. Zurlo, County Clerk
137 Margaret St
Ste 101
Plattsburgh, NY 12901-2966
(518) 565-4700

* 258. -2 - 2.3
Sub
AR/MH
2.2
2.1

Clinton County Clerk Recording Cover Sheet

Received From :
LIBERTY ABSTRACT

Return To :
LIBERTY ABSTRACT

First 1ST PARTY (---OR)

MMS MARINAS I LLC

First 2ND PARTY (--EE)

DLC PARTNERS LLC

Index Type : Land Records
Type of Instrument : Deed
Type of Transaction : Deed - (Other Property)
Recording Fee : \$223.00
Recording Pages : 7

Instr Number : 2008-00219323
Book : Page :

The Property affected by this instrument is situated in Peru, in the County of Clinton, New York

Real Estate Transfer Tax
RETT # : 430
Deed Amount : \$3,035,000.00
RETT Amount : \$12,140.00
Total Fees : \$12,363.00

State of New York
County of Clinton
I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York
On (Recorded Date) : 09/24/2008
At (Recorded Time) : 1:52:33 PM



Doc ID - 002808430007

John H. Zurlo
John H. Zurlo, County Clerk



258. -2 -12
258. -2 -13.1
258. -2 -13.3
258. -2 -13.4
258. -2 -2.1
258. -2 -2.2
258. -2 -2.3

This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Printed On : 09/24/2008 At : 1:56:06PM

Record and Return to:
Ginley + Gottmann PC
96 Ballston Ave
Saratoga Springs NY 12866

This Bargain and Sale Deed is made and entered into this 17 day of September, 2008

Between:

MMS Marinas I, LLC , a Florida Limited liability Company,
having an address of 200 West Palmetto Park Road, Suite
302, Boca Raton FL 33432

Party of the first part, and

DLC Partners, LLC, a New York Limited liability Company,
having an Address of 413 Route 9, Plattsburgh, NY 12901

Party of the second part,

WITNESSETH that the party of the first part, in consideration of Ten Dollars (\$10.00), lawful money of the United States, does hereby grant and release onto the party of the second part, their successors and assigns forever, all that certain real property located in the Town of Peru, County of Clinton, State of New York, together with the improvements located thereon, particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference

Subject to any covenants, restrictions and easements of record.

Subject to easements recorded as follows: Easements in DB 461 p.594; DB 499 p. 122 and DB 578 p. 330; Easement Agreement in Liber 217 p. 225 and Liber 217 p.365; Easement in Liber 784, page 84; Utility Easements in Liber 461 p. 598, Liber 269 p. 485, Liber 461 p. 606, Liber 784 p. 84; Utility Easement in Instrument No. 113050; Utility Easement recorded as Instrument No. 130768.

Subject to APA permits recorded as follows: APA Permit Project 87-416, recorded in Book 13 Misc. p. 317 and Amended Permit recorded in Deeds as Instrument No. 154395; APA Permit (Project 94-379) recorded in Book 13 Misc. p 333 and Amended APA Permit, Instrument No.154395; APA Permit (Project 91-378) recorded in Book 14 Misc. p.1.

LEGAL DESCRIPTION

PARCEL A

All that certain piece or parcel of land situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the westerly bounds of New York State Route 9, which point is the southeast corner of the parcel herein described, and is also the northeast corner of lands, now or formerly, of Daniel A. and Crystal R. Joy (Deed Instrument # 1415563); Thence S 64 deg 24' 46" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Joy, 196.00 feet to a point, said point being the northwest corner of said Joy, and is also a point on the northerly bounds of lands, now or formerly, of Donald K. Derby (Vol. 1005, Page 122); Thence westerly, along the southerly bounds of the parcel herein described and along the northerly bounds of said Derby, on the following bearings and distances: S 67 deg 09' 48" W, 57.13 feet to a point; S 70 deg 51' 08" W, 191.97 feet to a point; S 72 deg 29' 20" W, 137.91 feet to a point; N 88 deg 38' 31" W, 60.85 feet to a point; N 86 deg 32' 14" W, 102.32 feet to a point; S 83 deg 56' 12" W, 31.13 feet to a point; S 08 deg 06' 25" W, 43.29 feet to a point; S 57 deg 31' 04" W, 54.42 feet to a point; S 71 deg 53' 21" W, 36.31 feet to a point; N 87 deg 35' 54" W, 208.84 feet to a point; S 89 deg 09' 29" W, 246.71 feet to a point, said point being the southwest corner of the parcel herein described, and is also the northwest corner of said Derby, and is also a point on the easterly bounds of the CP Rail Company; Thence N 00 deg 15' 32" E, along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 852.00 feet to a point; Thence N 01 deg 37' 50" E, and continuing along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 172.22 feet to an iron pin set, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of Derek J. Miller (Deed Instrument # 132954); Thence S 87 deg 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Miller, 165.86 feet to a point, said point being the southeast corner of said Miller, and is also the southwest corner of lands, now or formerly, of Thomas E. Burt (Deed Instrument # 109997); Thence S 87 deg 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Burt, 1,088.09 feet to a concrete monument set in the westerly bounds of aforesaid Route 9, said point being the northeast corner of the parcel herein described, and is also the southeast corner of said Burt; Thence S 12 deg 26' 05" W, along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 262.92 feet to a point; Thence S 10 deg 43' 26" E, and continuing along the easterly bounds of the parcel herein described, along the westerly bounds of said Route 9, 44.51 feet to a concrete highway monument; Thence S 09 deg 22' 42" W, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 49.75 feet to a concrete highway monument; Thence S 10 deg 59' 02" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 7.25 feet to an iron pipe found, said point being the northeast corner of lands, now or formerly, of Terry and Jeanne Barber (Vol. 612, Page 973); Thence S 89 deg 36' 05" W, along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 100.00 feet to an iron pipe found; Thence S 00 deg 23' 55" E, and continuing along easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 20.00 feet to a point; Thence S 89 deg 36' 05" W, and continuing along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 129.83 feet to a point, said point being the northwest corner of said Barber; Thence S 00 deg 23' 55" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Barber, 85.00 feet to an iron pipe found, said point being the southwest corner of said Barber; Thence N 86 deg 26' 05" E, and continuing along the easterly bounds of the parcel herein described, and along the southerly bounds of said Barber, 123.03 feet to a point; Thence N 89 deg 36' 05" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the southerly bounds of said Barber, 123.54 feet to an iron pipe found, said point being the southeast corner of said Barber, and is also a point in the westerly bounds of aforesaid Route 9; Thence S 23 deg 49' 29" W, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 198.32 feet to a concrete monument; Thence N 77 deg 40' 49" E, and continuing along the easterly bounds of the parcel herein described, and along continuing along the westerly bounds of aforesaid Route 9, 130.91 feet to a point; Thence S 10 deg 43' 26" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 76.99 feet to the point or place of beginning, and containing 25.20 acres, more or less.

Parcel B

LEGAL DESCRIPTION - CONTINUED

All that certain piece or parcel of land situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the easterly bounds of New York State Route 9, which point is the southwest corner of the parcel herein described, and is also northwest corner of lands, now or formerly, of James D. Carter (Vol. 614, Page 104); Thence N 06 deg 25' 16" W, along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 299.19 feet to a point opposite the center line of an existing culvert; Thence N 11 deg 00' 00" E, and continuing along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 153.39 feet to a concrete monument, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of James D. Carter (Vol. 646, Page 458); Thence S 87 deg 30' 57" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 140.00 feet to a point; Thence S 87 deg 30' 57" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Carter, 47.00 feet to an iron pin set on the top of a bank; Thence continuing along the same bearing of S 87 deg 30' 57" E, and along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 22 feet, more or less, to the high water mark of Lake Champlain; Thence southerly along the high water mark of Lake Champlain, as it winds and turns, 410 feet, more or less, to a point, which point is the southwest corner of the parcel herein described, and is also the northwest corner of aforesaid Carter (Vol. 614, Page 104), which point is located in the bed of Silver Stream, and is located S 08 deg 50' 04" E, 400.00 feet from the northeast corner of the parcel herein described; Thence S 81 deg 54' 30" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Carter (Vol. 614, Page 104), 300.00 feet to the point or place of beginning and containing 2.77 acres, more or less.

Parcel C-1

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the easterly bounds of New York State Route 9 which point is the southwest corner of the parcel herein described and is also the northwest corner of lands, now or formerly, of James D. Carter (Vol. 822, Page 238); Thence N 12 deg 38' 56" E, along the easterly bounds of said Route 9 and along the westerly bounds of the parcel herein described, 200.94 feet to a point; Thence N 12 deg 38' 56" E, and continuing along the easterly bounds of said Route 9 and continuing along the westerly bounds of the parcel herein described, 203.20 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also a point in the southerly bounds of lands, now or formerly, of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87 deg 36' 17" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Goodrich, 13.36 feet to a point; Thence S 87 deg 40' 50" E, and continuing along the northerly bounds of the parcel herein described and continuing along the southerly bounds of said Goodrich, 39.32 feet to a point; Thence continuing along the same bearing of S 87 deg 40' 50" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 10 feet, more or less, to the high water mark of Lake Champlain; Thence southerly, along the high water mark of Lake Champlain, as it winds and turns, and along the easterly bounds of the parcel herein described, 400 feet, more or less, to a point, which point is the southeast corner of the parcel herein described and is also the northeast corner of aforesaid Carter; Thence N 87 deg 14' 01" W, and along the southerly bounds of the parcel herein described and along the northerly bounds of said Carter, 94.04 feet to the point or place of beginning and containing 0.79 acres, more or less.

Parcel C-2

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the westerly bounds of New York State Route 9, which point is the southeast corner

LEGAL DESCRIPTION - CONTINUED

of the parcel herein described and is also the northeast corner of lands of, now or formerly, of Louis J. and Kristine A. Nuzzo (Deed instrument # 134815); Thence N 87 deg 31' 57" W, along the southerly bounds of the parcel herein described and along the northerly bounds of said Nuzzo, 1340.24 feet to an iron pin set in the easterly bounds of the CP Rail Company, which point is the southwest corner of the parcel herein described and is also the northwest corner of said Nuzzo; Thence N 07 deg 13' 26" E, along the westerly bounds of the parcel herein described and along the easterly bounds of said CP Rail Company, 398.45 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also the southwest corner of lands of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87 deg 35' 08" E along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 1,368.68 feet to an iron pin set in the westerly bounds of aforesaid Route 9; Thence S 12 deg 19' 54" W, along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 202.95 feet to a point; Thence S 11 deg 38' 47" W, and continuing along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 200.74 feet to the point or place of beginning and containing 12.34 acres, more or less.

As stated, the lands conveyed are subject to Adirondack Park Agency Permits, including Permit 87-416 issued August 11, 1998 and Permit 87-416A issued April 1, 2003, the terms and conditions of all of which Permits are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.

This conveyance is made and accepted subject to indebtedness secured by mortgages upon said premises as follows:

a. Mortgage made by MMS Marinas I, LLC to Banknorth N.A. in the original principal amount of \$1,500,000 dated March 31, 2004, and recorded in the Clinton County Clerk's office on May 4, 2004 as Instrument #2004 - 00169403, which mortgage has a current principal balance of \$1,319,012.36.

b. Mortgage made by MMS Marinas I, LLC to Empire State Certified Development Corporation in the original principal amount of \$925,000 dated March 31, 2004 and recorded in the Clinton County Clerk's office on May 4, 2004 as Instrument #2004 - 00169405, which mortgage has a current principal balance of \$805,220.14

c. Mortgage made by MMS Marinas I, LLC to Banknorth N.A. in the original principal amount of \$249,500 dated October 31, 2005 and recorded in the Clinton County Clerk's office on November 4, 2005 as Instrument #2005 - 00188819, which mortgage has a current principal balance of \$225,372.38.

which foregoing mortgage debts the party of the second party hereby assumes and agrees to pay, as part of the purchase price of the above described premises, and the party the second part hereby executes and acknowledges this Instrument for the purpose of complying with the provisions of Chapter 502 of the Laws of 1938.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD, the premises herein granted unto the party of the second part, the successors and assigns of the party of the second part forever.

AND, in compliance of Section 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of improvements before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto caused these presents to be signed by its duly authorized member or manager the day and year first above written.

MMS Marinas I, LLC

By: [Signature]
Dennis Kissman, Manager

STATE OF FLORIDA :
COUNTY OF Polk :

The foregoing instrument was acknowledged before me this 15 day of September, 2008, by Dennis Kissman, as Manager of MMS Marinas I, LLC, () who is/are personally known to me, OR () has/have produced _____ as identification, and did not take an oath.

My Commission Expires:



[Signature]
NOTARY PUBLIC

DLC Partners, LLC

By: [Signature]
Manager

STATE OF NY)
COUNTY OF Saratoga) ss:

On the 17 day of September, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeffrey Olson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Michael P. Gintley
Saratoga County
Expires 7/18/2010
02615030576

[Signature]
Notary Public



John H. Zurlo, Clinton County Clerk
137 Margaret St
Ste 101
Plattsburgh, NY 12901
(518) 565-4700

Clinton County Clerk Recording Cover Sheet

Received From :
LIBERTY ABSTRACT

Return To :
LIBERTY ABSTRACT

First 1ST PARTY(--OR)

VALCOUR HARBOR, LLC

First 2ND PARTY(--EE)

MMS MARINAS, LLC

Index Type : Land Records

Instr Number : 2004-00169401

Type of Transaction : Deed

Book : Page : 0

Recording Fee : \$99.00

Property Located: Town of Peru
Recording Pages : 4

Real Estate Transfer Tax

RETT # : 2461

Deed Amount : \$1,075,000.00

RETT Amount : \$4,300.00

Total Fees : \$4,399.00

State of New York

County of Clinton

I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York

On (Recorded Date) : 05/04/2004

At (Recorded Time) : 2:54 PM



Doc ID - 000774820004

John H. Zurlo
John H. Zurlo, Clinton County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Printed On : 05/04/2004 At : 3:51:39PM

RECORD AND RETURN TO:

Thomas J. Tight, Esq.
Tucker & Tighe PA
800 East Broward Blvd.
Fort Lauderdale, FL 33301

230331706

26th **This Bargain And Sale Deed** is made and entered into this
day of *April*, Two Thousand Four by and

Between

VALCOUR HARBOUR, LLC, a limited liability company organized and existing
under the laws of the State of New York, having an address of 4013 Route 9, Plattsburgh,
New York 12901,

party of the first part, and

MMS MARINAS I, LLC, a limited liability company organized and existing under the
laws of the State of Florida, having an address at 1801 South Federal Highway, Suite
200, Boca Raton, FL 33432

party of the second part,

WITNESSETH that the party of the first part, in consideration of TEN DOLLARS
(\$10.00), lawful money of the United States, does hereby grant and release unto the party of
the second part, their successors, and assigns forever, all of that certain real property located
in the Town of Peru, County of Clinton, State of New York, together with the improvements
located thereon, and more particularly described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being on the easterly
side of the Lake Shore Road, Town of Peru, Clinton County, New York, and which premises are
presently (1967) bounded as follows: On the north by premises of one Tierney; on the east by Lake
Champlain; and on the west being the easterly right-of-way limits of the Lake Shore Road; and on the
south by lot One Hundred Fifty (150') feet wide formerly conveyed out of the south side of the
premises hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed are more
particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right-of-way marker on the
easterly side of Lake Shore Road which pipe marks the south bounds of the aforementioned Tierney
premises and running thence southerly along the east bounds of the Lake Shore Road, a distance of
One Hundred Fifty-Three (153') feet to a point opposite the center of a culvert; thence running South
6° 34' East a distance of Three Hundred Two (302') feet, more or less, which line runs along the east
bounds of a parcel of land conveyed to the County of Clinton by deed dated April 30, 1929 and which
deed was recorded in the Clinton County Clerk's Office on June 14, 1929 in Vol. 153 of Deeds, at
page 82; and thence continuing along the east bounds of said parcel conveyed to the County of Clinton
and along the easterly boundary thereof South 4° 09' East to a point approximately Sixty (60') feet in
the north bounds of the One Hundred Fifty (150') feet lot above referred to as being known as "Snug
Harbor"; thence turning and running easterly along the north bounds of the premises known as "Snug
Harbor" a distance of approximately Three Hundred (300') feet to a Four (4") inch pipe found in the
ground surrounded by a pile of stones and on the southerly bank of Silver Stream, so-called, at the mouth
of the stream and running thence along the south bank of said stream in an easterly direction to the shores
of Lake Champlain; thence turning and running northerly along the shores of Lake Champlain as it
winds and turns a distance of Four Hundred (400') feet, more or less, to a point in the south bounds of
the Tierney premises; thence turning and running across the shore and up the bank to a point on the
top of the bank and continuing westerly a distance of Forty-Seven (47') feet to an iron pipe found in the
south bounds of the Tierney premises, and continuing in the same line and direction a further distance
of One Hundred Forty (140') feet to the iron pipe at the point or place of beginning.

The premises above described are subject to all the rights and privileges granted pursuant
to an agreement between Merritt F. Spear and Earl J. Robinson as more particularly described
in a deed dated November 16, 1964 and which deed was recorded in the Clinton County
Clerk's Office on the same date in volume 217 of Deeds at Page 225.

EXCEPTING from the above described premises a parcel of land taken from its southerly side
and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis
to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the
Clinton County Clerk's Office in Volume 505 of Deeds at page 115.

BEING the same premises conveyed by James Carter to Valcour Harbour, LLC by deed
dated November 19, 1995 and recorded in the Office of the Clinton County Clerk in Book 961
of Deeds at Page 157 on November 9, 1995.

Subject to any covenants, restrictions and easements of record.

The lands conveyed are subject to Adirondack Park Agency Permit 87-416 issued August 11, 1998 and Permit 87-416A issued April 1, 2003, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.

The party of the first part quitclaims any interest it may have in and to the more modern description of the premises which is attached hereto and made a part hereof as Schedule A.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the successors and assigns of the party of second part forever.

AND in compliance with Sec. 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto caused its seal to be hereunto affixed, and these presents to be signed by its duly authorized member this 8th day of April, 2004.

IN PRESENCE OF:

VALCOUR HARBOUR, LLC

By: *Josephine S. Faler*
Name: Josephine S. Faler
Its: Member

STATE OF NEW YORK)
)SS:
COUNTY OF ALBANY)

On the 8th day of April in the year 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Josephine Faler, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Amy Hughes Keegan
Notary Public
AMY HUGHES KEEGAN
Notary Public, State of New York
No. 4889055
Qualified in Rensselaer County
Commission Expires April 6, 2007

SCHEDULE A

Parcel B

All that certain piece or parcel of land situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the easterly bounds of New York State Route 9, which point is the southwest corner of the parcel herein described, and is also northwest corner of lands, now or formerly, of James D. Carter (Vol. 614, Page 104); Thence N 06° 25' 16" W, along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 299.19 feet to a point opposite the center line of an existing culvert; Thence N 11° 00' 00" E, and continuing along the easterly bounds of said Route 9, and along the westerly bounds of the parcel herein described, 153.39 feet to a concrete monument, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of James D. Carter (Vol. 646, Page 458); Thence S 87° 30' 57" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 140.00 feet to a point; Thence S 87° 30' 57" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Carter, 47.00 feet to an iron pin set on the top of a bank; Thence continuing along the same bearing of S 87° 30' 57" E, and along the northerly bounds of the parcel herein described, and along the southerly bounds of said Carter, 22 feet, more or less, to the high water mark of Lake Champlain; Thence southerly along the high water mark of Lake Champlain, as it winds and turns, 410 feet, more or less, to a point, which point is the southwest corner of the parcel herein described, and is also the northwest corner of aforesaid Carter (Vol. 614, Page 104), which point is located in the bed of Silver Stream, and is located S 08° 50' 04" E, 400.00 feet from the northeast corner of the parcel herein described; Thence S 81° 54' 30" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Carter (Vol. 614, Page 104), 300.00 feet to the point or place of beginning and containing 2.77 acres, more or less.

Document4



John H. Zurlo, Clinton County Clerk
137 Margaret St
Ste 101
Plattsburgh, NY 12901
(518) 565-4700

Clinton County Clerk Recording Cover Sheet

Received From :
LIBERTY ABSTRACT

Return To :
LIBERTY ABSTRACT

First 1ST PARTY(--OR)

VALCOUR HARBOUR, LLC

First 2ND PARTY(--EE)

MMS MARINAS, LLC

Index Type : Land Records

Instr Number : 2004-00169402

Type of Transaction : Deed

Book : Page : 0

Recording Fee : \$99.00

Property Located: Town of Peru.

Recording Pages : 4

Real Estate Transfer Tax

RETT # : 2462

Deed Amount : \$1,115,000.00

RETT Amount : \$4,460.00

Total Fees : \$4,559.00

State of New York

County of Clinton

I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York

On (Recorded Date) : 05/04/2004

At (Recorded Time) : 2:56 PM



Doc ID - 000774830004

John H. Zurlo, Clinton County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Printed On : 05/04/2004 At : 3:51:40PM

RECORD AND RETURN TO:

Thomas J. Tight, Esq.
Tucker & Tighe PA
800 East Broward Blvd.
Fort Lauderdale, FL 33301

26th **This Bargain And Sale Deed** is made and entered into this
day of *April*, Two Thousand Four by and

Between

VALCOUR HARBOUR, LLC, a limited liability company organized and existing
under the laws of the State of New York, having an address of 4013 Route 9, Plattsburgh,
New York 12901,

party of the first part, and

MMS MARINAS I, LLC, a limited liability company organized and existing under the
laws of the State of Florida, having an address at 1801 South Federal Highway, Suite
200, Boca Raton, FL 33432.

party of the second part,

WITNESSETH that the party of the first part, in consideration of TEN DOLLARS
(\$10.00), lawful money of the United States, does hereby grant and release unto the party of
the second part, their successors, and assigns forever, all of that certain real property located
in the Town of Peru, County of Clinton, State of New York, together with the improvements
located thereon, and more particularly described as follows:

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the westerly
side of U.S. Route 9 in the Town of Peru, Clinton County, New York and being more particularly
described as follows:

COMMENCING at a point in the westerly bounds of U.S. Route #9 at a point marking the
south easterly corner of the lands of Fleming as conveyed and described in a deed recorded in
Vol. 547 of Deeds at page 648 in the Clinton County Clerk's Office and which point is marked
by a concrete highway monument; thence running North 84° 22' 30" West a distance of
1,087.75 feet to an iron pipe set in the ground, thence turning and running North 84° 16' 03"
West a distance of 165.54 feet to a 3/4 inch iron pin set in the ground in the southwesterly
corner of Blain as conveyed and described in a deed recorded in Vol. 623 at page 960 in the
Clinton County Clerk's Office; thence turning and running South 04° 50' 53" West along the
easterly bounds of the right-of-way of the Delaware and Hudson Company a distance of
172.23 feet to a point; thence continuing southerly in a course S 02° 56' 12" West along the
east bounds of the right-of-way of the Delaware and Hudson Company a distance of 851.96
feet to a 3/4 inch iron pin set in the ground near an existing fence post; thence turning and
running South 87° 43' 57" East along an existing wire fence line a distance of 246.71 feet to a
point; thence turning and running South 84° 29' 20" East a distance of 208.84 feet along an
existing wire fence to a point; thence turning and running North 74° 59' 55" East a distance of
36.31 feet to a point near a tree stump; thence turning and running North 11° 12' 59" East
along the wire fence line to a fence post a distance of 43.29 feet; thence turning and running
North 60° 37' 38" East a distance of 54.42 feet along a wire fence to a fence post; thence
turning and running N 87° 02' 46" East along the fence line a distance of 31.13 feet to a fence
post; thence turning and running South 83° 25' 40" East along the fence line a distance of
102.32 feet; thence turning and running South 85° 31' 57" East along the fence line a distance
of 60.85 feet to a fence post; thence turning and running North 75° 35' 54" East along the
fence line a distance of 137.91 feet to a fence post; thence along the fence line North 73° 57'
42" East a distance of 191.97 feet to a fence post; thence along the fence line North 71° 50' 09"
East a distance of 56.64 feet to a fence post; thence running North 67° 39' 30" East along the
north bounds of the lands of one Rock as conveyed by a deed recorded in the Clinton County
Clerk's Office as Instrument No. 120600 a distance of 196.04 feet to a 3/4 inch iron pin set in
the westerly bounds of U.S. Route #9; thence turning and running North 07° 43' 45" West a
distance of 76.89 feet to a concrete highway monument; thence turning and running South 81°
02' 59" West a distance of 130.14 feet along a triangular shaped parcel of land conveyed to
the County of Clinton by deed recorded in the Clinton County Clerk's Office in Vol. 158 of
Deeds at page 82 to a concrete highway monument; thence turning and running North 26° 57'
56" East a distance of 197.90 feet along the westerly bounds of the land conveyed to the
County of Clinton to a 3/4 inch iron pin set near an iron pipe also set in the ground at an
additional concrete highway monument; thence running North 87° 02' 01" West a distance of
123.42 feet along the southerly bounds of the lands of Terry M. and Jeanne L. Barber as conveyed to

them by deed recorded in the Clinton County Clerk's Office in Vol. 612 of Deeds at page 973 which point is marked by a 3/4 inch iron pin set in the ground; thence turning and running South 89° 32' 17" West along the southerly bounds of Terry M. and Jeanne L. Barber a distance of 123.03 feet to an iron pipe found in the ground; thence turning and running North 02° 42' 17" East a distance of 85 feet along the west bounds of the lands of Terry M. and Jeanne L. Barber to a point marked by an iron pipe found in the ground; thence turning and running South 87° 07' 11" East along northerly bounds of Terry M. and Jeanne L. Barber as conveyed to them by the deed aforesaid a distance of 129.83 feet to 3/4 inch iron pin set in the ground; thence turning and running North 02° 44' 31" East along a westerly line of the lands of Terry M. and Jeanne L. Barber a distance of 20.00 feet to a 3/4 inch iron pin set in the ground; thence turning and running South 87° 15' 29" East along a north bounds of Terry M. and Jeanne L. Barber a distance of 99.91 feet to a 3/4 inch iron pin set in the ground; thence running N 02° 37' 27" West a distance of 6.77 feet to a concrete highway monument; thence turning and running North 10° 52' 44" East a distance of 53.14 feet to a concrete highway monument; thence running North 08° 13' 05" West a distance of 20 feet to a 3/4 iron pin set in the ground; thence running North 13° 46' 45" East a distance of 284.03 feet to the point or place of beginning.

BEING the same premises conveyed by James D. Carter to Valcour Harbour, LLC by deed dated September 18, 2000 and recorded in the office of the Clinton County Clerk as Instrument No. 125324 on September 19, 2000.

Subject to any covenants, restrictions and easements of record.

The lands conveyed are subject to Adirondack Park Agency Permit 87-416 issued August 11, 1998 and Permit 87-416A issued April 1, 2003, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.

The party of the first part quitclaims any interest it may have in and to the more modern description of the premises which is attached hereto and made a part hereof as Schedule A.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the successors and assigns of the party of the second part forever.

AND in compliance with Sec. 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto caused its seal to be hereunto affixed, and these presents to be signed by its duly authorized member this 8th day of April, 2004.

IN PRESENCE OF:

VALCOUR HARBOUR, LLC

By: Josephine S. Faler
Name: Josephine S. Faler
Its: Member

STATE OF NEW YORK)
) SS:
COUNTY OF ALBANY)

On the 8th day of April in the year 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Josephine Faler, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Amy Hughes Keegan
Notary Public

AMY HUGHES KEEGAN
Notary Public, State of New York
No. 4889055
Qualified in Rensselaer County
Commission Expires April 6, 2007

SCHEDULE A

Parcel A:

All that certain piece or parcel of land situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the westerly bounds of New York State Route 9, which point is the southeast corner of the parcel herein described, and is also the northeast corner of lands, now or formerly, of Daniel A. and Crystal R. Joy (Deed Instrument # 1415563); Thence S 64° 24' 46" W, along the southerly bounds of the parcel herein described, and along the northerly bounds of said Joy, 196.00 feet to a point, said point being the northwest corner of said Joy, and is also a point on the northerly bounds of lands, now or formerly, of Donald K. Derby (Vol. 1005, Page 122); Thence westerly, along the southerly bounds of the parcel herein described and along the northerly bounds of said Derby, on the following bearings and distances: S 67° 09' 48" W, 57.13 feet to a point; S 70° 51' 08" W, 191.97 feet to a point; S 72° 29' 20" W, 137.91 feet to a point; N 88° 38' 31" W, 60.85 feet to a point; N 86° 32' 14" W, 102.32 feet to a point; S 83° 56' 12" W, 31.13 feet to a point; S 08° 06' 25" W, 43.29 feet to a point; S 57° 31' 04" W, 54.42 feet to a point; S 71° 53' 21" W, 36.31 feet to a point; N 87° 35' 54" W, 208.84 feet to a point; S 89° 09' 29" W, 246.71 feet to a point, said point being the southwest corner of the parcel herein described, and is also the northwest corner of said Derby, and is also a point on the easterly bounds of the CP Rail Company; Thence N 00° 15' 32" E, along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 852.00 feet to a point; Thence N 01° 37' 50" E, and continuing along the westerly bounds of the parcel herein described, and along the easterly bounds of said CP Rail Company, 172.22 feet to an iron pin set, said point being the northwest corner of the parcel herein described, and is also the southwest corner of lands, now or formerly, of Derek J. Miller (Deed Instrument # 132954); Thence S 87° 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Miller, 165.86 feet to a point, said point being the southeast corner of said Miller, and is also the southwest corner of lands, now or formerly, of Thomas E. Burt (Deed Instrument # 109997); Thence S 87° 29' 04" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Burt, 1,088.09 feet to a concrete monument set in the westerly bounds of aforesaid Route 9, said point being the northeast corner of the parcel herein described, and is also the southeast corner of said Burt; Thence S 12° 26' 05" W, along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 262.92 feet to a point; Thence S 10° 43' 26" E, and continuing along the easterly bounds of the parcel herein described, along the westerly bounds of said Route 9, 44.51 feet to a concrete highway monument; Thence S 09° 22' 42" W, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 49.75 feet to a concrete highway monument; Thence S 10° 59' 02" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Route 9, 7.25 feet to an iron pipe found, said point being the northeast corner of lands, now or formerly, of Terry and Jeanne Barber (Vol. 612, Page 973); Thence S 89° 36' 05" W, along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 100.00 feet to an iron pipe found; Thence S 00° 23' 55" E, and continuing along easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 20.00 feet to a point; Thence S 89° 36' 05" W, and continuing along the easterly bounds of the parcel herein described, and along the northerly bounds of said Barber, 129.83 feet to a point, said point being the northwest corner of said Barber; Thence S 00° 23' 55" E, and continuing along the easterly bounds of the parcel herein described, and along the westerly bounds of said Barber, 85.00 feet to an iron pipe found, said point being the southwest corner of said Barber; Thence N 86° 26' 05" E, and continuing along the easterly bounds of the parcel herein described, and along the southerly bounds of said Barber, 123.03 feet to a point; Thence N 89° 36' 05" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the southerly bounds of said Barber, 123.54 feet to an iron pipe found, said point being the southeast corner of said Barber, and is also a point in the westerly bounds of aforesaid Route 9; Thence S 23° 49' 29" W, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 198.32 feet to a concrete monument; Thence N 77° 40' 49" E, and continuing along the easterly bounds of the parcel herein described, and along continuing along the westerly bounds of aforesaid Route 9, 130.91 feet to a point; Thence S 10° 43' 26" E, and continuing along the easterly bounds of the parcel herein described, and continuing along the westerly bounds of aforesaid Route 9, 76.99 feet to the point or place of beginning, and containing 25.20 acres, more or less.



John H. Zurlo, Clinton County Clerk
137 Margaret St
Ste 101
Plattsburgh, NY 12901
(518) 565-4700



Clinton County Clerk Recording Cover Sheet

Received From :
LIBERTY ABSTRACT

Return To :
LIBERTY ABSTRACT

First 1ST PARTY(---OR)

VALCOUR HARBOR

First 2ND PARTY(--EE)

MMS MARINAS, LLC

Index Type : Land Records

Instr Number : 2004-00169407

Type of Transaction : Deed

Book : Page : 0

Recording Fee : \$102.00

Recording Pages : 5

Property Located: Peru.

Real Estate Transfer Tax

State of New York

RETT # : 2463

County of Clinton

Deed Amount : \$549,000.00

I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York

RETT Amount : \$2,196.00

On (Recorded Date) : 05/04/2004

Total Fees : \$2,298.00

At (Recorded Time) : 2:57 PM



Doc ID - 000775100005

John H. Zurlo
John H. Zurlo, Clinton County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Printed On : 05/04/2004 At : 4:27:11PM

RECORD AND RETURN TO:

Thomas J. Tight, Esq.
Tucker & Tighe PA
800 East Broward Blvd.
Fort Lauderdale, FL 33301

^{20th} **This Bargain And Sale Deed** is made and entered into this day of April, Two Thousand Four by and

Between

VALCOUR HARBOUR, LLC, a limited liability company organized and existing under the laws of the State of New York, having an address of 4013 Route 9, Plattsburgh, New York 12901,

party of the first part, and

MMS MARINAS I, LLC, a limited liability company organized and existing under the laws of the State of Florida, having an address at 1801 Southern Federal Highway, Suite 200, Boca Raton, Florida 33432.

party of the second part,

WITNESSETH that the party of the first part, in consideration of TEN DOLLARS (\$10.00), lawful money of the United States, does hereby grant and release unto the party of the second part, their successors, and assigns forever, all of that certain real property located in the Town of Peru, County of Clinton, State of New York, together with the improvements located thereon, and more particularly described as follows:

PARCEL I

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being near the northeast corner of the Town of Peru and on the western shoreline of Lake Champlain, Clinton County, New York State, and being bounded and described as follows:

BEGINNING at a point in the approximate west bounds of the State Highway known as U.S. Route No. 9 and more particularly as the Plattsburgh-AuSable Chasm Pt. 1, State Highway No. 5191; said point being marked by a 1/2" iron pipe driven into the ground on the north bounds of lands owned and occupied by a certain Mrs. Herbert Phinney (widow) and said point being located 649.30 feet northerly and at right angles to the former south bounds of the so-called Fred Day Farm as now monumented; thence running N 84° 07' W parallel to the south bounds of the Fred Day Farm and along the north bounds of lands now owned and occupied by Mrs. Herbert Phinney (formerly Russell Banker) 363.8 feet to a point-on-line marked by a large elm tree and continuing in the same course an additional 973.4 feet to a point in the east bounds of lands occupied by the Delaware & Hudson Railroad, said point being marked by a 1/2" iron pipe driven into the ground under the wire fence marking the said east bounds and located N 10° 15' 18" E, 22.15 feet from a concrete monument marking the point-of-curve of said east bounds; thence running N 10° 40' E, 198.45 feet along the east bounds of the Delaware & Hudson Railroad to a point marked by a stake and tack located S 3° 37' 34" W, 81.25 feet from a telegraph pole marked "162-D&H-15"; said point being the northwest corner of the parcel herein described; thence running S 84° 07' E parallel to the south bounds of the Fred Day Farm, 1350.5 feet to a point in the approximate west bounds of the above described State Highway, said point being marked by a 1/2" iron pipe driven into the ground and located S 28° 25' W, 41.0 feet from a hole drilled into the top-center of a concrete header over the west end of a 3' x 4' concrete box culvert; thence continuing in the same course an additional 61.1 feet to a point in the approximate east bounds of said State Highway; thence continuing in the same course an additional 50.9 feet to a point-on-line marked by a 1 1/2" iron pipe standing in the ground on top of the high and steep bank above the shoreline of Lake Champlain; thence continuing in the same course an additional 62 feet more or less to a point on the shoreline of Lake Champlain at supposed high water mark; said point being the northeast corner of the parcel herein described; thence running S 14° 28' W, 200.00 feet along the shoreline of Lake Champlain at high water mark to a point marked by a 1/2" iron pipe monumenting the southeast corner of the parcel herein described; thence running N 84° 07' W, 65.0 feet up the steep bank to a point-on-line marked by a 1/2" iron pipe standing in the ground 2.0 feet north of the most northerly cabin owned by Mrs. H. Phinney; thence continuing in the same course an additional 47.9 feet to a point in the approximate east bounds of the State Highway marked by a 1/2" iron pipe standing in the ground; thence continuing in the same course an additional 61.1 feet crossing the State Highway to the point or place of beginning.

The above described magnetic courses, distances and monuments are those determined in a survey made by Spencer J. Johnston, Land Surveyor and reference is hereby made to the MAP OF SURVEY dated, August 3, 1956.

TOGETHER with all the right, title and interest of the party of the first part in and to the shore of Lake Champlain between high and low water marks contiguous to the above premises.

EXCEPTING that portion of the above described premises lying within the bounds of the State Highway.

PARCEL II

ALL THAT TRACT OR PARCEL OF LAND situate, lying and being near the northeast corner of the Town of Peru, and on the western shore line of Lake Champlain, Clinton County, New York, being bounded and described as follows:

BEGINNING at a point in the approximate west bounds of the State Highway known as U.S. Route #9 and more particularly as the Plattsburgh-AuSable Chasm Pt.1, State Highway No. 5191, said point being marked by a one-half inch pipe driven in the ground and located south twenty-eight degrees twenty-five minute west (S 28° 25' W) 41.0 feet from a hole drilled in the top-center of a concrete header over the west end of the 3' x 4' box culvert; running thence north eighty-four degrees seven minutes west (N 84° 7' W) in the northerly line of the premises described in a deed from Thurber Day and Ruth P. Day, his wife, and Fredrika Mason to William H. Reid, dated September 6, 1956 and recorded in Vol. 370 of Deeds at page 287 in the Clinton County Clerk's Office a distance of approximately 1350.5 feet to the easterly limits of the Delaware & Hudson Railroad Corp. right-of-way; turning thence and running northerly in the easterly limits of said Delaware & Hudson Railroad Corp. right-of-way a distance of 200 feet more or less measured in a line perpendicular to the first above mentioned line; turning thence and running south eighty-four degrees seven minutes east (S 84° 7' E) in a line parallel with and 200 feet distant northerly from the first above mentioned line to a point in the westerly limits of said State Highway, and continuing thence easterly on the same course to the high water mark of Lake Champlain; turning thence and running southerly in the high water mark of Lake Champlain as it winds and turns to the northeasterly corner of the parcel above described in deed recorded in Vol. 370 of Deeds at page 287 in the Clinton County Clerk's Office; turning thence and running north eighty-four degrees seven minutes west (N 84° 7' W) to the point or place of beginning; the above described magnetic courses, distances and monuments are those determined in a survey made by Spencer J. Johnston, Land Surveyor, on August 3, 1956.

TOGETHER with all the right, title and interest of the party of the first part in and to the shore of Lake Champlain between high and low water marks contiguous to the above premises.

Subject to any covenants, restrictions and easements of record.

The lands conveyed are subject to Adirondack Park Agency Permit 94-379 issued August 11, 1998 and Permit 94-379A issued April 1, 2003, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.

BEING the same premises conveyed by James Carter to Valcour Harbour, LLC by deed dated April 23, 2004 and recorded in the office of the Clinton County Clerk in Book of Deeds at Page on just prior to the recording of this deed.

The party of the first part quitclaims any interest it may have in and to the more modern description of the premises which is attached hereto and made a part hereof as Schedule A.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the successors and assigns of the party of second part forever.

AND in compliance with Sec. 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto caused its seal to be hereunto affixed, and these presents to be signed by its duly authorized member this day of , 2004.

IN PRESENCE OF:

VALCOUR HARBOUR, LLC

By: Josephine S. Ealer
Name: Josephine S. Ealer
Its: Member

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 8th day of April in the year 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Josephine Fales, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Amy Hughes Keegan

Notary Public

AMY HUGHES KEEGAN
Notary Public, State of New York
No. 4889055
Qualified in Rensselaer County
Commission Expires April 6, 2007

SCHEDULE A

Parcel C-1

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the easterly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin set in the easterly bounds of New York State Route 9 which point is the southwest corner of the parcel herein described and is also the northwest corner of lands, now or formerly, of James D. Carter (Vol. 822, Page 238); Thence N 12° 38' 56" E, along the easterly bounds of said Route 9 and along the westerly bounds of the parcel herein described, 200.94 feet to a point; Thence N 12° 38' 56" E, and continuing along the easterly bounds of said Route 9 and continuing along the westerly bounds of the parcel herein described, 203.20 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also a point in the southerly bounds of lands, now or formerly, of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87° 36' 17" E, along the northerly bounds of the parcel herein described, and along the southerly bounds of said Goodrich, 13.36 feet to a point; Thence S 87° 40' 50" E, and continuing along the northerly

bounds of the parcel herein described and continuing along the southerly bounds of said Goodrich, 39.32 feet to a point; Thence continuing along the same bearing of S 87° 40' 50" E, and continuing along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 10 feet, more or less, to the high water mark of Lake Champlain; Thence southerly, along the high water mark of Lake Champlain, as it winds and turns, and along the easterly bounds of the parcel herein described, 400 feet, more or less, to a point, which point is the southeast corner of the parcel herein described and is also the northeast corner of aforesaid Carter; Thence N 87° 14' 01" W, and along the southerly bounds of the parcel herein described and along the northerly bounds of said Carter, 94.04 feet to the point or place of beginning and containing 0.79 acres, more or less.

Parcel C-2

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, County of Clinton, State of New York and being more particularly bounded and described as follows:

Beginning at a concrete monument set in the westerly bounds of New York State Route 9, which point is the southeast corner of the parcel herein described and is also the northeast corner of lands of, now or formerly, of Louis J. and Kristine A. Nuzzo (Deed instrument # 134815); Thence N 87° 31' 57" W, along the southerly bounds of the parcel herein described and along the northerly bounds of said Nuzzo, 1340.24 feet to an iron pin set in the easterly bounds of the CP Rail Company, which point is the southwest corner of the parcel herein described and is also the northwest corner of said Nuzzo; Thence N 07° 13' 26" E, along the westerly bounds of the parcel herein described and along the easterly bounds of said CP Rail Company, 398.45 feet to an iron pin, which point is the northwest corner of the parcel herein described and is also the southwest corner of lands of Edwin P. Goodrich (Vol. 803, Page 072); Thence S 87° 35' 08" E along the northerly bounds of the parcel herein described and along the southerly bounds of said Goodrich, 1,368.68 feet to an iron pin set in the westerly bounds of aforesaid Route 9; Thence S 12° 19' 54" W, along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 202.95 feet to a point; Thence S 11° 38' 47" W, and continuing along the westerly bounds of the parcel herein described and along the westerly bounds of aforesaid Route 9, 200.74 feet to the point or place of beginning and containing 12.34 acres, more or less.

RECORD AND RETURN TO:

O'Connell and Aronowitz
206 West Bay Plaza
Plattsburgh, NY 12901

McNamee, Lochner
75 State St
Albany NY 12207
Att. LPT

CLINTON COUNTY CLERK'S OFFICE

County Clerk's Recording Page

TIME STAMP

'RECORDED

SEP 19 10 15 AM '00

CLINTON COUNTY
CLERK'S OFFICE
JOHN H. ZURLO

COMPLETE THIS SIDE

PARTY(IES) OF THE FIRST PART

James D. Carter

PARTY(IES) OF THE SECOND PART

Valcour Harbour, L.L.C.

FOR CLERK'S USE ONLY

DAY SHEET #

PAGES

INDEX

INSTRUMENT

5

Deeds

Deed

INSTRUMENT #

125324

TRANSFER TAX

R.E.T.T.#

00429

CONSIDERATION

\$300,000.00

R.E.T.T. AMOUNT

1,200.00

MORTGAGE TAX

MORTGAGE SERIAL #

MORTGAGE AMOUNT

BASIC MTG. TAX

SPECIAL ADDITIONAL

ADDITIONAL

TOTAL TAX

PROPERTY LOCATION (NOT MAILING ADDRESS)

CITY/TOWN Peru

TAX MAP # 258-2-13.1/258-2-13.3

STATE OF NEW YORK
COUNTY OF CLINTON

WARNING-THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTION 319 OF THE
REAL PROPERTY LAW OF THE STATE OF NEW YORK.
DO NOT DETACH FROM THIS INSTRUMENT.

John H. Zurlo

JOHN H. ZURLO, CLINTON COUNTY CLERK

I HEREBY CERTIFY THAT I HAVE RECEIVED THE
ABOVE IMPOSED TAX PAID AT THE TIME OF
RECORDING

John H. Zurlo
CLINTON COUNTY CLERK



N.Y. Deed-Warranty with Lien Covenant

Tutblanks

THIS INDENTURE

Made the 18th day of September, Two Thousand

Between

JAMES D. CARTER, residing at 4004 Route 9, Suite 203, Plattsburgh, Clinton County, New York (12901),

part y of the first part, and

VALCOUR HARBOUR, L.L.C., with its principal place of business at Lakeshore Road, Plattsburgh, Clinton County, New York (12901),

part y of the second part,

Witnesseth that the part y of the first part, in consideration of -----ONE----- Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the part y of the second part, do hereby grant and release unto the part y of the second part its heirs, successors and assigns forever, all

THAT CERTAIN PIECE OR PARCEL OF LAND, together with the buildings and improvements thereon, being more particularly bounded and described in Schedule "A" annexed hereto and made a part hereof.

SCHEDULE "A"

ALL OF THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being on the westerly side of U.S. Route 9 in the Town of Peru, Clinton County, New York and being more particularly described as follows:

COMMENCING at a point in the westerly bounds of U.S. Route #9 at a point marking the south easterly corner of the lands of Fleming as conveyed and described in a deed recorded in Vol. 547 of Deeds at page 648 in the Clinton County Clerk's office and which point is marked by a concrete highway monument; thence running North $84^{\circ}22'30''$ West a distance of 1,087.75 feet to an iron pipe set in the ground, thence turning and running North $84^{\circ}16'03''$ West a distance of 165.54 feet to a $\frac{3}{4}$ inch iron pin set in the ground in the southwesterly corner of Blain as conveyed and described in a deed recorded in Vol. 623 at page 960 in the Clinton County Clerk's Office; thence turning and running South $04^{\circ}50'53''$ West along the easterly bounds of the right-of-way of the Delaware and Hudson Company a distance of 172.23 feet to a point; thence continuing southerly in a course $S02^{\circ}56'12''$ West along the east bounds of the right-of-way of the Delaware and Hudson Company a distance of 851.96 feet to a $\frac{3}{4}$ inch iron pin set in the ground near an existing fence post; thence turning and running South $87^{\circ}43'57''$ East along an existing wire fence line a distance of 246.71 feet to a point; thence turning and running South $84^{\circ}29'20''$ East a distance of 208.84 feet along an existing wire fence to a point; thence turning and running North $74^{\circ}59'55''$ East a distance of 36.31 feet to a point near a tree stump; thence turning and running North $11^{\circ}12'59''$ East along the wire fence line to a fence post a distance of 43.29 feet; thence turning and running North $60^{\circ}37'38''$ East a distance of 54.42 feet along a wire fence to a fence post; thence turning and running $N87^{\circ}02'46''$ East along the fence line a distance of 31.13 feet to a fence post; thence turning and running South $83^{\circ}25'40''$ East along the fence line a distance of 102.32 feet; thence turning and running South $85^{\circ}31'57''$ East along the fence line a distance of 60.85 feet to a fence post; thence turning and running North $75^{\circ}35'54''$ East along the fence line a distance of 137.91 feet to a fence post; thence along the fence line North $73^{\circ}57'42''$ East a distance of 191.97 feet to a fence post; thence along the

fence line North 71°50'09" East a distance of 56.64 feet to a fence post; thence running North 67°39'30" East along the north bounds of the lands of one Rock as conveyed by a deed recorded in the Clinton County Clerk's Office as Instrument No. 120600 a distance of 196.04 feet to a ¾ inch iron pin set in the westerly bounds of U.S. Route #9; thence turning and running North 07°43'45" West a distance of 76.89 feet to a concrete highway monument; thence turning and running South 81°02'59" West a distance of 130.14 feet along a triangular shaped parcel of land conveyed to the County of Clinton by deed recorded in the Clinton County Clerk's office in Vol. 158 of Deeds at page 82 to a concrete highway monument; thence turning and running North 26°57'56" East a distance of 197.90 feet along the westerly bounds of the land conveyed to the County of Clinton to a ¾ inch iron pin set near an iron pipe also set in the ground at an additional concrete highway monument; thence running North 87°02'01" West a distance of 123.42 feet along the southerly bounds of the lands of Terry M. and Jeanne L. Barber as conveyed to them by deed recorded in the Clinton County Clerk's Office in Vol. 612 of Deeds at page 973 which point is marked by a ¾ inch iron pin set in the ground; thence turning and running South 89°32'17" West along the southerly bounds of Terry M. and Jeanne L. Barber a distance of 123.03 feet to an iron pipe found in the ground; thence turning and running North 02°42'17" East a distance of 85 feet along the west bounds of the lands of Terry M. and Jeanne L. Barber to a point marked by an iron pipe found in the ground; thence turning and running South 87°07'11" East along a northerly bounds of Terry M. and Jeanne L. Barber as conveyed to them by the deed aforesaid a distance of 129.83 feet to ¾ inch iron pin set in the ground; thence turning and running North 02°44'31" East along a westerly line of the lands of Terry M. and Jeanne L. Barber a distance of 20.00 feet to a ¾ inch iron pin set in the ground; thence turning and running South 87°15'29" East along a north bounds of Terry M. and Jeanne L. Barber a distance of 99.91 feet to a ¾ inch iron pin set in the ground; thence running N 02°37'27" West a distance of 6.77 feet to a concrete highway monument; thence turning and running North 10°52'44" East a distance of 53.14 feet to a concrete highway monument; thence running North 08°13'05" West a distance of 20 feet to a ¾ iron pin set in the ground; thence running North 13°46'45" East a distance of 284.03 feet to the point or place of beginning.



TOGETHER with the appurtenances and all the estate and rights of the part y of the first part and to said premises,

To have and to hold the premises herein granted unto the part ies of the second part, its heirs, successors and assigns forever.

And said part y of the first part does covenant as follows:

First, That the part y of the second part shall quietly enjoy the said premises.

Second, That said part y of the first part will forever **WARRANT** the title to said premises.

THIRD, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Wherefore, the part y of the first part has hereunto set his hand and seal the day and year first above written.

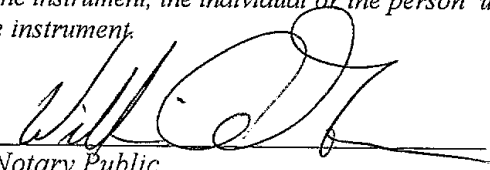
In Presence of


_____ L.S.
JAMES D. CARTER

_____ L.S.

State of New York)
County of Clinton) ss:

On this 18th day of September, in the year, 2000 before me, the undersigned, a Notary Public in and for the said State, personally appeared **JAMES D. CARTER**, 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/she executed the same in his/her capacity, and that by his/her signatures on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

WILLIAM A. FAVREAU
Notary Public, State of New York
No 4800755
Qualified in the County of Clinton
My Commission Expires 6/30/2004

Notary Public

Form 632 N. Y. DEED-WARRANTY with Lien Covenant

TITULARS REGISTERED U. S. PAT. OFFICE
PATENTED 1907 PUBLISHED BY PUTNAM'S OFFICE

This Indenture

28244 77889

Made the 9th day of November, 1995
Nineteen Hundred and Ninety-five
Between

JAMES CARTER, residing at 3984 Route 9, Lakeshore
Road, Plattsburgh, Clinton County, New York 12901,

party of the first part, and

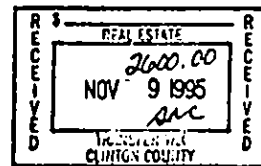
VALCOUR HARBOUR, L.L.C., with its principal place of
business at Lakeshore Road, Plattsburgh, Clinton
County, New York 12901,

Witnesseth that the party of the first part, in consideration of

-----ONE-----Dollar (\$ 1.00)
lawful money of the United States, and other good and valuable consideration,
paid by the party of the second part, do as hereby grant and release unto the
party of the second part, their heirs, successors
and assigns forever, all


THAT CERTAIN PIECE OR PARCEL OF LAND, together with the buildings
and improvements thereon, being more particularly bounded and
described in Schedule A annexed hereto and made a part hereof.

00837



BOOK 961 PAGE 0157

FORM 505


 TUTOLOMEO & CO. REAL ESTATE BROKERS
 100 N. STATE ST. ALBANY, N.Y. 12207

CARTER - 2-12

SCHEDULE A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being on the easterly side of the Lake Shore Road, Town of Peru, Clinton County, New York, and which premises are presently (1967) bounded as follows: On the north by premises of one Tierney; on the east by Lake Champlain; and on the west being the easterly right of way limits of the Lake Shore Road; and on the south by lot One Hundred Fifty (150') feet wide formerly conveyed out of the south side of the premises hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right of way marker on the easterly side of Lake Shore Road which pipe marks the south bounds of the aforementioned Tierney premises and **RUNNING THENCE** southerly along the east bounds of the Lake Shore Road, a distance of One Hundred Fifty-Three (153') feet to a point opposite the center of a culvert; **THENCE RUNNING** south 6° 34' east a distance of Three Hundred Two (302') feet, more or less, which line runs along the east bounds of a parcel of land conveyed to the County of Clinton by deed dated April 30, 1929 and which deed was recorded in the Clinton County Clerk's Office on June 14, 1929 in Volume 153 of Deeds, at Page 82; and **THENCE CONTINUING** along the east bounds of said parcel conveyed to the County of Clinton and along the easterly boundary thereof south 4° 09' east to a point approximately Sixty (60') feet in the north bounds of the One Hundred Fifty (150') feet lot above referred to as being known as "Snug Harbor"; **THENCE TURNING AND RUNNING** easterly along the north bounds of the premises known as "Snug Harbor" a distance of approximately Three Hundred (300') feet to a Four (4") inch pipe found in the ground surrounded by a pile of stones and on the southerly bank of Silver Stream, so-called, at the mouth of the stream and running thence along the south bank of said stream in an easterly direction to the shores of Lake Champlain; **THENCE TURNING AND RUNNING** northerly along the shores of Lake Champlain as it winds and turns a distance of Four Hundred (400') feet, more or less, to a point in the south bounds of the Tierney premises; **THENCE TURNING AND RUNNING** across the shore and up the bank to a point on the top of the bank and continuing westerly a distance of Forty-Seven (47') feet to an iron pipe found in the south bounds of the Tierney premises, and continuing in the same line and direction a further distance of One Hundred Forty (140') feet to the iron pipe at the point or place of beginning.

The premises above described are all subject to all the rights and privileges granted pursuant to an agreement between Merritt F. Spear and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's Office on the same date in Volume 217 of Deeds, at Page 225.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967 and recorded in the Clinton County Clerk's Office in Volume 505 of Deeds at Page 115.

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife, to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 246.


BEING ALSO THE SAME PREMISES conveyed by John P. Grohman and Muriel M. Grohman, his wife, to John P. Grohman and Muriel M. Grohman, his wife, and Herman Cole and Helen Cole, his wife, by deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 250.

BEING THE SAME PREMISES conveyed by Muriel M. Grohman to John P. Grohman by deed dated November 7, 1975 and recorded in the Clinton County Clerk's Office on November 10, 1975 in Volume 576 of Deeds at Page 199.

THE SAID Herman Cole died December 22, 1974.

BOOK 961 PAGE 0158

FORM 306

 TUTOLOMEO BROTHERS & CO. REAL ESTATE
1000 W. 10th Street, Oklahoma City, Oklahoma 73101

BEING THE SAME PREMISES conveyed by Helen Cole to John P. Grohman by Deed dated November 26, 1976 and recorded in the Clinton County Clerk's Office on December 15, 1976, in Volume 584 of Deeds at Page 304.

BEING THE SAME PREMISES conveyed by John Grohman to James Carter by deed dated June 29, 1984 and recorded in the office of the Clinton County Clerk on June 29, 1984 in Book 639 of Deeds at Page 532.

BOOK 961 PAGE 0159

Together with the appurtenances and all the estate and rights of the part y of the first part in and to said premises,

To have and to hold the premises herein granted unto the part y of the second part, their heirs, successors and assigns forever.

And said

First, That the part y of the second part shall quietly enjoy the said premises; covenant as follows:

Second, That said

will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

In Presence of

James O. Carter
JAMES CARTER

State of New York } ss.
County of CLINTON }
before me, the subscriber, personally appeared

On this 9th day of November
Nineteen Hundred and Ninety-five

JAMES CARTER

to me personally known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same.

RECORDED
LIBER 961 OF Needs
PAGE 157 & EXAMINED
Nov 9 4 44 PM '95

WILLIAM A. FAVREAU
NOTARY PUBLIC, STATE OF NEW YORK
NO. 430073
QUALIFIED IN THE COUNTY OF CLINTON
MY COMMISSION EXPIRES APRIL 30, 1997

Notary Public

CLINTON COUNTY
CLERK'S OFFICE
BERNARD ...

RFR: *[Signature]*

BOOK 961 PAGE 0160

McNAMEE, LOCHNER, TITUS & WILLIAMS, P.C.
75 STATE STREET, P.O. Box 459
ALBANY, NEW YORK 12201-0459
ATTN: B.T. MITCHELL

FORM 553 1/2 N. Y. DEED—WARRANTY

TITLEBLANK REGISTERED U. S. PAT. OFFICE
TITLES LAW PRINT. PUBL. OFFICE, BURLINGAME, CALIF. 94010

2532

This Indenture,

Made the 29th day of June

Nineteen Hundred and Eighty-Four

Between JOHN GROHMAN, residing at

RD #3, Plattsburgh, Clinton County, New York,

part y of the first part, and

JAMES CARTER, residing on the Lake Shore Road,

Plattsburgh, Clinton County, New York,

Witnesseth that the part y of the first part, in consideration of
ONE-Dollar (\$ 1.00)

lawful money of the United States,
paid by the part y of the second part, does hereby grant and release unto the
part y of the second part, his heirs and assigns forever, all

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.



NOTARIAL PUBLIC
CLINTON COUNTY, N.Y.
JAMES W. CARTER
NOTARY PUBLIC

VOL. 639 PAGE 532

SCHEDULE "A"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being on the easterly side of the Lake Shore Road, Town of Peru, Clinton County, New York, and which premises are presently (1967) bounded as follows: On the north by premises of one Tierney; on the east by Lake Champlain; and on the west being the easterly right of way limits of the Lake Shore Road; and on the south by lot One Hundred Fifty (150') feet wide formerly conveyed out of the south side of the premises hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right of way marker on the easterly side of Lake Shore Road which pipe marks the south bounds of the aforementioned Tierney premises and running thence southerly along the east bounds of the Lake Shore Road, a distance of One Hundred Fifty-Three (153') feet to a point opposite the center of a culvert; thence running south 6° 34' east a distance of Three Hundred Two (302') feet, more or less, which line runs along the east bounds of a parcel of land conveyed to the County of Clinton by deed dated April 30, 1929 and which deed was recorded in the Clinton County Clerk's Office on June 14, 1929 in Volume 153 of Deeds, at page 82; and thence continuing along the east bounds of said parcel conveyed to the County of Clinton and along the easterly boundary thereof south 4° 09' east to a point approximately Sixty (60') feet in the north bounds of the One Hundred Fifty (150') feet lot above referred to as being known as "Snug Harbor"; thence turning and running easterly along the north bounds of the premises known as "Snug Harbor" a distance of approximately Three Hundred (300') feet to a Four (4") inch pipe found in the ground surrounded by a pile of stones and on the southerly bank of Silver Stream, so-called, at the mouth of the stream and running thence along the south bank of said stream in an easterly direction to the shores of Lake Champlain; thence turning and running northerly along the shores of Lake Champlain as it winds and turns a distance of Four Hundred (400') feet, more or less, to a point in the south bounds of the Tierney premises; thence turning and running across the shore and up the bank to a point on the top of the bank and continuing westerly a distance of Forty-Seven (47') feet to an iron pipe found in the south bounds of the Tierney premises, and continuing in the same line and direction a further distance of One Hundred Forty (140') feet to the iron pipe at the point or place of beginning.

The premises above described are all subject to all the rights and privileges granted pursuant to an agreement between Merritt F. Spear and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's Office on the same date in Volume 217 of Deeds, at Page 225.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the Clinton County Clerk's Office in Volume 505 of Deeds at Page 115.

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife, to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 246.

BEING ALSO THE SAME PREMISES conveyed by John P. Grohman and Muriel M. Grohman, his wife, to John P. Grohman and Muriel M. Grohman, his wife, and Herman Cole and Helen Cole, his wife, by deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 250.

BEING THE SAME PREMISES conveyed by Muriel M. Grohman to John P. Grohman by deed dated November 7, 1975 and recorded in the Clinton County Clerk's Office on November 10, 1975 in Volume 576 of Deeds at Page 199.

Herman Cole died December 22, 1974.

BEING the same premises conveyed by Helen Cole to John P. Grohman by Deed dated November 26, 1976, and recorded in the Clinton County Clerk's Office on December 15, 1976, in Volume 584 of Deeds at Page 304.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,
Do Have and to Hold the premises herein granted unto the party of the second part, his heirs and assigns forever.

And said Party of the First Part

covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That said Party of the First Part

will forever warrant the title to said premises.

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

In Presence of

[Signature]

[Signature]
JOHN GROHMAN



State of New York }
County of Clinton } ss. On this 29th day of June
before me, the subscriber, personally appeared Nineteen Hundred and Eighty-Four
-----JOHN GROHMAN-----

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

[Signature]

NOTARIAL
Notary Public, State of New York
Qualified in Clinton County
My Commission Expires March 29, 1986

11967

RECORD
WARRANTY

JOHN GROHMAN

TO
JAMES CARTER

19 84

Dated.

INDEXED
SERIALIZED
PAGE 533 & EXAMINED
JUN 29 11 23 AM '84
CLINTON COUNTY
CLERK'S OFFICE
BERNARD SMELL

VOL 639 PAGE 534

NEVERETT & ASADOURIAN, P. C.
ATTORNEYS AT LAW
P. O. Box 906
PLATTSBURGH, NEW YORK 12901

FORM 583X N. Y. DEED—WARRANTY with Lien Covenant

19444

TUYBLANK REGISTERED U. S. PAT. OFFICE
TITLE LAW PRINT, PUBLISHED BY ALAN W. BIRD**This Indenture**Made the 26th day of November

Nineteen Hundred and Seventy-Six.

Between HELEN COLE, residing at 1760 St. Clair River Drive,
Algonac, Michigan

party of the first part, and

JOHN P. GROHMAN, residing at P.O. Box 2175, Plattsburgh
Air Force Base, Plattsburgh, Clinton County, New York,**Witnesseth** that the party of the first part, in consideration of

-----ONE and 00/100-----Dollar (\$ 1.00-----)

lawful money of the United States,
paid by the party of the second part, does hereby grant and release unto the
party of the second part; his heirs
and assigns forever, ~~XXX~~

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate,
lying and being on the easterly side of the Lake Shore Road, Town of
Peru, Clinton County, New York, and which premises are presently (1967)
bounded as follows: On the north by premises of one Tierney; on the
east by Lake Champlain; and on the west being the easterly right of
way limits of the Lake Shore Road; and on the south by lot One
Hundred Fifty (150') feet wide formerly conveyed out of the south side
of the premises hereby conveyed and known as "Snug Harbor" and the
lands hereby conveyed are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a
concrete right of way marker on the easterly side of Lake Shore Road
which pipe marks the south bounds of the aforementioned Tierney premises
and running thence southerly along the east bounds of the Lake Shore
Road, a distance of One Hundred Fifty-Three (153') feet to a point
opposite the center of a culvert; thence running south 6° 34' east
a distance of Three Hundred Two (302') feet, more or less, which line
runs along the east bounds of a parcel of land conveyed to the County
of Clinton by deed dated April 30, 1929 and which deed was recorded
in the Clinton County Clerk's Office on June 14, 1929 in Volume 153 of
Deeds, at page 82; and thence continuing along the east bounds of said
parcel conveyed to the County of Clinton and along the easterly boundary
thereof south 4° 09' east to a point approximately Sixty (60') feet in
the north bounds of the One Hundred Fifty (150') feet lot above referred
to as being known as "Snug Harbor"; thence turning and running easterly
along the north bounds of the premises known as "Snug Harbor" a distance
of approximately Three Hundred (300') feet to a Four (4") inch pipe
found in the ground surrounded by a pile of stones and on the southerly
bank of Silver Stream, so-called, at the mouth of the stream and running
thence along the south bank of said stream in an easterly direction to
the shores of Lake Champlain; thence turning and running northerly along
the shores of Lake Champlain as it winds and turns a distance of Four
Hundred (400') feet, more or less, to a point in the south bounds of
the Tierney premises; thence turning and running across the shore and
up the bank to a point on the top of the bank and continuing westerly
a distance of Forty-Seven (47') feet to an iron pipe found in the south
bounds of the Tierney premises, and continuing in the same line and
direction a further distance of One Hundred Forty (140') feet to the
iron pipe at the point or place of beginning.

VOL 584 PAGE 304

The premises above described are all subject to all the rights and privileges granted pursuant to an agreement between Merritt F. Spear and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's Office on the same date in Volume 217 of Deeds, at Page 225.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the Clinton County Clerk's Office in Volume 505 of Deeds at Page 115.

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife, to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 246.

BEING ALSO THE SAME PREMISES conveyed by John P. Grohman and Muriel M. Grohman, his wife, to John P. Grohman and Muriel M. Grohman, his wife, and Herman Cole and Helen Cole, his wife, by deed dated October 17, 1972 and recorded in the Clinton County Clerk's Office on October 18, 1972 in Liber 554 of Deeds at Page 250.

BEING THE SAME PREMISES conveyed by Muriel M. Grohman to John P. Grohman by deed dated November 7, 1975 and recorded in the Clinton County Clerk's Office on November 10, 1975 in Volume 576 of Deeds at Page 199.

Herman Cole died December 22, 1974.

RECEIVED
\$ 1.10
REAL ESTATE
DEC 15 1976
TRANSFER TAX
CLINTON
COUNTY S.R.

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

To have and to hold the premises herein granted unto the party of the second part, his heirs and assigns forever.

And said party of the first part

covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That said party of the first part

will forever warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

[Handwritten signature]

HELEN COLE



State of New York } ss. On this 26th day of November
County of Clinton } Nineteen Hundred and Seventy-Six
before me, the subscriber, personally appeared

HELEN COLE

to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledged to me that she executed the same.

[Handwritten signature] Notary Public

PATRICK B. MC GILL
Notary Public in the State of New York
Residing in the County of Clinton
My Commission expires March 30, 1978

RECORDED
LIBER 584 OF Seeds
PAGE 304 & EXAMINED
78 DEC 15 PM 2:59
Dennard
CLINTON COUNTY
CLERK'S OFFICE
BERNARD MCNEIL

VOL 584 PAGE 306

Stamp
\$1.00

This Indenture,

Made the 7th day of November, Nineteen Hundred and Seventy-Five
Between MURIEL M. GROHMAN, P.O. Box 945, Plattsburgh, N.Y. 12901

part y of the first part, and
JOHN P. GROHMAN, Base officers Quarters, P.O. Box 2175, Plattsburgh Air Force Base, Plattsburgh, N.Y. 12903

part y of the second part,
Witnesseth, that the part y of the first part, in consideration of ONE ----- Dollar
(\$1.00-----) lawful money of the United States, and other good & valuable consideration ----- paid by the part y of the second part,
do es hereby grant and release unto the part y of the second part, his

heirs, executors, and assigns forever: ~~XXX~~ ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being on the easterly side of the Lake Shore Road, Town of Peru, Clinton County, New York, and which premises are presently (1967) bounded as follows: On the north by premises of one Tierney; on the East by Lake Champlain; and on the West being the easterly right of way limits of the Lake Shore Road; and on the South by lot One hundred fifty (150') feet wide formerly conveyed out of the south side of the premises hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right of way marker on the easterly side of Lake Shore Road which pipe marks the south bounds of the aforementioned Tierney premises and running thence southerly along the east bounds of the Lake Shore Road, a distance of One hundred fifty-three (153') feet to a point opposite the center of a culvert; thence running South 6° 34' East a distance of three hundred two (302') feet, more or less, which line runs along the east bounds of a parcel of land conveyed to the County of Clinton by deed dated April 30, 1929 and which deed was recorded in the Clinton County Clerk's Office on June 14, 1929 in Volume 153 of Deeds at page 82; and thence continuing along the east bounds of said parcel conveyed to the County of Clinton and along the easterly boundary thereof South 4° 09' East to a point approximately sixty (60') feet in the north bounds of the One hundred fifty (150') feet lot above referred to as being known as "Snug Harbor"; thence turning and running easterly along the north bounds of the premises known as "Snug Harbor" a distance of approximately three hundred (300') feet to a four (4") inch pipe found in the ground surrounded by a pile of stones and on the southerly bank of Silver Stream, so-called, at the mouth of the stream and running thence along the south bank of said stream in an easterly direction to the shores of Lake Champlain; thence turning and running northerly along the shores of Lake Champlain as it winds and turns a distance of four hundred (400') feet, more or less, to a point, in the south bounds of the Tierney premises; thence turning and running across the shore and up the bank

Pg.2. Description (Cont'd)

to a point on the top of the bank and continuing westerly a distance of forty-seven (47') feet to an iron pipe found in the south bounds of the Tierney premises, and continuing in the same line and direction a further distance of One hundred forty (140') feet to the iron pipe at the point or place of beginning.

The premises above described are all subject to all the rights and privileges granted pursuant to an agreement between Merritt F.Spear and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's office on the same date in Volume 217 of deeds, at page 225.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St.Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the Clinton County Clerk's office in Vol. 505 of Deeds at page 115.

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972, and to be recorded concurrently herewith in the Clinton County Clerk's office.(Said deed recorded in B.D. 554 of deeds, pg.246 on Oct.18,1972.)

BEING the same premises conveyed by John P. Grohman and Muriel M. Grohman, his wife, to John P. Grohman and Muriel M. Grohman, his wife, and Herman Cole and Helen Cole, his wife, residing at 6563 Holland Road, Algonac, Michigan, as joint tenants with right of survivorship, by deed dated October 17, 1972 and recorded in the Clinton County Clerk's office in Liber 554 of deeds at page 250 on October 18, 1972.

CLINTON COUNTY
 020152 REAL ESTATE STATE OF
 TRANSFER TAX NEW YORK ★
 Dept of Taxation NOV1075. 11.00 ★
 & Finance PR.10750 ★

Pg..2.

FORM 583X N. Y. DEED—WARRANTY with Lien Covenant



TUTTLE LAW FIRM, PUBLISHERS, NEW YORK, NY 10017

This Indenture

17746

Made the 17th day of October,

Nineteen Hundred and Seventy-two

Between JOHN P. GROHMAN and MURIEL M. GROHMAN, his wife,
residing at 6208-A Maryland Road, PAFB, Clinton County,
State of New York,

parties of the first part, and

JOHN P. GROHMAN and MURIEL M. GROHMAN, his wife, and HERMAN COLE
and HELEN COLE, his wife, residing at 6563 Holland Road, Algonac,
Michigan, as joint tenants with right of survivorship,

parties of the second part,
Witnesseth that the parties of the first part, in consideration of

-----ONE----- Dollar (\$1.00)
lawful money of the United States, and other valuable considerations
paid by the parties of the second part, do hereby grant and release unto the
parties of the second part, their heirs

and assigns forever, all THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying
and being on the easterly side of the Lake Shore Road, Town of Peru,
Clinton County, New York, and which premises are presently (1967)
bounded as follows: On the north by premises of one Tierney; on the
east by Lake Champlain; and on the west being the easterly right of way
limits of the Lake Shore Road; and on the south by lot One hundred fifty
(150') feet wide formerly conveyed out of the south side of the premises
hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed
are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right of
way marker on the easterly side of Lake Shore Road which pipe marks the
south bounds of the aforementioned Tierney premises and running thence
southerly along the east bounds of the Lake Shore Road, a distance of
One hundred fifty-three (153') feet to a point opposite the center of a
culvert; thence running south 6° 34' east a distance of three hundred
two (302') feet, more or less, which line runs along the east bounds of
a parcel of land conveyed to the County of Clinton by deed dated April
30, 1929 and which deed was recorded in the Clinton County Clerk's
Office on June 14, 1929 in Volume 153 of Deeds, at page 82; and thence
continuing along the east bounds of said parcel conveyed to the County
of Clinton and along the easterly boundary thereof south 4° 09' east to
a point approximately sixty (60') feet in the north bounds of the One
hundred fifty (150') feet lot above referred to as being known as
"Snug Harbor"; thence turning and running easterly along the north bounds
of the premises known as "Snug Harbor" a distance of approximately three
hundred (300') feet to a four (4") inch pipe found in the ground
surrounded by a pile of stones and on the southerly bank of Silver
Stream, so-called, at the mouth of the stream and running thence along
the south bank of said stream in an easterly direction to the shores of
Lake Champlain; thence turning and running northerly along the shores of
Lake Champlain as it winds and turns a distance of four hundred (400')
feet, more or less, to a point in the south bounds of the Tierney
premises; thence turning and running across the shore and up the bank
to a point on the top of the bank and continuing westerly a distance of
forty-seven (47') feet to an iron pipe found in the south bounds of
the Tierney premises, and continuing in the same line and direction a
further distance of One hundred forty (140') feet to the iron pipe at
the point or place of beginning.

The premises above described are all subject to all the rights and
privileges granted pursuant to an agreement between Merritt F. Spear

VOL 554 PAGE 250

and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's Office on the same date in Volume 217 of Deeds, at page 225.

PS

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife, to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972, and to be recorded concurrently herewith in the Clinton County Clerk's Office.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the Clinton County Clerk's Office in Vol. 505 of Deeds, at Page 115.

BEING THE SAME PREMISES conveyed by George J. St. Dennis and Amelia E. St. Dennis, his wife, to John P. Grohman and Muriel M. Grohman, his wife, by a deed dated October 17, 1972, and to be recorded concurrently herewith in the Clinton County Clerk's Office.

No cash consideration, Receipt

CLINTON COUNTY	011143	REAL ESTATE	STATE OF
		TRANSFER TAX	NEW YORK
		Dept. of Taxation	00.00
		Oct 18 '72	

Together with the appurtenances and all the estate and rights of the part les of the first part in and to said premises,

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, That, in Compliance with Sec. 13 of the Lien Law, the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

John P. Grohman
Muriel M. Grohman

State of New York } ss. On this 17th day of October,
County of CLINTON } Nineteen Hundred and Seventy-two
before me, the subscriber, personally appeared

JOHN P. GROHMAN and MURIEL M. GROHMAN

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they acknowledged to me that they executed the same.

Robert T. South
Notary Public

ROBERT T. SOUTH
Notary Public in the State of New York
Residing in the County of Clinton
My Commission Expires March 30, 1974

RECORDED
LIBER 554 OF Needs
PAGE 252 & EXAMINED
72 OCT 18 PM 4: 38
CLINTON COUNTY
CLERK'S OFFICE
ARTHUR T. TWA

Arthur T. Twa

VOL 554 PAGE 252

This Indenture,

Made the *17th* day of October Nineteen Hundred and Seventy-two

Between GEORGE J. ST. DENNIS and AMELIA E. ST. DENNIS, his wife, residing at 329 Cleaves Road, North Fort Myers, Florida,

parties of the first part, and

JOHN P. GROHMAN and MURIEL M. GROHMAN, his wife, residing at 6208-A Maryland Road, PAFB, Clinton County, State of New York,

parties of the second part,

Witnesseth that the parties of the first part, in consideration of ONE AND NO/100*****Dollar (\$1.00***** lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever, all THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being on the easterly side of the Lake Shore Road, Town of Peru, Clinton County, New York, and which premises are presently (1967) bounded as follows: On the north by premises of one Tierney; on the east by Lake Champlain; and on the west being the easterly right of way limits of the Lake Shore Road; and on the south by lot One hundred fifty (150') feet wide formerly conveyed out of the south side of the premises hereby conveyed and known as "Snug Harbor" and the lands hereby conveyed are more particularly described as follows:

COMMENCING at an iron pipe found in the ground near a concrete right of way marker on the easterly side of Lake Shore Road which pipe marks the south bounds of the aforementioned Tierney premises and running thence southerly along the east bounds of the Lake Shore Road, a distance of One hundred fifty-three (153') feet to a point opposite the center of a culvert; thence running south 6° 34' east a distance of three hundred two (302') feet, more or less, which line runs along the east bounds of a parcel of land conveyed to the County of Clinton by deed dated April 30, 1929 and which deed was recorded in the Clinton County Clerk's Office on June 14, 1929 in Volume 153 of Deeds, at page 82; and thence continuing along the east bounds of said parcel conveyed to the County of Clinton and along the easterly boundary thereof south 4° 09' east to a point approximately sixty (60') feet in the north bounds of the One hundred fifty (150') feet lot above referred to as being known as "Snug Harbor"; thence turning and running easterly along the north bounds of the premises known as "Snug Harbor" a distance of approximately three hundred (300') feet to a four (4") inch pipe found in the ground surrounded by a pile of stones and on the southerly bank of Silver Stream, so-called, at the mouth of the stream and running thence along the south bank of said stream in an easterly direction to the shores of Lake Champlain; thence turning and running northerly along the shores of Lake Champlain as it winds and turns a distance of four hundred (400') feet, more or less, to a point in the south bounds of the Tierney premises; thence turning and running across the shore and up the bank

Ccc
PSS

to a point on the top of the bank and continuing westerly a distance of forty-seven (47') feet to an iron pipe found in the south bounds of the Tierney premises, and continuing in the same line and direction a further distance of One hundred forty (140') feet to the iron pipe at the point or place of beginning.

The premises above described are all subject to all the rights and privileges granted pursuant to an agreement between Merritt F. Spear and Earl J. Robinson as more particularly described in a deed dated November 16, 1964 and which deed was recorded in the Clinton County Clerk's Office on the same date in Volume 217 of Deeds, at page 225.

BEING the same premises conveyed by Merritt F. Spear to the parties of the first part herein by deed dated May 26, 1967 and recorded in the Clinton County Clerk's Office on June 12, 1967.

EXCEPTING from the above described premises a parcel of land taken from its southerly side and being the same premises described in a deed from George J. St. Dennis and Amelia E. St. Dennis to Wilmer L. Smith and Mary E. Smith, his wife, dated November 17, 1967, and recorded in the Clinton County Clerk's Office in Vol. 505 of Deeds, at Page 115.

CLINTON COUNTY
 611142
 REAL ESTATE TRANSFER TAX
 Dept. of Taxation & Finance
 OCT 10 1972
 STATE OF NEW YORK
 04.95
 P.B. 10950
ad

This conveyance is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by

NATIONAL COMMERCIAL BANK AND TRUST COMPANY

which mortgage was recorded in the Clinton County Clerk's office, on the _____ day of October 1968, in Book 279 of Mortgages at page 294, on which there is an unpaid principal of Twenty-two Thousand One Hundred Ninety-one and 79/100 Dollars, (\$ 22,191.79), with interest from October 17 1972, at the rate of 7 1/2 per cent per annum, which said mortgage debt the parties of the second part hereby assume and agree to pay, as part of the purchase price of the above described premises, and the parties of the second part hereby execute and acknowledge this Instrument for the purpose of complying with the provisions of General Obligations Law, Section 5-705.

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

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. That, in Compliance with Sec. 13 of the Lien Law, the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof. The parties hereto have hereunto set their hands and seals the day and year first above written.

In Presence of
[Signature]

[Signature]
[Signature]

[Signature]
George J. St. Dennis
[Signature]
Amelia E. St. Dennis
By: *[Signature]*
Ronald Giamburino, their Attorney-in-Fact

State of New York } ss. On this _____ day of October
County of _____ } ss. Nineteen Hundred and Seventy-two
before me, the subscriber, personally appeared

GEORGE J. ST. DENNIS and AMELIA E. ST. DENNIS, his wife, to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they each duly acknowledged to me that they executed the same.

State of New York } ss. On this 17th day of October
County of _____ } ss. Nineteen Hundred and Seventy-two
before me, the subscriber, personally appeared

JOHN P. GROHMAN and MURIEL M. GROHMAN, his wife, to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they each duly acknowledged to me that they executed the same.

VOL 554 PAGE 248

LAWRENCE B. LENNON
Notary Public in the State of New York
Residing in the County of _____
My Commission Expires 2/3/73

[Signature]

Map Notes:

1. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (Mylar prints shall be stamped with the surveyor's ink seal with an original signature)
3. Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person for whom the survey is prepared and on the behalf of the title company, governmental agency, and institution. Certifications are not transferable to additional institutions or subsequent owners.
4. This map may not be used in connection with a "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees.
5. Copyright 2007, Robert M. Sutherland, P.C. All rights reserved.
6. The location of sub-surface improvements are approximate and compiled from field location and mapping provided by the respective utility companies. The contractor shall confirm the location of all utilities prior to the commencement of excavation.
7. Subject to any findings of an accurate abstract of title or those discoverable by inspection.
8. Subject to any and all right of ways and easements of record, if any.
9. Notwithstanding to whom this map is made, it shall be void.
10. Building setbacks, as shown on this map, are not to be used for construction purposes.
11. * Parcel 2 * denotes lot number on reference map.
12. * Lot 1 * denotes lot numbers of proposed subdivision.
13. Subject to Adirondack Park Agency Permit 2007-243 issued October 28, 2007, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.
14. Town of Peru Zoning Board granted a "Special User" permit during the October 17, 2007 meeting.

Reference Deed:

Valcour Harbour, LLC to MMS Marinas I, LLC by deed dated April 26, 2004 and recorded at Instrument #2004-169402 on May 4, 2004 in the Clinton County Clerk's Office.

Reference Map:

"Map of Survey Showing Lands to be Conveyed to Marinas Management, Inc. by Robert M. Sutherland, L.S. and June 13, 2007 and filed with the Offices of Robert M. Sutherland, P.C. as Project #03307.

Tax Map Reference:

Portion of:
Section 256 - Block 02 - Lot 13
Town of Peru / County of Clinton

Certification:

I hereby certify to the parties of interest listed below that this survey was prepared from deeds and maps of record and from an accurate survey performed on 08/17/07.

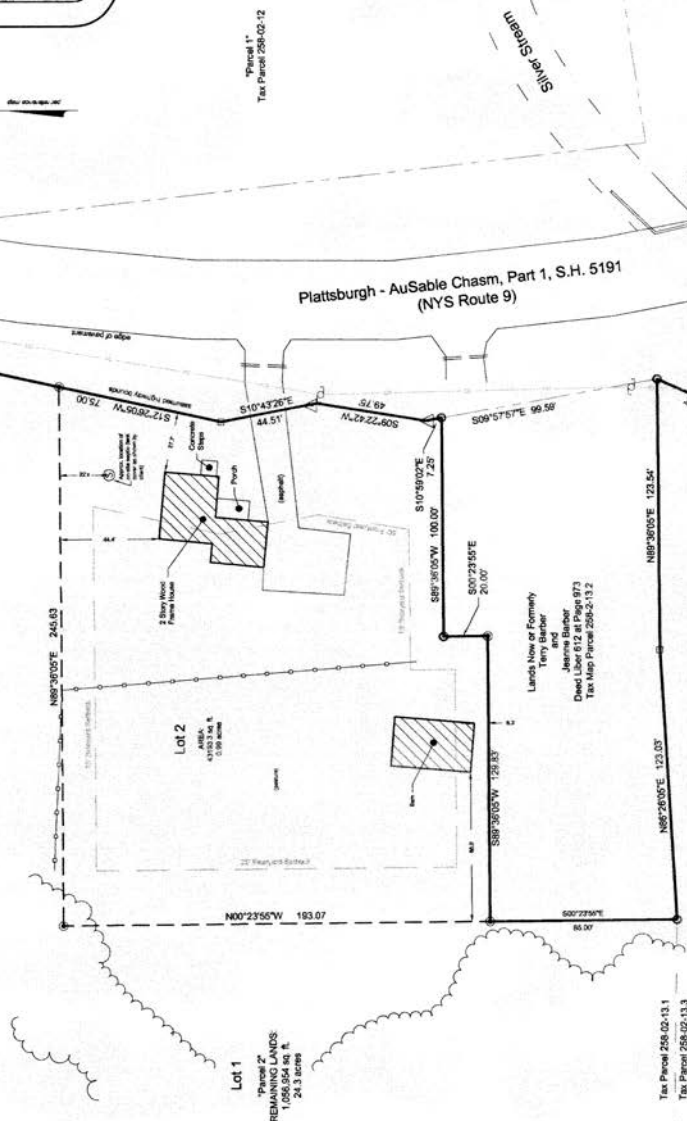
MMS Marinas I, LLC

Ralph C. Schisler III
Ralph C. Schisler III, L.S.
N.Y.S. License #50409

NOTICE
Per Planning Board Resolution No. _____ this Subdivision Plat is hereby certified to be in compliance therewith.

Paul Blaine _____ Date 11-3-07
Paul Blaine
Planning Department
Town of Peru Final Subdivision Plat Approval

Chad Recore _____ Date 11/9/07
Chad Recore
Planning Board Chair



Zoning Information:

ITEM	REQUIREMENTS	PROPOSED
MINIMUM LOT AREA	40,000 sq. ft.	43,189 sq. ft.
MINIMUM LOT WIDTH	150'	173'
MINIMUM FRONT SETBACK	25'	**27.7'
MINIMUM SIDE SETBACK	10'	**9.3' / 14.4'
MINIMUM REAR SETBACK	35'	68.0'

** Existing Condition Provides the existing zoning ordinance

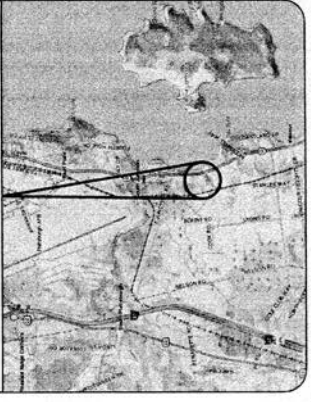
Legend:

- RMS FC spaced 5/8" iron rod (to be set)
- △ Concrete monument
- Found property evidence (as described)
- Computed corner
- ⊙ Utility pole
- Property line
- - - Proposed property line
- - - Overhead utility line
- - - Building setback line
- - - Fence
- ~ Edge of woods

Dec ID: 0024513001 Type: LAN
File # 131-0072007
CLINTON, NY
John A. Suter, County Clerk
File # 2007-00210974



General Location Map (Not to Scale)



Tax Parcel 256-02-12
Tax Parcel 256-02-12

No.	Revision/Issue	Date
2	add AFA permit information	10/30/07
1	add septaconnected zoning	09/19/07

RMS
ROBERT M. SUTHERLAND P.C.
ENGINEERS - PLANNERS - SURVEYORS
SOIL & MATERIAL TESTING
11 HADDONOUGH STREET, PLATTSBURGH, NY 12001
518.561.4145/PH 518.561.2496 (FA)
R.M.S.P.C. © D.M.

Project Name & Address
Map of Survey prepared for
MMS Marinas I, LLC
showing
MMS Marina Subdivision 2007
- Situate ~
Stewart's Patent
Town of Peru
Clinton County
State of New York

Project #	Sheet
07197	1/1
Date	Checked
09/19/07	R.C.S.
Scale	Drawn
1" = 40'	A.J.D.

Attachment D - Tax Map and Site Plan Map



Project Site

PREPARED BY
CLINTON COUNTY REAL PROPERTY DEPT.
137 MARGARET STREET
PLATTSBURGH, NY 12001
PREPARED FOR
CLINTON COUNTY LEGISLATURE

THIS MAP WAS PREPARED FOR TAX ADMINISTRATION PURPOSES ONLY. NOT INTENDED FOR USE IN CONVEYANCE OF LAND. ABSOLUTE NO WARRANTY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTERFERED. ALL INFORMATION AND CONNECTIONS ARE SUBJECT TO A COMPLETE TITLE SEARCH AND/OR ACCURATE FIELD SURVEY.
ORIGINAL MAPPING BY STEWART MAPPING SERVICES MAP CONVERTED TO ELEM DATA/BASE FORMAT - JUNE 2004 BY WELLS MAPPING, A DIVISION OF JAMES W. SEWELL

COORDINATES BASED ON
NEW YORK STATE PLANE COORDINATE SYSTEM
EASTERN ZONE N.A.D. 83
1 in = 400 ft

REVISION TABLE	
DATE	DESCRIPTION
Date: 4/22/2024	MAP UPDATE

SPECIAL DISTRICTS	
SCHOOL: PERU CENTRAL	FIRE: PERU FIRE DISTRICT
LIGHT:	WATER:
SEWER:	

LEGEND	
PROPERTY LINE	U.S. HIGHWAY
BLOCK LIMIT	INTERSTATE HIGHWAY
GREAT LOT LINE	STATE HIGHWAY
HISTORIC PROPERTY LINE	COUNTY HIGHWAY
STREAM OR DITCH	STREET OR TOWN ROAD

LEGEND	
SCHOOL DISTRICT LINE	600+
FIRE DISTRICT LINE	9.5AC
WATER DISTRICT LINE	9.5AC
SEWER DISTRICT LINE	150' (S)
LIGHT DISTRICT LINE	150.2'
	WIND TURBINE
	WIND TURBINE

TAX MAP	
GREAT LOT NUMBER	9
TAX MAP BLOCK NUMBER	9
FILED PLAN LOT NUM.	9
TAX MAP PARCEL NUMBER	5

CLINTON COUNTY REAL PROPERTY DEPT.
137 MARGARET STREET
PLATTSBURGH, NY 12001
PREPARED FOR
CLINTON COUNTY LEGISLATURE

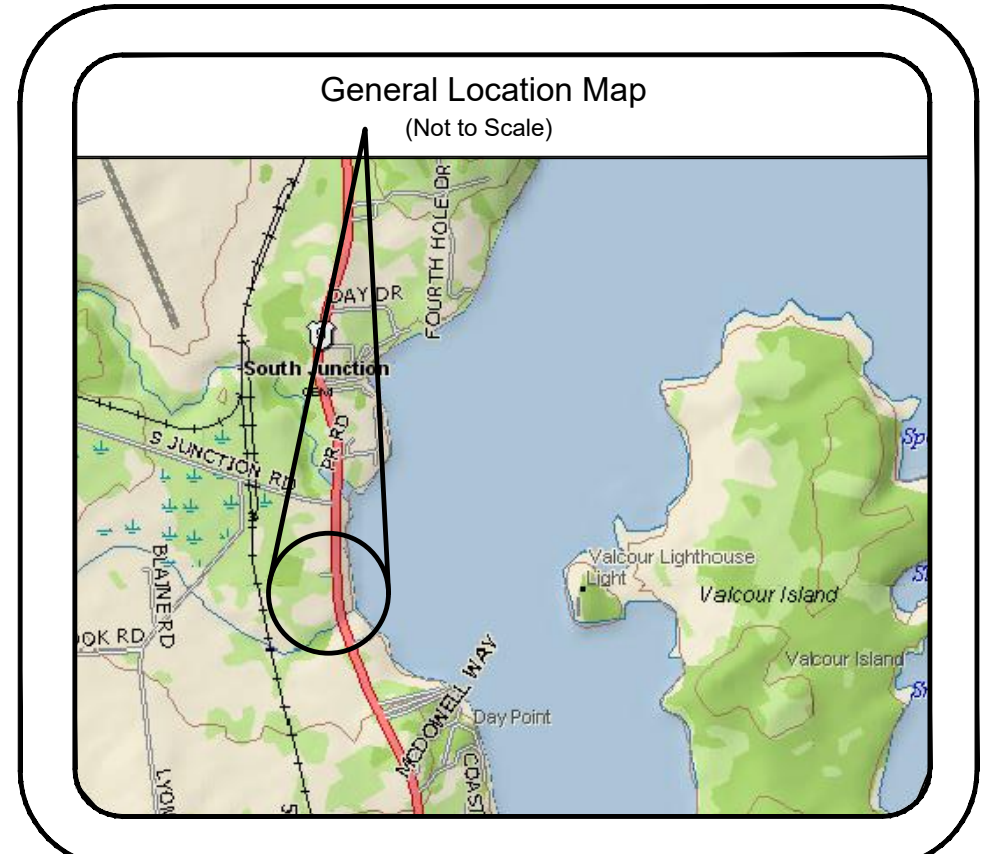
245,000 246,000 247,000
257,000 258,000
269,000 270,000

TAX MAP
TOWN OF PERU
CLINTON COUNTY, NEW YORK
MAP SECTION NUMBER 258.000

NORTH

Permit #	Description	Location	Ref #
N/A	Old Abandoned Building	N/A	N/A
86-184	On-Site Parking	Finding of Fact	5
86-184	Marina Store/Office/Shop Bldg	Finding of Fact	3
86-184	Bathhouse	Finding of Fact	2
86-317	Boat Storage Buildings	Finding of Fact	5
86-317	Out-of-doors Boat Storage Area	Project Description	13
87-416	115 Capacity Parking	Project Description	15
87-416	Fueling Facility	Project Description	12
87-416	Three Floating Tire Breakwaters	Project Description	11
91-378	Restaurant Sign	Project Description	10
91-378	Existing Well	Project Description	8
91-378	Existing Restaurant	Project Description	6
91-378	13 Parking Spots	Project Description	9
91-378	120 Parking Spots	Project Description	9
94-379	Floating Tire Breakwater	Project Description	9

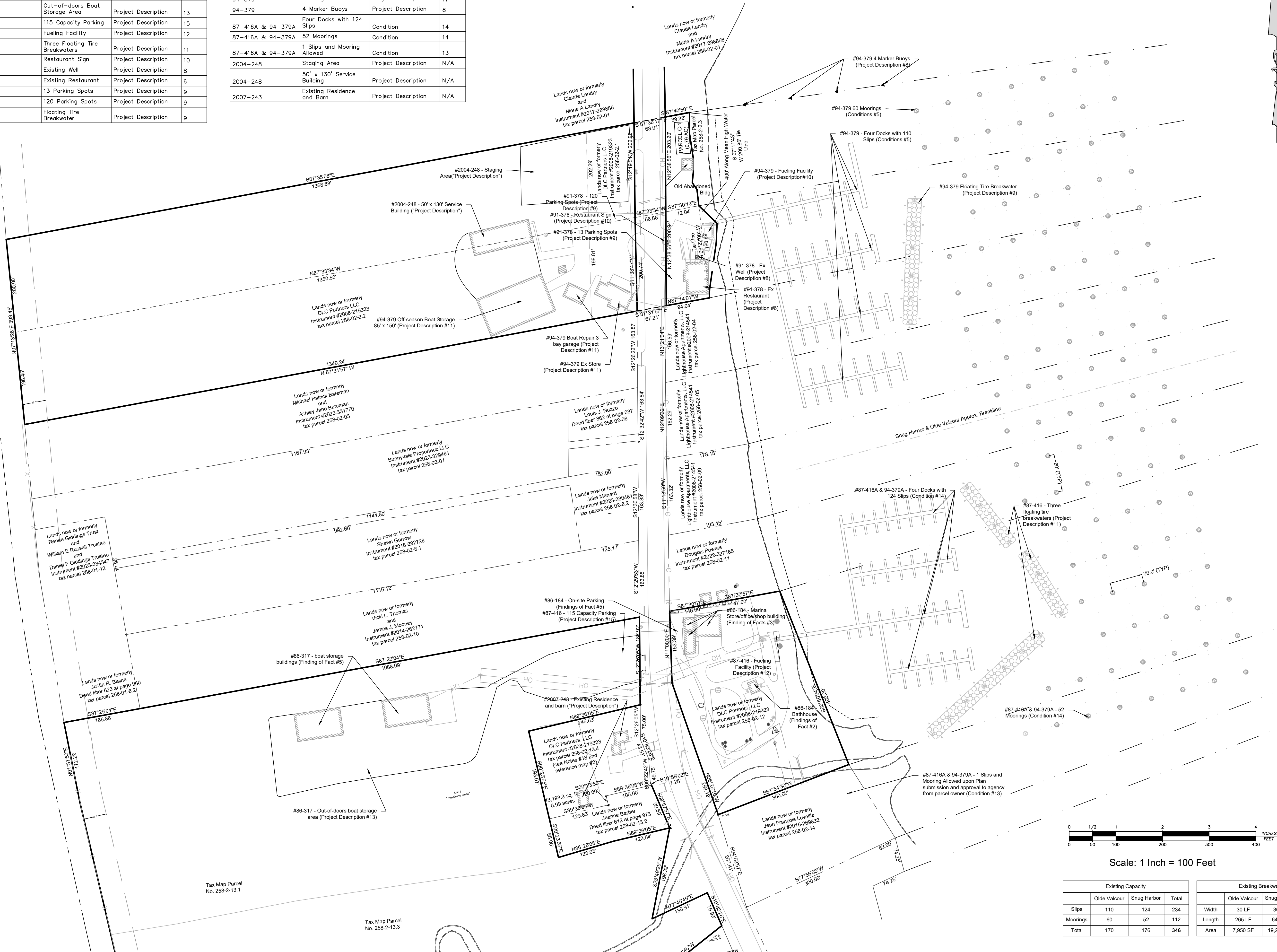
Permit #	Description	Location	Ref #
94-379	60 Moorings	Condition	10
94-379	Fueling Facility	Project Description	5
94-379	Four Docks with 110 Slips	Condition	5
94-379	Off-Season Boat Storage	Project Description	11
94-379	Boat Repair 3-Bay Garage	Project Description	11
94-379	Existing Store	Project Description	11
94-379	4 Marker Buoys	Project Description	8
87-416A & 94-379A	Four Docks with 124 Slips	Condition	14
87-416A & 94-379A	52 Moorings	Condition	14
87-416A & 94-379A	1 Slips and Mooring Allowed	Condition	13
2004-248	Staging Area	Project Description	N/A
2004-248	30' x 130' Service Building	Project Description	N/A
2004-248	Existing Residence and Barn	Project Description	N/A



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

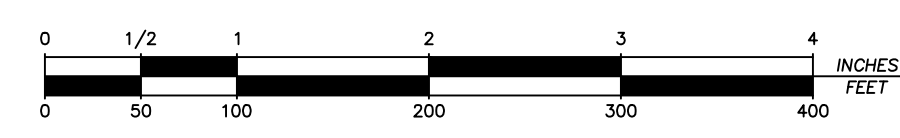
- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊗ Fire hydrant
- ⊙ Manhole
- ⊕ Water well
- ⊖ Water valve
- △ Recovered concrete monument
- ☆ Lamp post
- ⊕ Utility pole (as described)
- ⊙ Ex Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



No.	Revision/Issue	Date

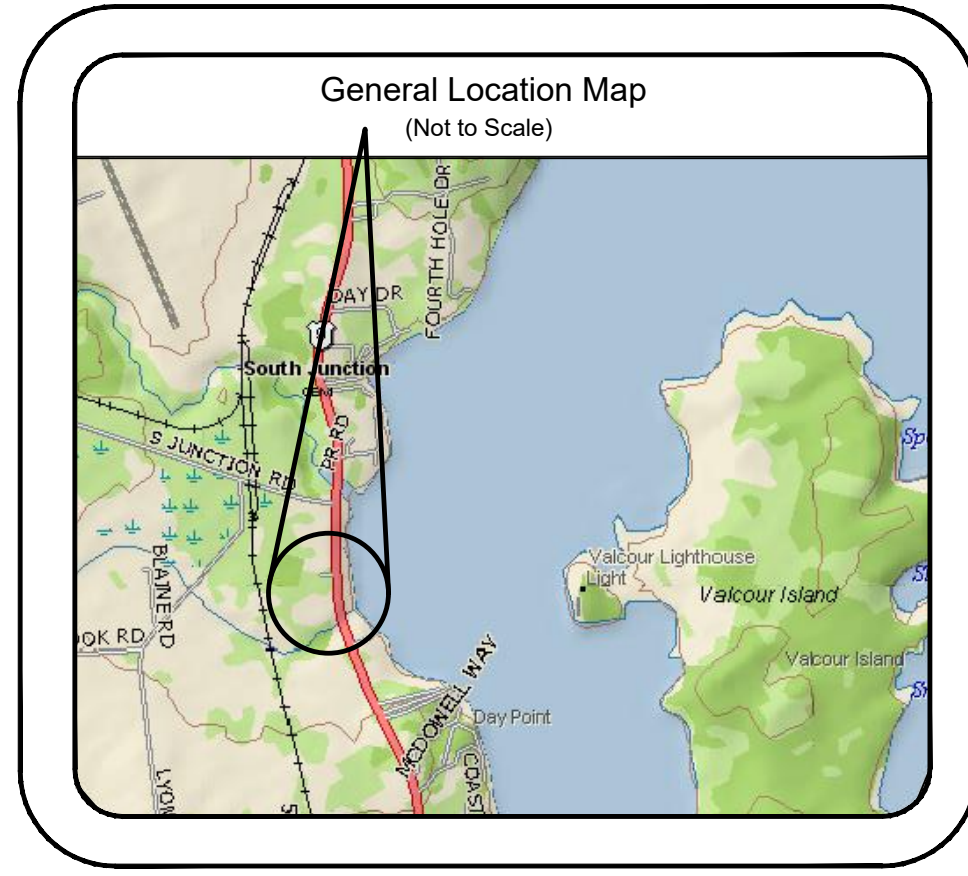


Project Name & Address
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York



Scale: 1 Inch = 100 Feet

	Existing Capacity			Existing Breakwaters		
	Olde Valcour	Snug Harbor	Total	Olde Valcour	Snug Harbor	Total
Slips	110	124	234	Width 30 LF	30 LF	
Moorings	60	52	112	Length 265 LF	640 LF	
Total	170	176	346	Area 7,850 SF	19,200 SF	27,150 SF

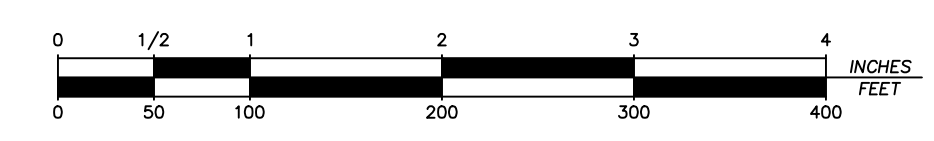


Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

GRID NORTH NAD 83 NYS EAST ZONE-18

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊕ Fire hydrant
- ⊙ Manhole
- ⊕ Water well
- ⊕ Water valve
- ⊕ Recovered concrete monument
- ☆ Lamp post
- Utility pole
- Ex Mooring
- Pr Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



Existing & Proposed Capacity						
	EX Oldie Valcour	EX Snug Harbor	EX Total	PR Oldie Valcour	PR Snug Harbor	PR Total
Slips	110	124	234	148	154	302
Moorings	60	52	112	32	36	68
Total	170	176	346	180	190	370

Existing & Proposed Breakwaters						
	EX Oldie Valcour	EX Snug Harbor	EX Total	PR Oldie Valcour	PR Snug Harbor	PR Total
Width	30 LF	30 LF	60 LF	5 LF	5 LF	10 LF
Length	265 LF	640 LF	905 LF	500 LF	850 LF	1,350 LF
Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	31,400 SF

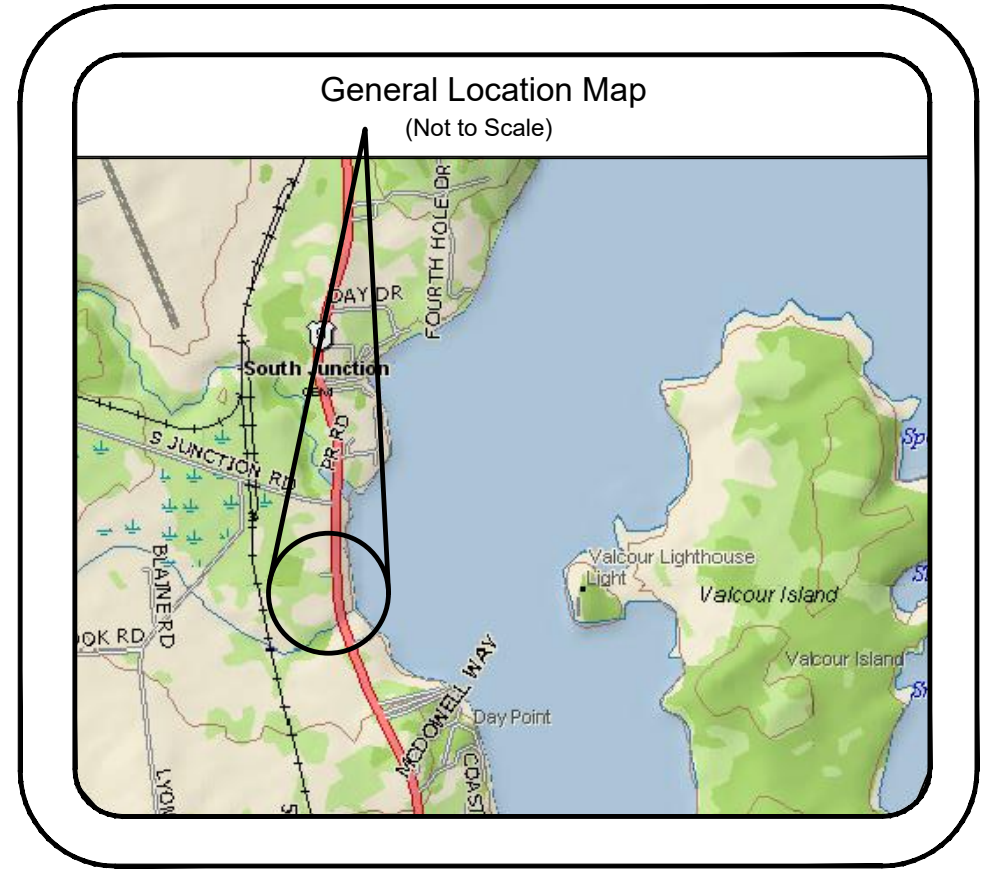
No.	Revision/Issue	Date

RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
 R M S P C C O M

Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Current Permitted Configuration with Proposed Overlay
Date: 06/06/2024	C200
Scale: 1" = 100'	Checked: AJO
Drawn: TJS	

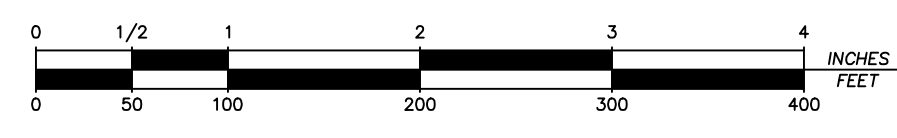
GRID NORTH MAD 83 NYS EAST ZONE-18



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⚡ Fire hydrant
- ⊕ Manhole
- ⊗ Water well
- ⊕ Water valve
- ⚠ Recovered concrete monument
- ⊙ Lamp post
- Utility pole
- Ex Mooring
- PR Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



Scale: 1 Inch = 100 Feet

Proposed Capacity			
	Olde Valcour	Snug Harbor	Total
Slips	148	154	302
Moorings	32	36	68
Total	180	190	370

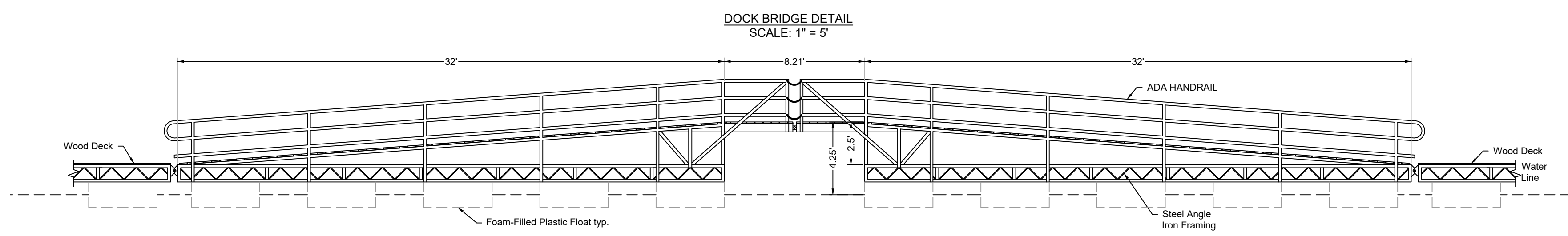
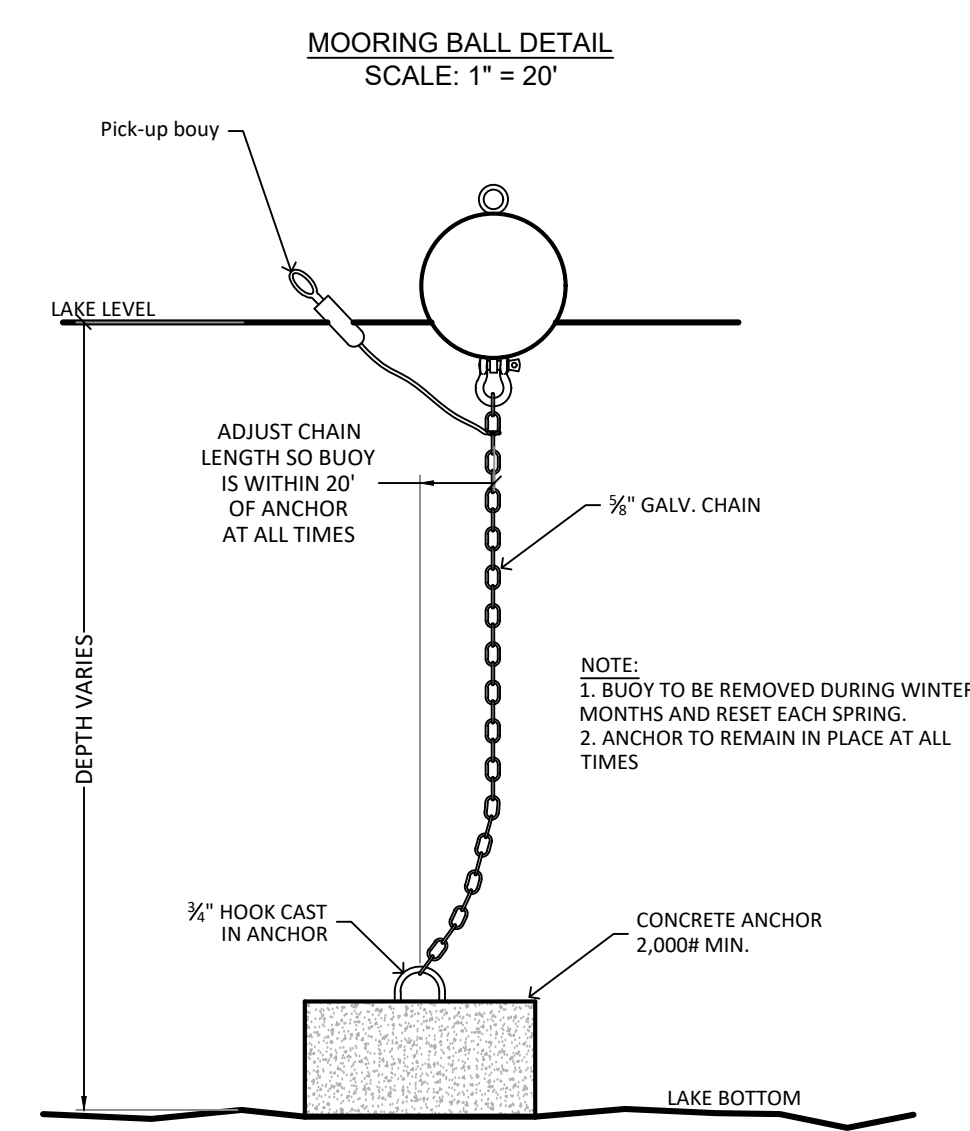
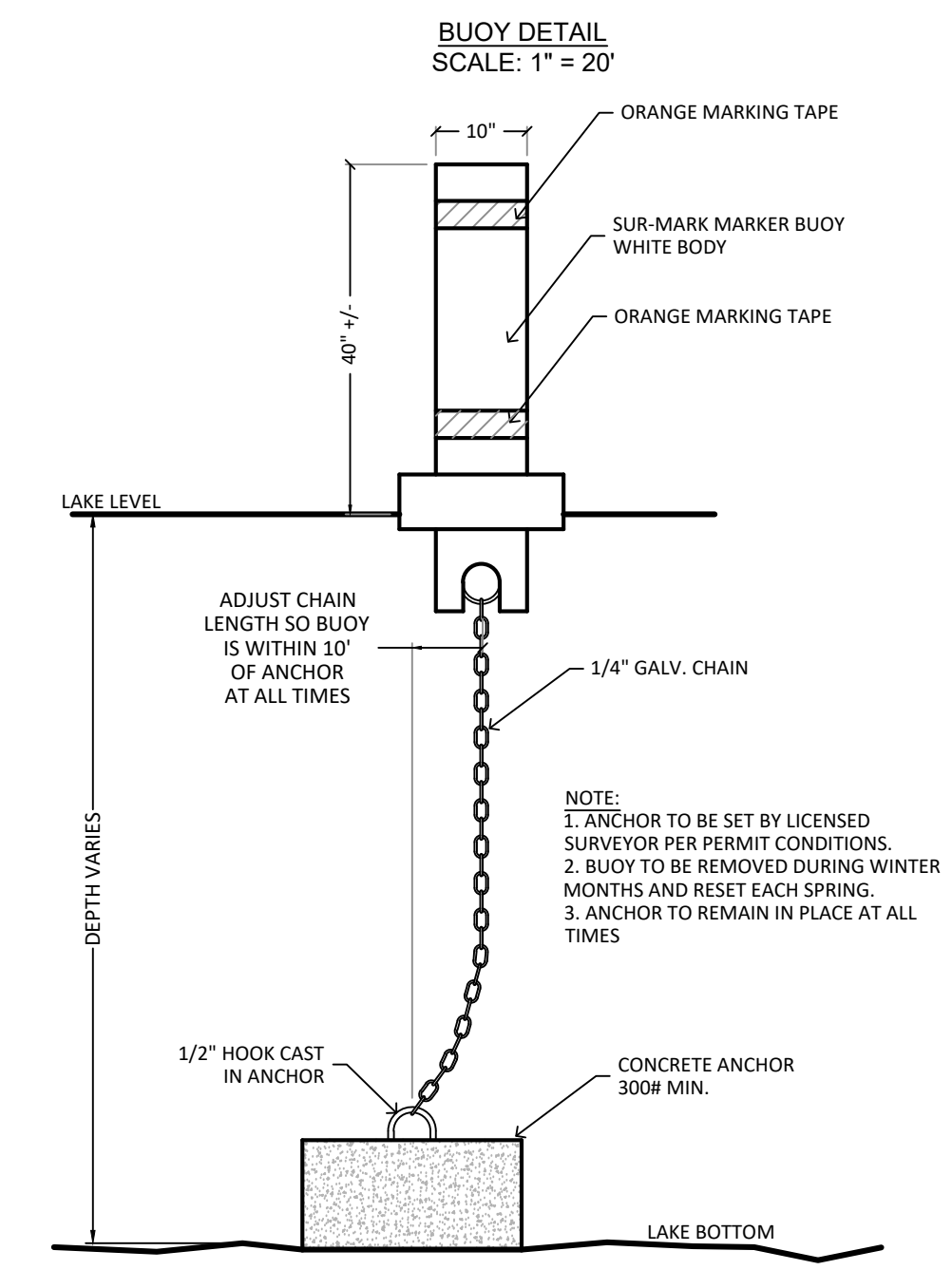
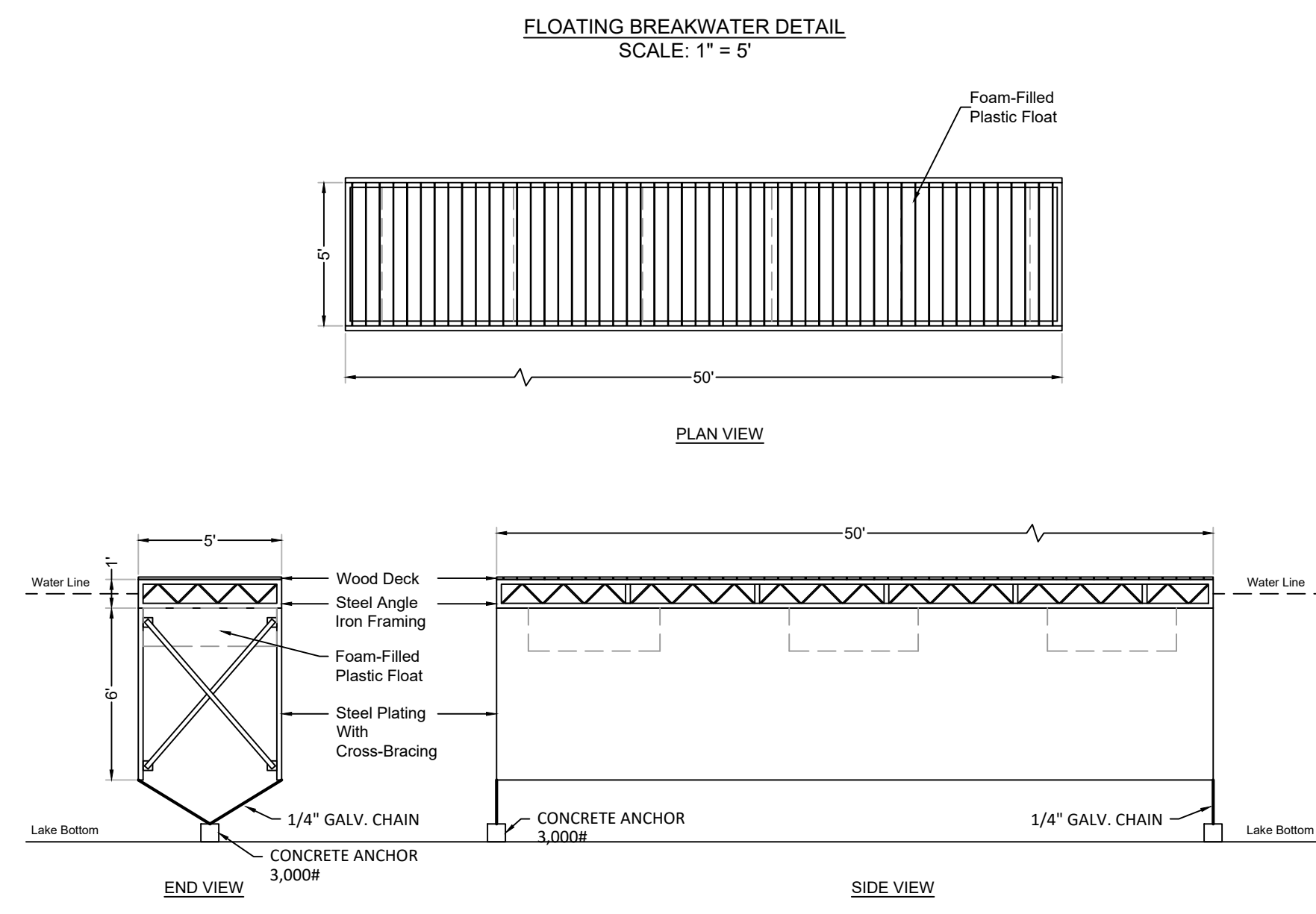
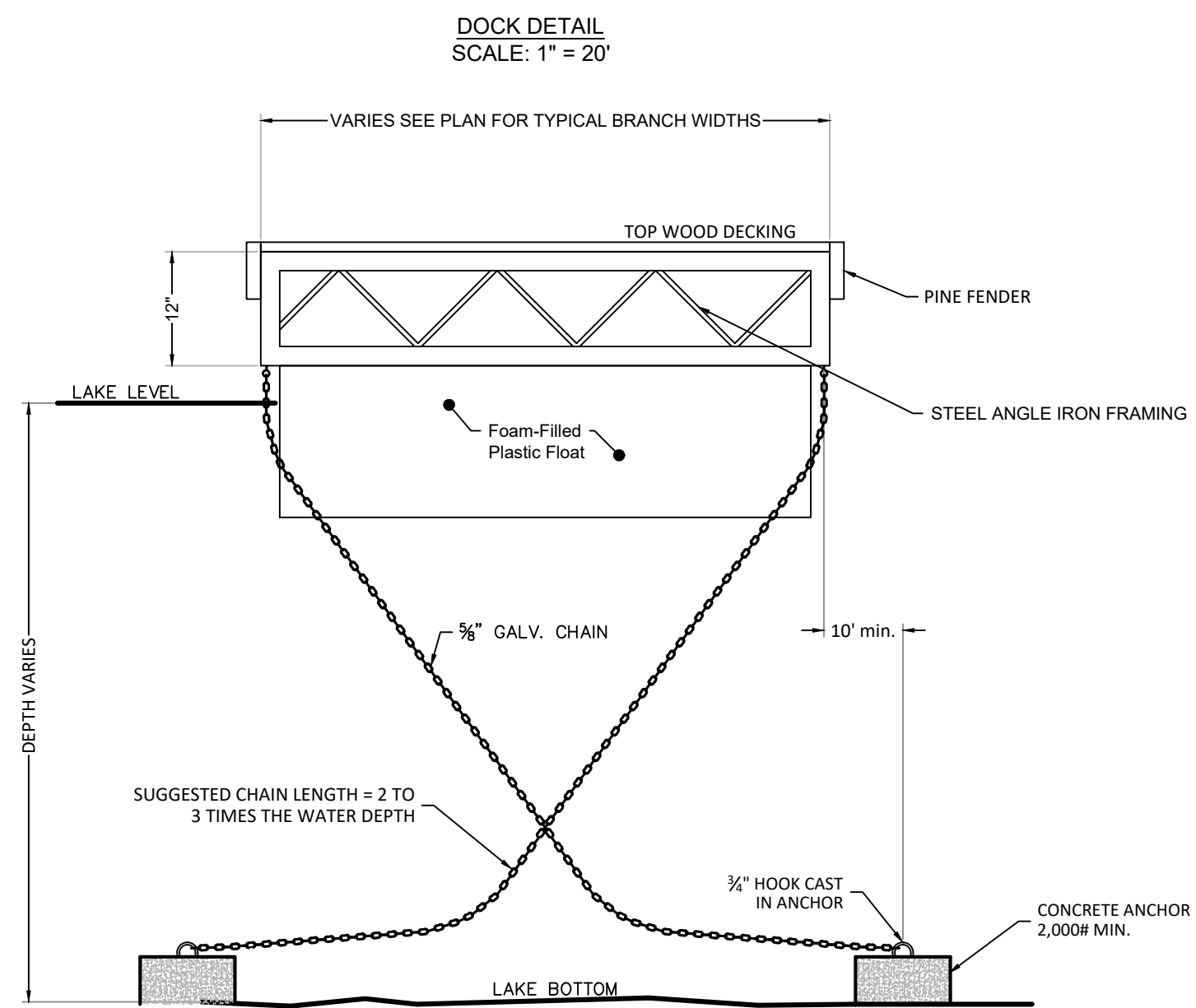
Proposed Breakwaters			
	Olde Valcour	Snug Harbor	Total
Width	5 LF	5 LF	
Length	500 LF	850 LF	
Area	2,500 SF	4,250 SF	6,750 SF

No.	Revision/Issue	Date



Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Proposed Configuration
Date	06/06/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C300	



No.	Revision/Issue	Date

RMS
ROBERT M. SUTHERLAND P.C.
ENGINEERS - PLANNERS - SURVEYORS
SOIL & MATERIAL TESTING
11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
518.561.6145 (PH) 518.561.2496 (FX)
R M S P C . C O M

Project Name & Address
Map prepared for
Olde Valcour & Snug Harbor Marina
- Situate -
Stewart's Patent
Town of Peru
Clinton County State of New York

Project #	24052	Sheet	DETAILS
Date	06/06/2024		
Scale	VARIES		D100
Drawn	LSC	Checked	AJO

Tank Information

PBS Number:
5-436763

(Please use the key located on the last page to complete each item/column)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
Action	Tank Number	Tank Location	Status	Installation, out-of-service, or Permanent ClosureDate (mm/dd/yyyy) Application will be returned if blank	Capacity (Gallons)	Product Stored (If Gasoline w/ethanol or Biodiesel, list % additive) %	Tank Type	Tank Internal Protection	Tank External Protection	Tank Secondary Containment	Tank Leak Detection	Tank Overfill Prevention	Tank Spill Prevention	Pumping/Dispensing Method	Piping Location	Piping Type	Piping External Protection	Piping Secondary Containment	Piping Leak Detection	Under Dispenser Containment (UDC) (Check box if present)
	001	3	1	2/1/1993	2,000	0009	01	00	01	01 10	06	04	00	02	01	01	01	00	00	<input type="checkbox"/>
	002	3	1	2/1/1993	2,000	0008	01	00	01	01 10	06	04	00	02	01	01	01	00	00	<input type="checkbox"/>
4	003	3	1	9/24/2008	300	0008	01	00	01	01 10	06	04	01	06	01	11	00	00	00	<input type="checkbox"/>
4	004	3	1	9/24/2008	300	0009	01	00	01	01 10	06	04	01	06	01	11	00	00	00	<input type="checkbox"/>
	010	3	1	1/1/2005	275	2642	01	00	01	01 10	06	04	01	04	01	10	00	00	00	<input type="checkbox"/>
4	012	3	2	10/1/1995 10/25/19	275	0001	01	00	01	01 10	06	05	00	05	01	10	00	00	00	<input type="checkbox"/>

Note: If you need to add tanks to your registration, write them in using blank lines above. Attach additional sheets as needed. Blank Section B is available at http://www.dec.ny.gov/docs/remediation_hudson_pdf/pbsrenewal.pdf

Attachment E - Existing Deed Restrictions & Easements

Existing Deed Restrictions and Easements

- Subject to easements recorded as follows:
 - DB 461 p. 594
 - DB 499 p. 122 and DB 578 p. 330
 - Liber 217 p. 225 and Liber 217 p. 365
 - Liber 784, page 84
 - Liber 461 p. 598
 - Liber 269 p. 485
 - Liber 461 p. 606
 - Liber 784 p. 84
 - Instrument No. 1999-00113050
 - Instrument No. 2001-00130768
 - Instrument No. 2006-00194387
- Deed Restriction for the project site are subject to conditions in the following permits:
 - APA Permit (Project 86-184) in Liber 639 of Deeds at page 532.
 - APA Permit (Project 86-317) in Liber 643 of Deeds at page 317.
 - APA Permit (Project 87-416) in Book 13 Misc. p. 317 and Amended Permit recorded in Deeds as Instrument No. 154395
 - APA Permit (Project 94-379) recorded in Book 13 Misc. p. 333 and Amended APA Permit, Instrument No. 154395
 - APA Permit (Project 91-378) recorded in Book 14 Misc. p.1.
 - APA Permit (Project 2004-248) recorded as Instrument No. 2005-00179331
 - APA Permit (Project 2007-243) recorded as Instrument No. 2007-00211299

Record and Return To:

NYSEG
Records Management &
Real Estate Services
PO Box 5224
Binghamton, NY 13902-5224

CLINTON COUNTY CLERK'S OFFICE

County Clerk's Recording Page

TIME STAMP
"RECORDED"
JUL 15 10 32 AM '99
CLINTON COUNTY
CLERK'S OFFICE
JOHN H. ZURLO

COMPLETE THIS SIDE

PARTY(IES) OF THE FIRST PART

Valcour Harbour, LLC

PARTY(IES) OF THE SECOND PART

New York State Electric & Gas Corporation

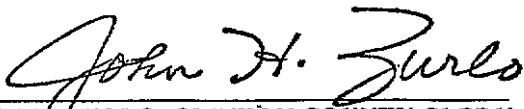
PROPERTY LOCATION (NOT MAILING ADDRESS)

CITY/TOWN Town of Peru

TAX MAP # 258 - 2 - 12

STATE OF NEW YORK
COUNTY OF CLINTON

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH FROM THIS INSTRUMENT.


JOHN H. ZURLO, CLINTON COUNTY CLERK

FOR CLERK'S USE ONLY

DAY SHEET #

OF PAGES 3

INDEX Deeds

INSTRUMENT Easement

INSTRUMENT# 113050

TRANSFER TAX

R.E.T.T.# 02707

CONSIDERATION \$ 1.00

R.E.T.T. AMOUNT 0

MORTGAGE TAX

MORTGAGE SERIAL#

MORTGAGE AMOUNT

BASIC MTG. TAX

SPECIAL ADDITIONAL

ADDITIONAL

TOTAL TAX

I HEREBY CERTIFY THAT I HAVE RECEIVED THE ABOVE IMPOSED TAX PAID AT THE TIME OF RECORDING.

JOHN H. ZURLO, CLINTON COUNTY CLERK

EASEMENT

THIS INSTRUMENT WITNESSETH THAT Valcour Harbour, LLC

hereinafter called the Grantor(s), being the owner of or having an interest in land situate in the Peru Town of Clinton County of New York, State of New York, fronting on the street or highway known as Route 9 and bounded northerly by lands of James D. Carter and southerly

by lands of James D. Carter, for and in consideration of the sum of One and No / 100 Dollars (\$1.00), the receipt of which is hereby acknowledged, does hereby grant and release unto NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office in the Town of Dryden (no street address), County of Tompkins, State of New York, hereinafter called the Grantee, its lessees, licensees, successors, and assigns forever, a permanent easement and right of way, with the privilege and authority to install, construct, reconstruct, extend, operate, inspect, repair, maintain, and, at its pleasure, remove poles, lines, lines of poles, and supporting structures, crossarms, overhead and underground wires, guys, braces, communication systems, underground pipe an pipeline, cables, ducts, conduits, pedestals, closures, hand/man holes, along with any other supporting apparatus, structures, markers, facilities, and necessary fixtures or appurtenances thereto which the Grantee may require now and from time to time for the transmission and/or distribution of electric current, natural and/or manufactured gas, and/or for communication purposes, for public or private use, in, upon, over, under, through, and across a strip of land, 30 feet in width throughout its extent, situate, lying, and being as follows:

The centerline of said easement and right of way is to begin at a point in Grantee's existing wood pole electric line located on Grantor's land, said point being about 18 feet easterly from the center of said Route 9, said point also being about 248 feet northerly from Grantor's southerly property bounds; thence said centerline extends in an easterly direction across Grantor's lands a distance of about 200 feet to a point about 283 feet northerly from Grantor's southerly property bounds; together with guying facilities and service extensions outside of said easement and right of way.

INCLUDING: The right to extend lateral service lines to all buildings now or hereafter constructed upon land abutting the easement and right of way, also the rights for guying facilities to extend outside of the above mentioned easement width when deemed necessary for safe construction.

TOGETHER with the rights of free ingress and egress over the easement and right of way and other lands of Grantor(s) for all of the above purposes and the right now and from time to time to trim, cut, and/or remove by manual, mechanical, or chemical means, trees, roots, brush, structures, and other obstructions within or said adjacent to the right of way.

The Grantor(s) agree that the permanent easement and right of way above described and hereby conveyed is intended to prohibit the longitudinal or parallel occupancy of said easement and right of way strip with surface or subsurface structures. There shall be no excavating, mining, or blasting within the limits of the easement and right of way area without prior written consent of the Grantee, but this instrument is not intended to prohibit crossing and/or recrossing of said easement and right of way area so long as said crossing and other uses do not interfere with, or endanger the operation and/or maintenance of, Grantee's facilities.

Grantor(s) agree on its behalf, and on behalf of its successors and assigns, and as a covenant running with the land, that the existing grade of the ground following the installation of Grantee's facilities shall remain unchanged. PROVIDED, however, that any damage (other than for cutting, trimming and/or removing trees, roots, brush, structures and other obstructions as above provided) to the property of the Grantor(s) caused by the Grantee in the exercise of its rights as above provided shall be borne by the Grantee.

This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, successors and assigns.

IN WITNESS WHEREOF, the Grantor(s) has hereto set its hand(s) and seal(s) this 21 day of June, 1999.

IN PRESENCE OF:

_____ Valcour Harbour, LLC
X Josephine S. Paley Member (L.S.)
 Address: 4013 Rt 9 Plattsburgh
NY 12901

_____ (L.S.)
 Address: _____

_____ (L.S.)
 Address: _____

_____ (L.S.)
 Address: _____

EASEMENT

(Personal Acknowledgment)

(Subscribing Witness Acknowledgment)

(Limited Liability Company Acknowledgment)

Line 544

Auth. 15050-9000 Parcel No. 1617

STATE OF NEW YORK
COUNTY OF] ss:

STATE OF NEW YORK
COUNTY OF] ss:

STATE OF NEW YORK)
COUNTY OF CLINTON) ss:

Area Cost Center No. 15-70

Construction W.O. No. 15059-117

On this ___ day of _____, before me, the subscriber, personally appeared

On this ___ day of _____, before me personally came

On the 21st day of June before me the year 1999 Josephine S. Faler to me personally know, who by me duly sworn, did depose and say that she resides at 3977 Route 9, Plattsburgh, New York 12901 in the Town of Peru in the County of Clinton, that she is a member of Valcour Harbour, LLC, the Limited Liability Company described in and which executed the within instrument, and that she signed her name thereto by authority of the members of said Limited Liability Company

Valcour Harbour, LLC

TO
NEW YORK STATE ELECTRIC
& GAS CORPORATION

Dated June 21, 1999

(Notary Public)

(Notary Public)

STATE OF NEW YORK
COUNTY OF] ss:

Recorded on the ___ day of _____

at ___ o'clock ___ M.

In Book ___ of Deeds at

Page ___ and examined.

(Clerk)

TAX MAP NUMBER

Section 258 Block 2 Lot 12

Consideration on this document is less than \$100.00.

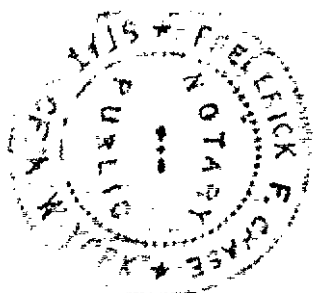
JUN 30 1999

RETURN TO

RECORDS MANAGEMENT & REAL ESTATE SERVICES

NEW YORK STATE ELECTRIC & GAS CORP.
POST OFFICE BOX 5224
BINGHAMTON, NEW YORK 13902-5224

Frederick F. Chase
Notary Public, State of New York
Clinton County - No.01CH0621600
Commission Expires May 31, 2001



Record and Return To:
New York State Electric & Gas Corp.
Attn: Susan Gilman
4125 Route 22
Plattsburgh, New York 12901

TIME STAMP

FILED

2001 MAY -1 PM 1:48

CLINTON COUNTY
CLERK'S OFFICE
JOHN H. ZURLO

CLINTON COUNTY CLERK'S OFFICE

County Clerk's Recording Page

COMPLETE THIS SIDE

PARTY(IES) OF THE FIRST PART

James D. Carter

PARTY(IES) OF THE SECOND PART

New York State Electric & Gas Corporation

FOR CLERK'S USE ONLY

DAY SHEET #

OF PAGES 3

INDEX

Deeds

INSTRUMENT

Easement

INSTRUMENT#

130768

TRANSFER TAX

R.E.T.T.#

2128

CONSIDERATION

1800-

R.E.T.T. AMOUNT

8-

MORTGAGE TAX

MORTGAGE SERIAL#

MORTGAGE AMOUNT

BASIC MTG. TAX

SPECIAL ADDITIONAL

ADDITIONAL

TOTAL TAX

I HEREBY CERTIFY THAT I HAVE
RECEIVED THE ABOVE IMPOSED TAX PAID
AT THE TIME OF RECORDING.

John H. Zurlo
JOHN H. ZURLO, CLINTON COUNTY CLERK

PROPERTY LOCATION (NOT MAILING ADDRESS)

CITY/TOWN

Peru

TAX MAP # 258-2-2.2

STATE OF NEW YORK
COUNTY OF CLINTON

WARNING - THIS SHEET CONSTITUTES THE
CLERK'S ENDORSEMENT, REQUIRED BY
SECTION 319 OF THE REAL PROPERTY LAW
OF THE STATE OF NEW YORK.
DO NOT DETACH FROM THIS
INSTRUMENT.

John H. Zurlo
JOHN H. ZURLO, CLINTON COUNTY CLERK

EASEMENT (Pipeline)

THIS INSTRUMENT WITNESSETH THAT

James D. Carter

hereinafter called the Grantor(s), being the owner(s) of or having an interest in land situate in the Town of Peru, County of Clinton, State of New York, fronting on the street or highway known as Route 9, and bounded northerly by lands of Edwin P. Goodrich and southerly by lands of other lands of James D. Carter, and being more fully described in a deed from Roger N. Whittmayer and Jessie P. Whittmayer dated 05/16/90 and recorded in the Clinton County Clerk's Office in Book 792 of Deeds at Page 129, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, and the further consideration to be paid or tendered as hereinafter provided, hereby grants and release(s) to NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office in the Town of Dryden (no street address), County of Tompkins, State of New York, hereinafter called the Grantee, its successors and assigns, the right, privilege, and authority now and from time to time to construct, reconstruct, maintain, operate, repair, use, and at Grantee's pleasure remove one or more underground pipeline(s) with appurtenant facilities for the transmission and distribution of natural or manufactured gas, and/or for communication purposes, for public or private use upon, over, under, and through said land together with adequate protection therefor, and also a right of way, within the strip described as follows: Said easement and right of way being a strip 3 rods (49 1/2 feet) in width entering Grantor's lands on the north from the lands of Edwin P. Goodrich and extending southerly along and adjacent to Grantor's westerly property bounds a distance of about 200 feet to another parcel of land of the Grantor on the south; said easement and right of way being situate on the northerly 200 feet of Grantor's lands identified as Tax Map Parcel ID # 258-2-2.2 in the Town of Peru; this easement is a replacement of and shares the same space as an easement granted by Fredrika D. Mason and Thurber Day to Cometa Corporation dated June 17, 1959, and recorded in the Clinton County Clerk's Office on December 10, 1962; New York State Electric & Gas Corporation is the successor in interest to Cometa Corporation.

Grantor(s) further grant(s) to Grantee: (a) the right now and from time to time to trim, cut, burn, treat, and/or remove by manual or chemical means any brush, trees, obstructions, or other encroachments within the aforementioned strip, as well as the right to cut down and clear away any trees or brush on either side of the strip that now or hereafter in the opinion of the Grantee may pose a hazard to the pipeline and appurtenances or may interfere with the exercise of Grantee's rights under this instrument; (b) the right of free ingress to and egress from the strip over and across the other property of the Grantor(s); (c) the right of grading for, constructing, maintaining, and using such roads on and across the aforementioned strip and the other property of the Grantor(s) as Grantee may deem necessary in the exercise of the right of ingress and egress; and (d) the right to mark the location of the strip by suitable markers provided that such markers shall be placed so as not to interfere with any reasonable use Grantor(s) shall make of the strip consistent with this instrument; (e) also, the right to pile and store logs upon the property of the Grantor(s) within and adjacent to the permanent and temporary easement strips; the right, but not the obligation, to construct, install, repair, maintain and replace, outside of the permanent and temporary easement strips, water bars and other facilities for drainage control.

RESERVING, however, to the Grantor(s) the right to use and enjoy the strip and its property for purposes that will not interfere with, or obstruct, the Grantee's full enjoyment of the rights granted by this instrument or which create a real or potential hazard, provided further that Grantor(s) shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction or interference on the strip, or diminish [or substantially add] to the ground cover on the strip. All pipelines shall be laid sufficiently deep so that they will not interfere with normal cultivation of the land.

PROVIDED, however, that any damage (other than for trimming, cutting, or removing trees, brush, vegetation, or other obstructions as provided above) to the property of the Grantor(s) caused by the Grantee in constructing or repairing said line or lines, shall be borne by the Grantee.

FURTHER PROVIDED, that on or before thirty(30) days year(s) from the date of this instrument Grantee shall pay to the Grantor(s) the further sum of Eighteen Hundred And No/100 (\$1,800.00). Should the additional consideration not be paid or tendered as herein provided, this grant shall terminate and no longer be binding on either party hereto.

FURTHER PROVIDED, that Grantor(s) hereby warrant(s) the title to the rights above-granted and that the same are free and clear of all liens and encumbrances, except as may be herein expressly shown as follows:

Grantor(s) agree to execute any further necessary assurance(s) of the title to the premises of the Grantor(s) as Grantee may reasonably require.

This Instrument shall be binding upon and inure to the benefit of the distributees, executors, administrators, successors, and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor(s) has hereunto set his hand(s) and seal(s) this

26th day of April, 2001

IN PRESENCE OF

Anna Fumiani Masten

James D. Carter

James D. Carter

(L.S.)

(L.S.)

(L.S.)

(L.S.)

EASEMENT

(Personal or Corporate Acknowledgment)

(Personal or Corporate Acknowledgment)

(Subscribing Witness Acknowledgment)

Line _____
Auth. 15160-8000 Parcel No. _____

Area Cost Center No. _____
15-70

Construction W.O. No. _____

James D. Carter

TO
NEW YORK STATE ELECTRIC
& GAS CORPORATION

Dated _____

STATE OF NEW YORK }
COUNTY OF _____ } ss:

Recorded on the _____ day of _____

at _____ o'clock _____ M.

In Book _____ of Deeds at _____ and examined.
Page _____

(Clerk)

STATE OF NEW YORK }
COUNTY OF Clinton } ss:

On the 26th day of April

2001, before me, the undersigned, a Notary Public in and for said State, personally appeared James D. Carter

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person* upon behalf of which the individual(s) acted, executed the instrument.

STATE OF NEW YORK }
COUNTY OF _____ } ss:

On the _____ day of _____

_____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person* upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Donna P. ...
DONNA P. ...
Notary Public, State of New York
No. 01PR4939268
Qualified in Clinton County
Commission Expires Oct. 3, 2002

*"For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodians, nominee or any other individual or entity in its own or any representative capacity."

*"For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodians, nominee or any other individual or entity in its own or any representative capacity."

Notary Public

same time, subscribed in _____ name as witness thereto.

STATE OF NEW YORK }
COUNTY OF _____ } ss:
On this _____ day of _____, before me personally came _____, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say that _____ he reside(s) at _____ in the _____ that _____ he knew _____ to be the individual _____ described in and who executed the foregoing instrument that _____ he, said subscribing witness, was present and saw _____ execute the same; and _____, said witness, at the same time, subscribed in _____ name as witness thereto.

TAX MAP NUMBER

Section 258 Block 2 Lot 2.2

RETURN TO

RECORDS-MANAGEMENT &
REAL ESTATE SERVICES
NEW YORK STATE ELECTRIC & GAS CORP
POST-OFFICE BOX 9287-41A5 Route 22
ITHACA, NEW YORK 14852-9287
PLATTSBURGH, NY 12901



John H. Zurlo, County Clerk
137 Margaret St
Ste 101
Plattsburgh, NY 12901
(518) 565-4700

Zm

Clinton County Clerk Recording Cover Sheet

Received From :
NYSEG
PO BOX 5224
BINGHAMTON, NY 13902

Return To :
NYSEG
PO BOX 5224
BINGHAMTON, NY 13902

First 1ST PARTY(---OR)

MMS MARINAS 1 LLC

First 2ND PARTY(--EE)

NYSEG

Index Type : Land Records

Instr Number : 2006-00194387

Type of Instrument : Easement

Book : **Page :**

Type of Transaction : Easement Public Utility

Recording Fee : \$42.00

The Property affected by this instrument is situated in Plattsburgh (Town),
in the County of Clinton, New York

Recording Pages : 3

Real Estate Transfer Tax

RETT # : 2541

Deed Amount : \$0.00

RETT Amount : \$0.00

State of New York

County of Clinton

I hereby certify that the within and foregoing was
recorded in the Clerk's office for Clinton County,
New York

On (Recorded Date) : 05/17/2006

Total Fees : \$42.00

At (Recorded Time) : 10:26:21 AM



Doc ID - 001749140003

John H. Zurlo, County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Printed On : 05/17/2006 At : 10:27:03AM

EASEMENT

THIS INSTRUMENT WITNESSETH THAT MMS Marinas 1 LLC

hereinafter called the Grantor(s), being the owner(s) of or having an interest in land situate in the Town of PLATTSBURGH, County of CLINTON, State of New York, fronting on the street or highway known as State Route 9, bounded Northerly by lands of Goodrich and Southerly by lands of Nuzzo

for and in consideration of the sum of One and No/100 Dollars (\$1.00), the receipt of which is hereby acknowledged, does hereby grant and release unto NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office at 18 Link Drive in the Town of Kirkwood, County of Broome, State of New York, hereinafter called the Grantee, its lessees, licensees, successors and assigns forever, a permanent easement and right of way, with the right, privilege and authority to construct, reconstruct, relocate, extend, operate, inspect, maintain, repair, replace, and at its pleasure, remove any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, braces, communications facilities and other fixtures and appurtenances which the Grantee shall require now and from time to time for the transmission and/or distribution of electric current and/or for communication purposes, for public or private use, in, upon, over, under, and across said land and/or the highways abutting or running through said land.

The easement and right of way hereby granted and released is 30 feet in width throughout its extent, situate, lying and being as follows:

The centerline of said easement and right of way enters Grantor's land in a westerly direction from State Route 9 and extends to a point about 51 feet westerly from the center of State Route 9 and about 186 feet southerly from Grantor's northerly property line.

THE GRANTEE, its successors and assigns, are hereby expressly given and granted the right to assign this easement and right of way, or any part thereof, or interest therein, and the same shall be divisible among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full rights and privileges herein granted, to be owned and enjoyed either in common or severally.

TOGETHER with rights for free ingress and egress over the easement and right of way and other lands of the Grantor(s) for all of the above purposes and the right now and from time to time to trim, cut, burn, treat and/or remove by manual, mechanical and chemical means trees, brush, structures and other obstructions within said easement and right of way and such other trees adjacent to the right of way that, in the opinion of the Grantee, may interfere with the construction, operation and maintenance of its line or lines.

PROVIDED, however, that any damage (other than for trimming, cutting, treating, burning and/or removing trees, brush, structures and other obstructions as above provided) to the property of the Grantor(s), caused by the Grantee in the exercise of its rights under this instrument shall be borne by the Grantee.

RESERVING, however, to the Grantor(s) the rights to cultivate the ground between said poles, towers and supporting structures and beneath said wires and fixtures, and the right to cross and recross said easement and right of way provided that such use of said ground shall not interfere with, obstruct or endanger any rights granted as aforesaid and shall not disturb the grade of said ground as it now exists, and provided that no structure shall be erected, no trees shall be grown, cultivated or harvested, and no excavating, mining or blasting shall be undertaken within the limits of the easement and right of way without written consent of the Grantee. Grantor(s) in said use of said ground shall maintain a clearance of 10 feet or more from Grantee's aerial wires with vehicles, machinery and equipment.

This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor(s) ha 5 hereunto set its hand(s) and seal(s) this 1 day of May, 2006.

IN PRESENCE OF:

MMS Marinas 1 LLC

by: Kathleen M. Lavin G.M. (L.S.)

Address: 4013 Route 9
Plattsburgh NY 12401

(L.S.)

Address: _____

(L.S.)

Address: _____

New York State Electric & Gas Corp. - Records Management & Real Estate Services

Plattsburgh R/WC 25

EASEMENT

(Personal or Corporate Acknowledgment)

(Personal or Corporate Acknowledgment)

(Subscribing Witness Acknowledgment)

Line 1544
Auth 3x DL003 Parcel No 1755
Area Cost Center No 25005
Construction W.O. No 1000079960

NEW YORK STATE ELECTRIC & GAS CORPORATION
TO
NEW YORK STATE ELECTRIC & GAS CORPORATION

Dated May 1, 2006
STATE OF NEW YORK
COUNTY OF ss.

Recorded on the day of
at o'clock M.
In Book of Deeds at
Page and examined.

Consideration on this document is less than \$100.00

STATE OF NEW YORK
COUNTY OF ss.
On the day of
Public in and for said State, personally appeared

STATE OF NEW YORK
COUNTY OF ss.
On the day of
Public in and for said State, personally appeared

STATE OF NEW YORK
COUNTY OF ss.
On this day of
before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say that he reside(s) at
in the he knew described in and who executed the foregoing instrument that he, said subscribing witness, was present and saw execute the same, and that said witness, at the same time, subscribed h name as witness thereto.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person* upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person* upon behalf of which the individual(s) acted, executed the instrument.

Eric J. Whiteman
Notary Public of New York
No. 011W46054601
Qualified in Clinton County
Commission Expires 2/14/07

Notary Public

Notary Public

* "For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodians, nominee or any other individual or entity in its own or any representative capacity."

* "For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodians, nominee or any other individual or entity in its own or any representative capacity."

Section 258 Block 2 Lot 2.1

TAX MAP NUMBER
RETURN TO
PROPERTY MANAGEMENT
RECORDS CENTER
NEW YORK STATE ELECTRIC & GAS CORP.
POST OFFICE BOX 5224
BINGHAMTON, NEW YORK 13902-5224

Attachment F - Proposed Deed Restrictions & Easements

Proposed Deed Restrictions and Easements

- No further deed restriction or Easements are proposed with this permit application.

Attachment G - Local Government Notice Form



LOCAL GOVERNMENT NOTICE FORM
for Project/Variance Application to the Adirondack Park Agency

The Adirondack Park Agency will not deem an application complete until the appropriate municipal official in the Town/Village where a project is located has completed, signed and returned this form to the Agency.

If the Town/Village where the project site is located has zoning or other regulations which apply to the proposal, the Adirondack Park Agency will be unable to issue a permit if: (a) the Town/Village has either refused to grant a necessary permit or variance, or (b) the proposal is a prohibited use in that jurisdiction.

To be completed by the Applicant:

APA Project Number (if available): A2024-0037

Applicant Name: Robert M Sutherland

Landowner Name: _____

Project site location: Town/Village: Peru NY

Tax Map Number: 258.-2-12,13.1,13.3,2.1,2.2,2.3

Project type/description: Expansion to Existing Marina

If the project involves a subdivision, please provide the appropriate local official a copy of the proposed plat as part of the project description with the plan title and date recorded in the space provided above.

To be completed by the Town/Village:

Does the Town/Village have land use controls? Yes No

If Yes, please complete 1-9 below. If No, please skip to #9 below.

1) If the Town/Village has zoning, provide Zoning District Name(s): _____

2) How is the "use" defined under the local code? _____

Is the "use" allowed in the zoning district(s)?..... Yes No

3) Is the project prohibited by any local law or ordinance?..... Yes No

4) Does this project require a municipal permit?..... Yes No

a) If Yes, is the required permit a building permit only?..... Yes No

b) If No, identify the type of permit required: _____

5) Does this project require a municipal variance?..... Yes No

If Yes, identify the type of variance required (e.g., area, setback, etc.) _____

6) Does the project require any other municipal approval?..... Yes No

If Yes, identify the approval required: _____

7) Has the municipality received an application for this project?..... Yes No

If Yes, has the municipality issued any decision on this project?..... Yes No

8) Provide explanation for any decisions on this project or inconsistencies the project may have with local laws or any comments you wish to provide to the Agency about the project: _____

9) Please provide a daytime contact telephone number with the best days/times to be reached, and/or an email address for the official signing this form, should Agency staff have further questions regarding municipal review of this project: (_____)_____ best times _____
e-mail: _____

Signature of Zoning Official or Planning Board Chair (or Supervisor/Mayor if no such official exists)

Name and Title (Print)

Date

Please return this completed & signed form to the address or fax number below.

Attachment H - Approved documentation from local government and relevant meeting minutes

Attachment I - Approved documentation from federal/state government

Attachment J - Additional Pages to Application

8(b)

The proposed project is limited to the docks and breakwaters. The antiquated and unsafe docks and breakwaters will be replaced with modern docks and breakwater systems. The proposed dock and mooring field configuration will result in 302 slips and 68 moorings, which is 44 less moorings and 68 additional slips, resulting in a less than a seven (<7%) percent increase in permitted capacity. The net result is an increase of twenty-four (24) additional spaces/boats from the current permitted capacity, a de minimis increase. No additional parking is proposed/required. No new structures are proposed. The project is limited to what exists on the lake and does not impact any of the permitted facilities on land.

Lake Champlain is the fifth largest lake in the United States with few marinas on either side of the lake. This de minimis increase will have no impact on the boat capacity of Lake Champlain, and will improve the recreational experience on the lake and within the Adirondack Park in a thoughtful manner.

8(c)

The existing docks and breakwaters are outdated and suffer from decades of deferred maintenance and lack of capital investment. The project proposes to make minor modifications to the layout, and to replace the dock systems and breakwaters to increase safety, provide environmental enhancements, and enhance the recreational experience as follows:

1. Modern Dock System

The outdated 1980's wooden dock system will be replaced with a modern metal deck system. The Applicant owns and operates Lake Champlain Ferries and marinas in Burlington, Vermont and Port Kent, New York and has the capital, equipment, and experience to replace and maintain the new dock system and breakwaters. The new docks will also be much safer than the existing outdated wooden dock system.

The redesign of the dock layout will make it more efficient and safer. Also, the proposed increase in boat slips is an environmental benefit, as each additional boat slip will be one less boat that has to repeatedly be launched and retrieved when used, which increases the risk of introducing invasive species into Lake Champlain.

2. "Dock Bridge"

The Snug Harbor and Olde Valcour Marinas were historically two independently owned and operated marinas which are now under one ownership (and perhaps should be combined into one marina as part of this permit). The Applicant proposes connecting the existing two dock systems by placing a raised dock ("bridge") along the dock that runs closest and parallel to the shore. Such a "bridge" exists on the Vermont side of the lake. The "bridge" is required for boater safety, and it will permit LCT staff to quickly access all boats and boaters on the entire dock system. Under the current dock configuration, if staff on one dock system (e.g., north or south docks) identifies a boat or boater in danger on the other dock system, they have to walk up to

Route 9, then along Route 9 where visibility to the docks is lost, and then walk down to the other dock system from Route 9. This requires additional time and lost line of sight of the boat and/or boater in danger, and could result in injuries (death) to boaters and/or boats that could be avoided/mitigated if LCT could access the distressed boater/boat from the dock system in a quick manner and without losing sight of the boater/boats.

3. New Breakwater System

The proposed realignment, replacement, and modernization of the breakwaters will materially increase wave remediation, which will provide a much-needed additional level of safety to boaters and their boats. The marina has exposure to the prevailing southerly winds and waves that build along the length of the broad lake. The project also proposes replacing the existing tire breakwaters, which are an environmental concern and an eyesore.

4. Reduction in Mooring Field

The Applicant proposes to eliminate the permitted moorings which lie in the main channel taken by boaters to leave and enter the marina. Removing these moorings will clear the main channel and materially increase boat and boater safety.

5. Alternatives

The alternative is to leave the existing dock system, mooring field, and breakwaters as they exist today. This alternative was dismissed as new ownership provides a timely opportunity to make much needed safety, environmental, and recreational enhancements that are listed above.

20(a)

Additional Buildings

Date of Construction	Size (Sq.Ft.)	Height (Ft)	Type/Use
Before August 1st, 1973	~600 SF	Unknown	Abandoned
Before August 1st, 1973	800 SF	Unknown	Barn
1987	6,000 SF	Unknown	Pole Barn
1987	6,000 SF	Unknown	Pole Barn
Unknown	300 SF	Unknown	Fueling Facility
Unknown	~3,500 SF	Unknown	Restaurant
Unknown	~3,000 SF	Unknown	Store
Unknown	~1,500 SF	Unknown	Boat Repair
1999	12,750 SF	Unknown	Boat Storage
2005	6,500 SF	26 ft	Boat Repair

Attachment K - Letters of support



BILLY JONES
Assemblyman 115th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Subcommittee on Agriculture
Economic Development and Farmland
Protection

COMMITTEES
Aging
Agriculture
Economic Development, Job Creation,
Commerce and Industry
Small Business
Tourism, Parks, Arts & Sports
Development
Veterans' Affairs

May 13, 2024

Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Subject: Support for Lake Champlain Transportation's Revitalization Project for Snug Harbor Marina

To the Adirondack Park Agency,

I am writing to express my strong support for Lake Champlain Transportation's (LCT) proposed acquisition and revitalization of Snug Harbor Marina located at 4013 Route 9. As the Assembly Member representing New York's 115th District, I believe LCT's involvement will bring valuable improvements to this marina, benefiting our local community and enhancing the recreational opportunities along Lake Champlain.

LCT, with its extensive experience operating the ferry company on Lake Champlain for over 50 years, has demonstrated a commitment to environmental stewardship and responsible development. The proposed enhancements by LCT are critical for improving safety, accessibility, and sustainability at Snug Harbor Marina.

Please consider this letter as my endorsement of LCT's renovation plans for Snug Harbor Marina. I encourage the Adirondack Park Agency to support this project, as it aligns with our shared goals of promoting economic development while preserving the natural beauty and ecological integrity of the Adirondack Park.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me at (518) 455-5565 or jonesb@nyassembly.gov.

Sincerely,

Billy Jones
Member of Assembly
New York State Assembly District 115

DWJ/ljh



North Country
Chamber of Commerce

The Power of Region

Home of:

Adirondack Coast
Visitors Bureau

North American Center
of Excellence for
Transportation
Equipment (NAMTrans)

North Country
Service Corporation

North Country
Industrial Council

Quebec - New York
Corridor Coalition

SCORE

Serving:

Clinton
Essex
Franklin
Warren
Hamilton
Akwesasne
Southern Quebec

May 9, 2024

Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12977

Re: Lake Champlain Transportation's Revitalization Project for Snug Harbor Marina

To the Adirondack Park Agency:

The North Country Chamber of Commerce is the largest business and economic development organization in northern New York, linking more than 4,000 employers across Clinton, Essex, Franklin, Hamilton, and northern Warren Counties and Akwesasne. Strategic investments to update, sustain and enhance key recreational assets are among our priorities and, with this in mind, we are pleased to express our strong and enthusiastic support for the proposed acquisition and revitalization of Snug Harbor Marina by Lake Champlain Transportation (LCT).

LCT is one of the most historic businesses on Lake Champlain, holding an incredible record of experience, performance, regulatory compliance, and environmental stewardship. And Snug Harbor Marina is an important asset in support of Lake Champlain boating but much in need of the investment and rejuvenation LCT has thankfully come forward to provide.

The North Country Chamber of Commerce encourages APA support for and approval of their renovation plans, positioning Snug Harbor to remain a vital recreational business and asset for many years to come.

Onward and upward!

Sincerely,

Garry Douglas
President and CEO



The Power of Region



Town of Plattsburgh

151 BANKER ROAD
PLATTSBURGH, NEW YORK 12901-7307
(518) 562-6813

FAX # (518) 563-8396 or 562-6801
TDD (800) 662-1220

Townofplattsburgh.com

The Town is an equal opportunity provider and employer

Michael S. Cashman
Supervisor

Charles A. Kostyk
Deputy
Supervisor/Councilor

James J. Coffey
Town Attorney

Thomas E. Wood
Councilor

Barbara E. Hebert
Councilor

Dana M. Isabella
Councilor

Kathryn B. Kalluche
Town Clerk

Matthew G. Favro
Deputy Town Attorney

Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Subject: Support for Lake Champlain Transportation's Revitalization
Project for Snug Harbor Marina

Dear Adirondack Park Agency:

I am writing to express my support for Lake Champlain Transportation's (LCT) proposal regarding Snug Harbor Marina at 4013 Route 9. As Plattsburgh's Town Supervisor, I believe this could be a positive move for our region, potentially boosting our local economy and offering more recreational options.

While Snug Harbor Marina isn't directly within our jurisdiction, I can see how its revitalization could benefit the surrounding region. LCT's track record with the Lake Champlain ferry service suggests they understand the importance of responsible development.

Improving safety, accessibility, and sustainability at Snug Harbor Marina seems like a sensible idea. It's in line with our broader aim of balancing economic progress with environmental preservation in the Adirondack Park.

I hope the Adirondack Park Agency will consider it favorably. If you have any questions or need further details, please feel free to get in touch.

Regards,

Michael S. Cashman
Plattsburgh Town Supervisor

Town of Peru

3036 Main Street
Peru, New York 12972

Phone: (518) 643-2745
Fax: (518) 643-0078
www.perutown.com

Brandy L. McDonald
Supervisor

James T. Douglass
Councilmember

Melvin A. Irwin
Councilmember

Dianne Miller
Town Clerk

Kregg M. Bruno
Councilmember

Eric D. Duquette
Councilmember

May 10, 2024

Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Subject: Support for Lake Champlain Transportation's Revitalization Project for Snug Harbor Marina

To the Adirondack Park Agency,

I am writing to express my support for Lake Champlain Transportation's (LCT) proposed acquisition and revitalization of Snug Harbor Marina located at 4013 Route 9 in the Town of Peru. As the Codes Enforcement Officer for our town, I believe LCT's involvement will bring significant improvements to this marina, addressing longstanding deferred maintenance at the properties.

LCT, with its extensive experience operating the ferry company on Lake Champlain for over 50 years, has demonstrated a commitment to environmental stewardship and regulatory compliance. The proposed enhancements by LCT are crucial for ensuring that Snug Harbor Marina meets our town's codes and standards while enhancing safety and accessibility for boaters and visitors alike.

Please consider this letter as my endorsement of LCT's renovation plans for Snug Harbor Marina. I encourage the Adirondack Park Agency to support this project, as it aligns with our goals of promoting responsible development that respects the natural environment and enhances recreational opportunities in Lake Champlain and the Adirondack Park.

Thank you for your attention to this matter. If you have any questions or need further information, please feel free to contact me at (518) 643-2745 or peruzoning@perutown.com.

Sincerely,



Robert M Guynup
Codes Enforcement Officer
Town of Peru

May, 21, 2024

Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Subject: Support for Lake Champlain Transportation's Revitalization Project for Snug Harbor Marina

To the Adirondack Park Agency,

I am writing to express my enthusiastic support for Lake Champlain Transportation's (LCT) proposed acquisition and revitalization of Snug Harbor Marina located at 4013 Route 9. I have been a long term patron of Snug Harbor Marina, and I believe LCT's involvement will bring much-needed improvements to this cherished local destination.

Over the years, I have witnessed its decline due to neglect. LCT, with its extensive experience operating the ferry company on Lake Champlain for over 50 years, has demonstrated a strong commitment to environmental stewardship and regulatory compliance. Their proposed enhancements for Snug Harbor Marina are essential for improving safety, accessibility, and the overall boating experience in our community.

I wholeheartedly endorse LCT's renovation plans for Snug Harbor Marina and urge the Adirondack Park Agency to support this initiative. This project aligns with our shared goal of preserving and enhancing the natural beauty and recreational opportunities in Lake Champlain and the Adirondack Park.

Thank you for considering my endorsement. Should you require further information or have any questions, please feel free to contact me at 514-231-2052 or FGAUTHS@VIDEOTRON.CA.

Sincerely,



Francois Gauthier

DLC Partners LLC
4013 Route 9
Plattsburgh, NY 12901

April 17, 2024

Adirondack Park Agency (APA)
1133 NY-86
Ray Brook NY 12977

Re: APA permits for Snug Harbor Marina – Plattsburgh NY

To whom it may concern at the APA,

I own a marina in Plattsburgh that is commonly referred to as Boatworks Marina and formerly known or referred to as MMS Marina Olde Valcour Marina and Snug Harbor Marina etc.

I intend to sell all 6 parcels the marina and campground operate on to Lake Industries LLC (LI). LI's principal is Raymond Pecor. It is my understanding that Mr. Pecor would like to meet with the APA to discuss the marina as currently permitted and some preliminary thoughts on updating and modernizing the facilities.

I authorize the APA to discuss the current permits that are in place for the properties and whatever proposed plans Mr. Pecor has as the future owner.

Feel free to contact me with any questions.

Sincerely,

DocuSigned by:



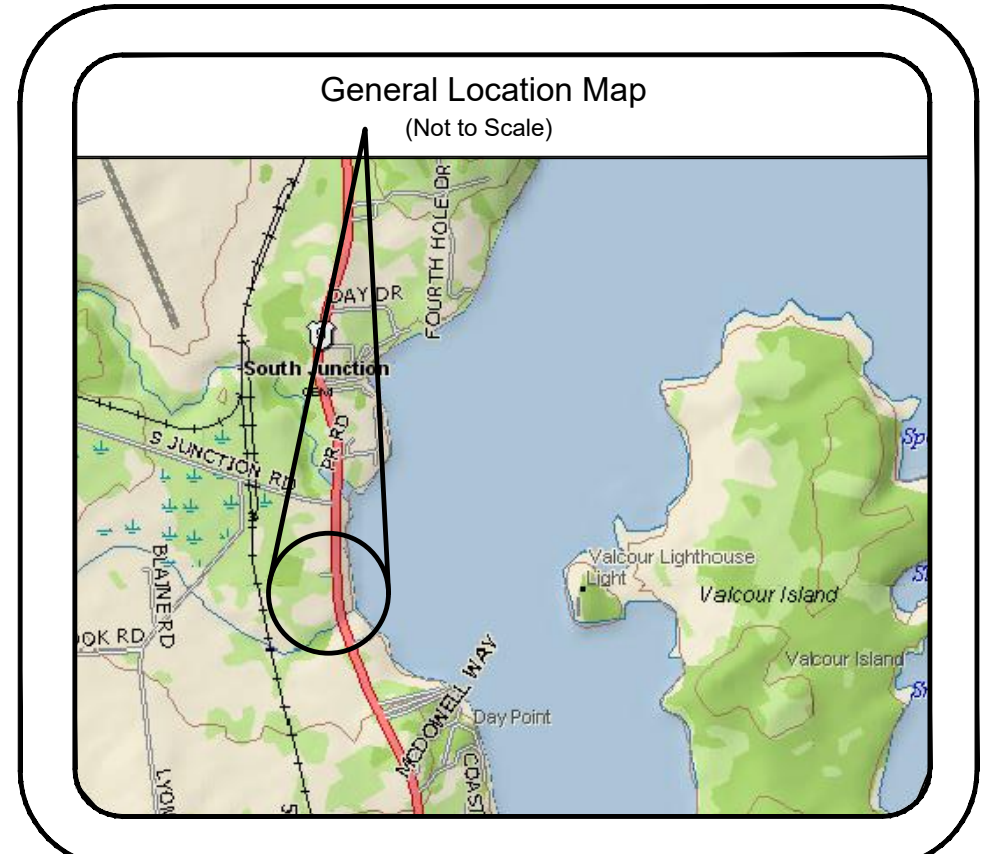
Jeff Olson, managing member

DLC Partners LLC

jeffatbayview@icloud.com

Permit #	Description	Location	Ref #
N/A	Old Abandoned Building	N/A	N/A
86-184	On-Site Parking	Finding of Fact	5
86-184	Marina Store/Office/Shop Bldg	Finding of Fact	3
86-184	Bathroom	Finding of Fact	2
86-317	Boat Storage Buildings	Finding of Fact	5
86-317	Out-of-doors Boat Storage Area	Project Description	13
87-416	115 Capacity Parking	Project Description	15
87-416	Fueling Facility	Project Description	12
87-416	Three Floating Tire Breakwaters	Project Description	11
91-378	Restaurant Sign	Project Description	10
91-378	Existing Well	Project Description	8
91-378	Existing Restaurant	Project Description	6
91-378	13 Parking Spots	Project Description	9
91-378	120 Parking Spots	Project Description	9
94-379	Floating Tire Breakwater	Project Description	9

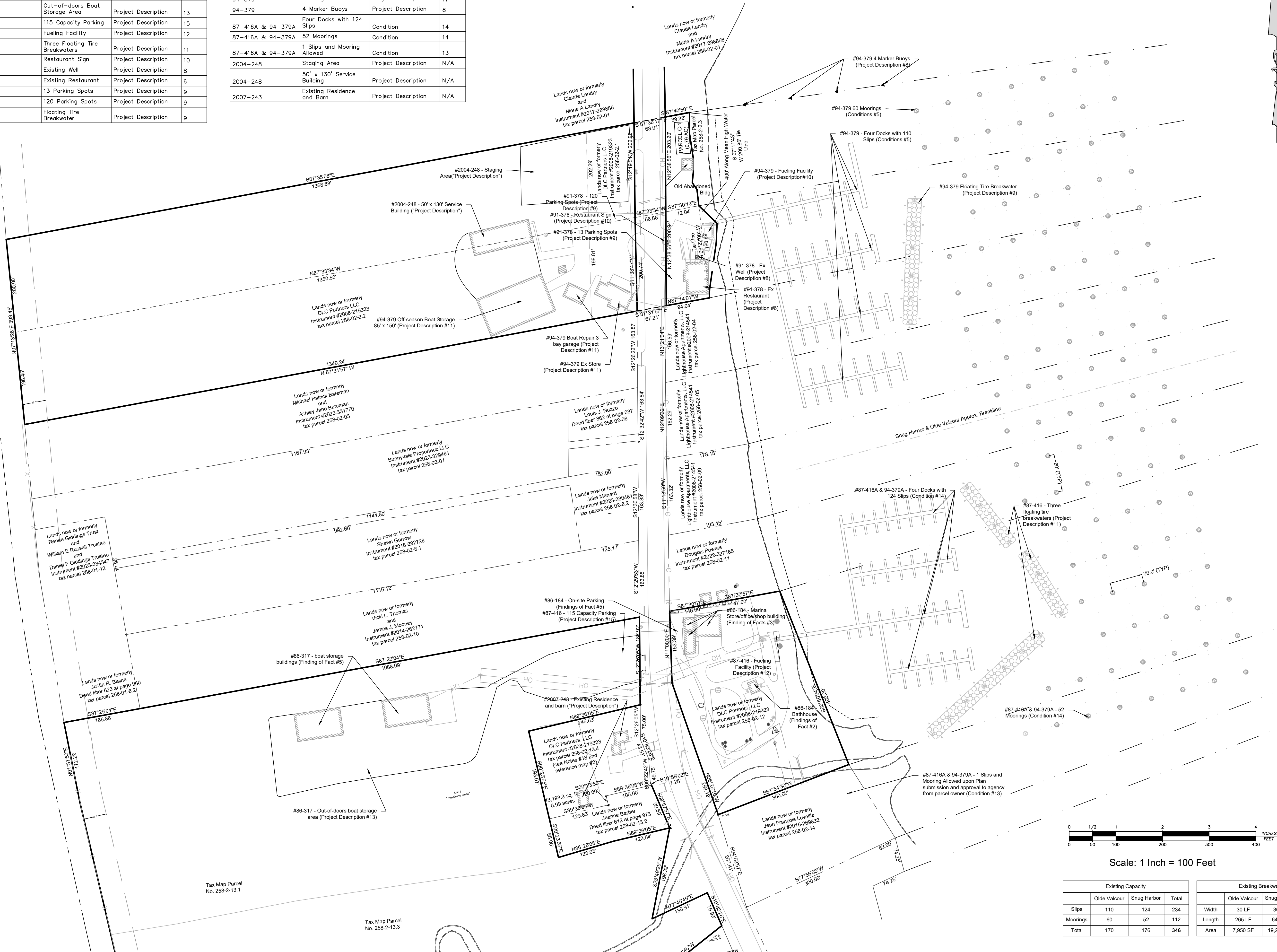
Permit #	Description	Location	Ref #
94-379	60 Moorings	Condition	10
94-379	Fueling Facility	Project Description	5
94-379	Four Docks with 110 Slips	Condition	5
94-379	Off-Season Boat Storage	Project Description	11
94-379	Boat Repair 3-Bay Garage	Project Description	11
94-379	Existing Store	Project Description	11
94-379	4 Marker Buoys	Project Description	8
87-416A & 94-379A	Four Docks with 124 Slips	Condition	14
87-416A & 94-379A	52 Moorings	Condition	14
87-416A & 94-379A	1 Slips and Mooring Allowed	Condition	13
2004-248	Staging Area	Project Description	N/A
2004-248	30' x 130' Service Building	Project Description	N/A
2004-248	Existing Residence and Barn	Project Description	N/A



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊗ Fire hydrant
- ⊙ Manhole
- ⊕ Water well
- ⊗ Water valve
- △ Recovered concrete monument
- ☆ Lamp post
- ⊕ Utility pole (as described)
- ⊙ Ex Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



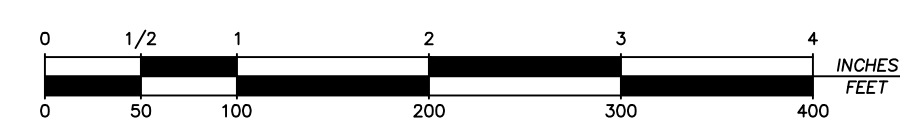
No.	Revision/Issue	Date

RECEIVED
 Adirondack Park Agency
 Date: June 11, 2024

RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
 R M S P C A

Project Name & Address
 Prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

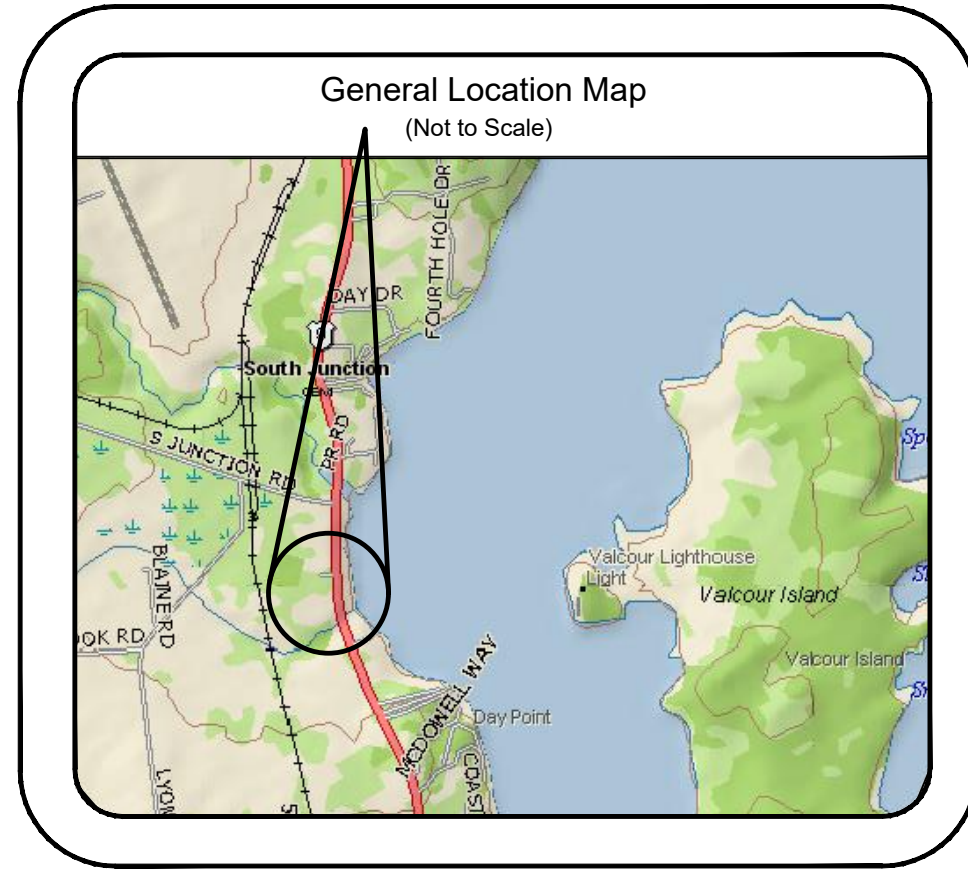
Project #	Sheet
24052	Existing Permitted Exhibit
Date	06/06/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C100	



Scale: 1 Inch = 100 Feet

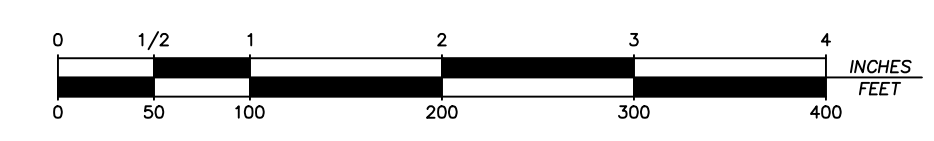
	Existing Capacity			Existing Breakwaters		
	Olde Valcour	Snug Harbor	Total	Olde Valcour	Snug Harbor	Total
Slips	110	124	234	Width 30 LF	30 LF	
Moorings	60	52	112	Length 265 LF	640 LF	
Total	170	176	346	Area 7,850 SF	19,200 SF	27,150 SF

GRID NORTH NAD 83 NYS EAST ZONE-18



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

- Legend:**
- 5/8" iron rod w/ RMS survey cap (to be set)
 - Found property evidence (as described)
 - Computed corner
 - ⊕ Fire hydrant
 - ⊙ Manhole
 - ⊕ Water well
 - ⊕ Water valve
 - ⊕ Recovered concrete monument
 - ☆ Lamp post
 - Utility pole
 - Ex Mooring
 - Pr Mooring
 - Property line
 - Overhead utility line
 - Building setback line
 - Stone wall
 - Fence
 - Edge of woods



Scale: 1 Inch = 100 Feet

Existing & Proposed Capacity						
	EX Oldie Valcour	EX Snug Harbor	EX Total	PR Oldie Valcour	PR Snug Harbor	PR Total
Slips	110	124	234	148	154	302
Moorings	60	52	112	32	36	68
Total	170	176	346	180	190	370

Existing & Proposed Breakwaters						
	EX Oldie Valcour	EX Snug Harbor	EX Total	PR Oldie Valcour	PR Snug Harbor	PR Total
Width	30 LF	30 LF	60 LF	5 LF	5 LF	10 LF
Length	265 LF	640 LF	905 LF	500 LF	850 LF	1350 LF
Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	6,750 SF

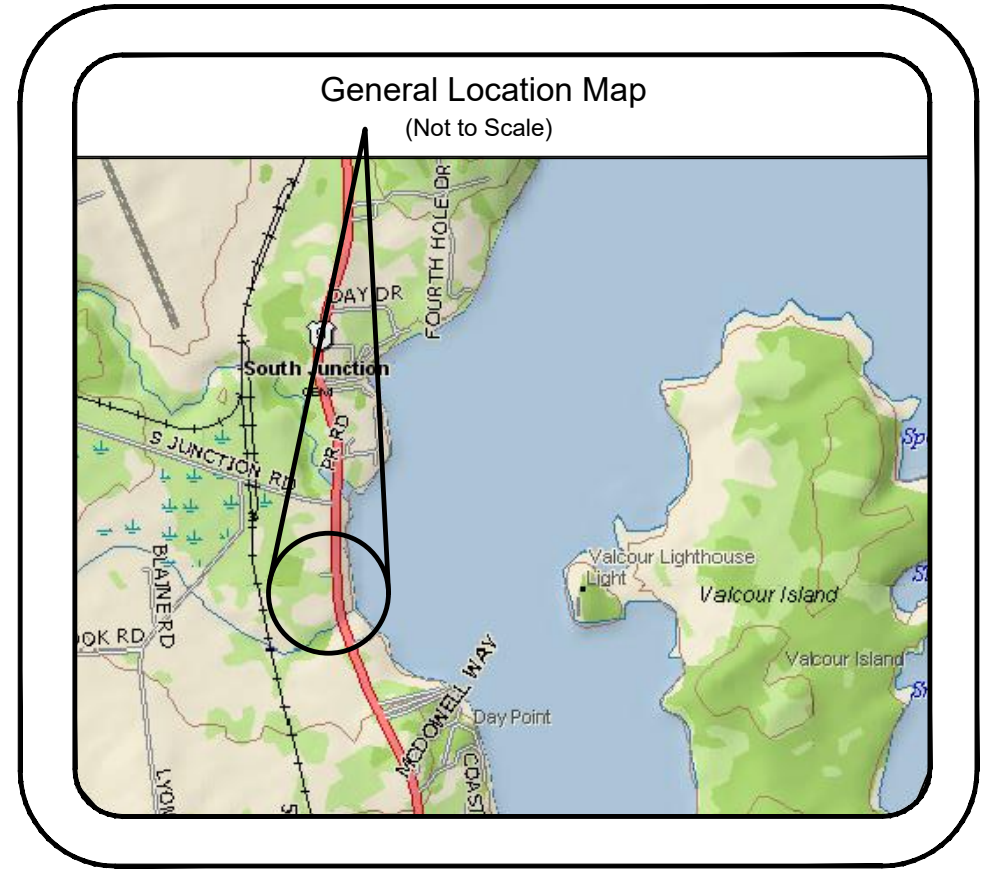
No.	Revision/Issue	Date

RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145(PH) 518.561.2496 (FX)
 R M S P C P C

Project Name & Address
 Map prepared for
Oldie Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Current Permitted Configuration with Proposed Overlay
Date: 06/06/2024	C200
Scale: 1" = 100'	Checked: AJO
Drawn: TJS	

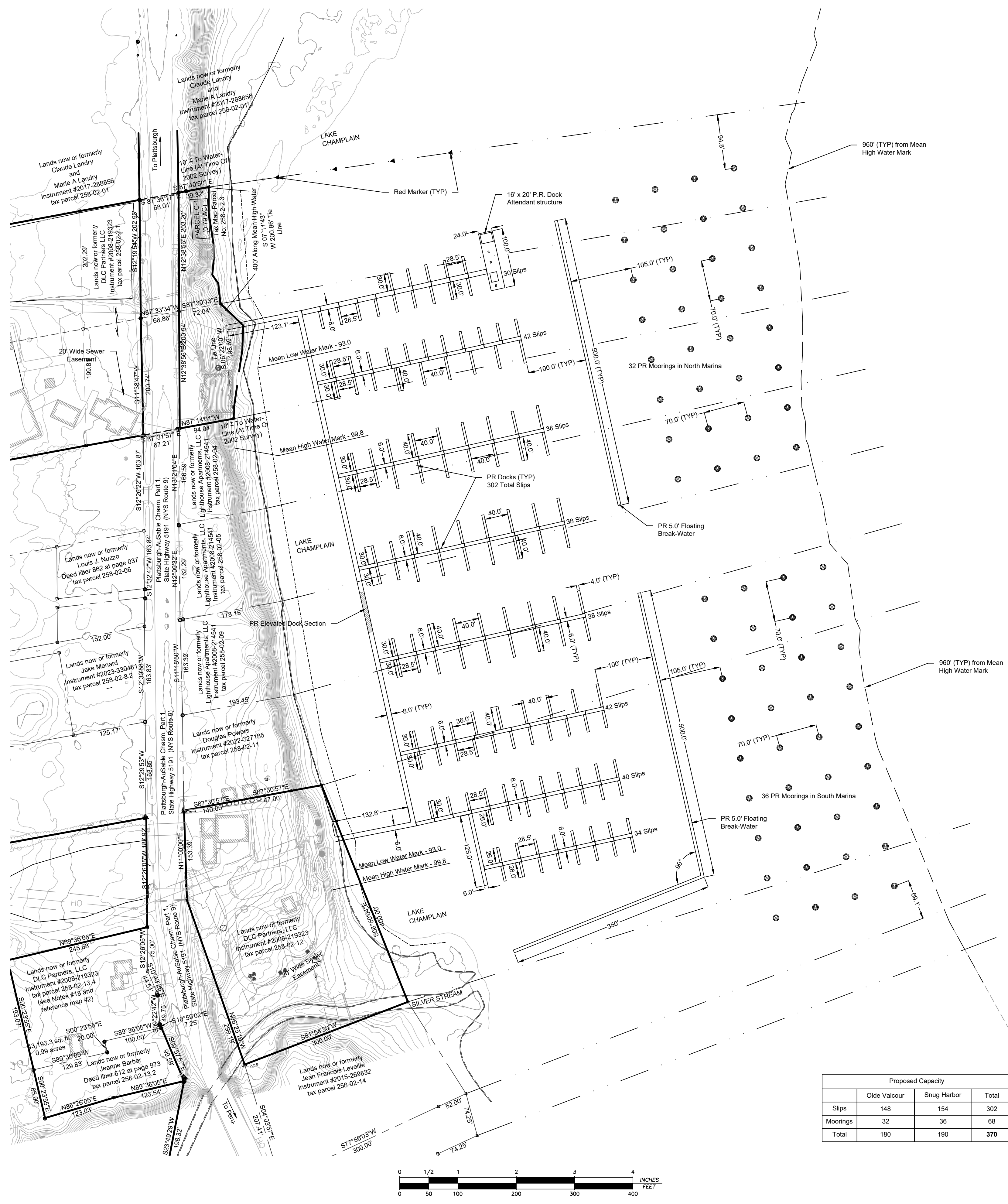
GRID NORTH MAD 83 NYS EAST ZONE-18



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

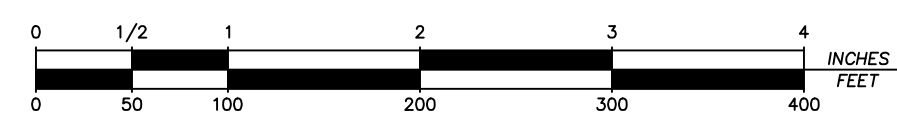
Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⚡ Fire hydrant
- ⊕ Manhole
- ⊗ Water well
- ⊕ Water valve
- ⚠ Recovered concrete monument
- ⊙ Lamp post
- Utility pole
- Ex Mooring
- Pr Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



Proposed Capacity			
	Olde Valcour	Snug Harbor	Total
Slips	148	154	302
Moorings	32	36	68
Total	180	190	370

Proposed Breakwaters			
	Olde Valcour	Snug Harbor	Total
Width	5 LF	5 LF	
Length	500 LF	850 LF	
Area	2,500 SF	4,250 SF	6,750 SF



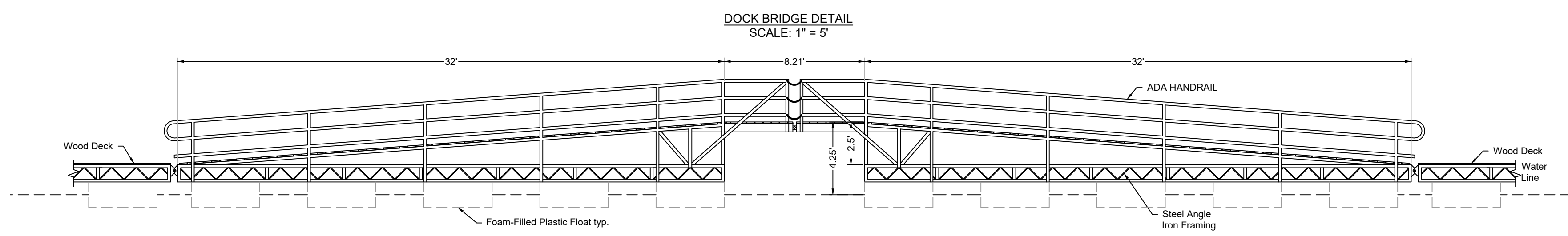
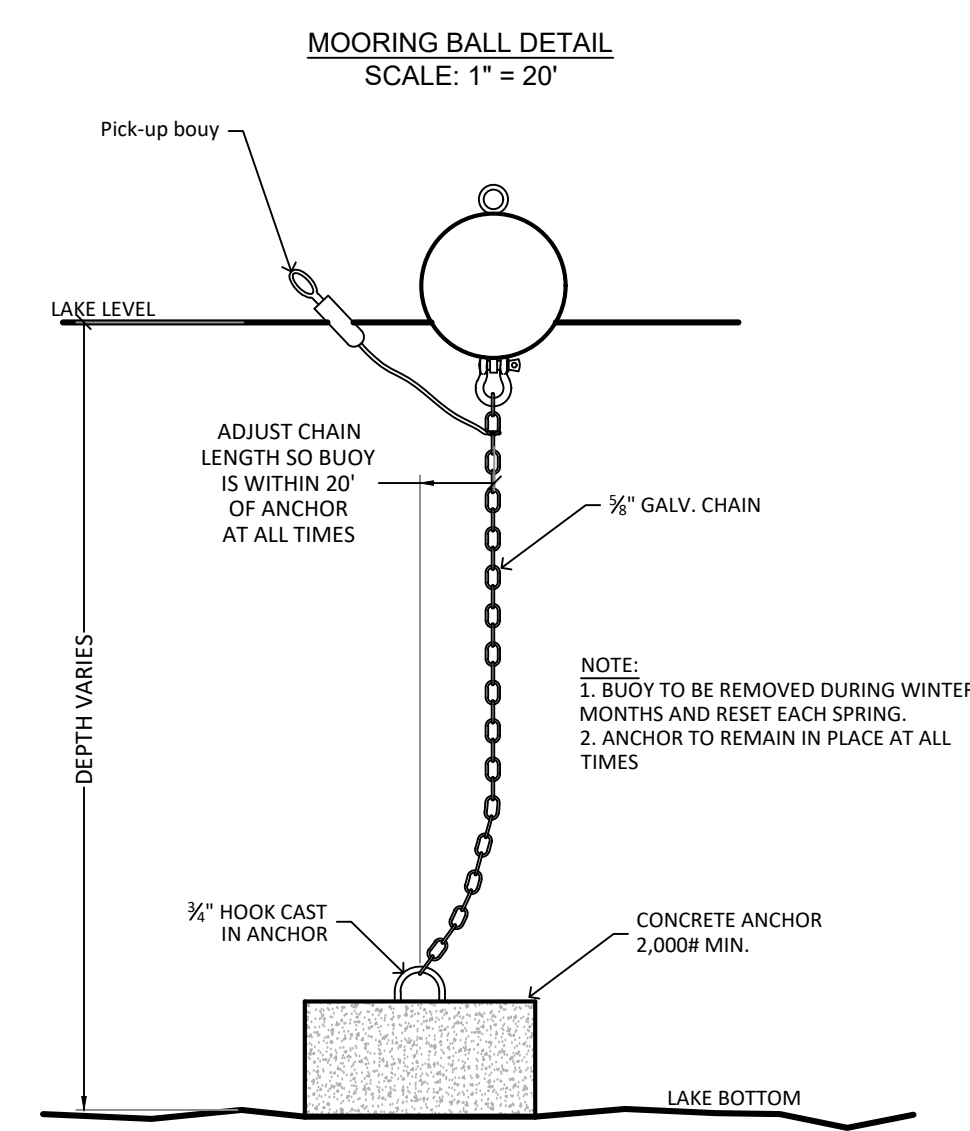
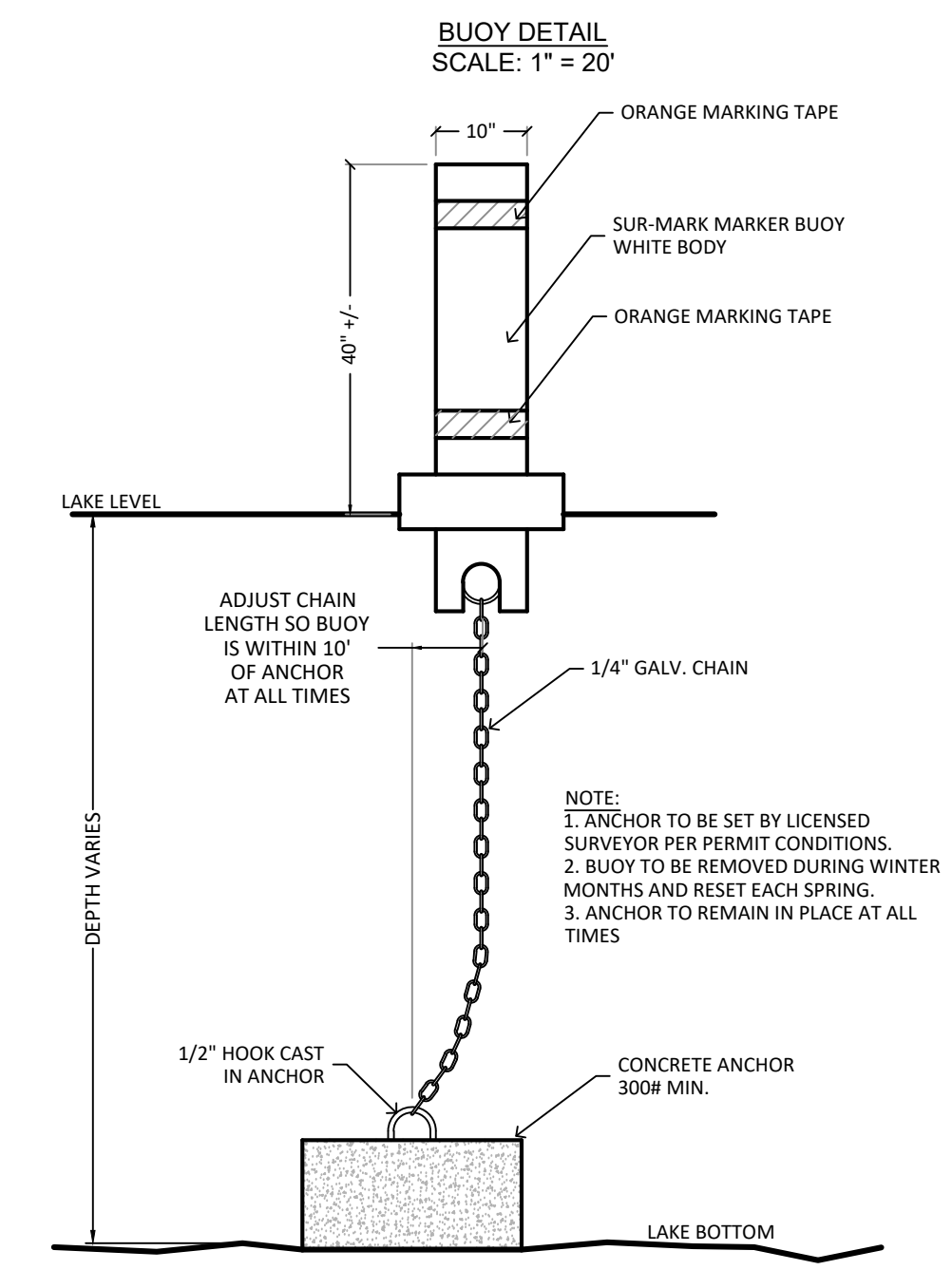
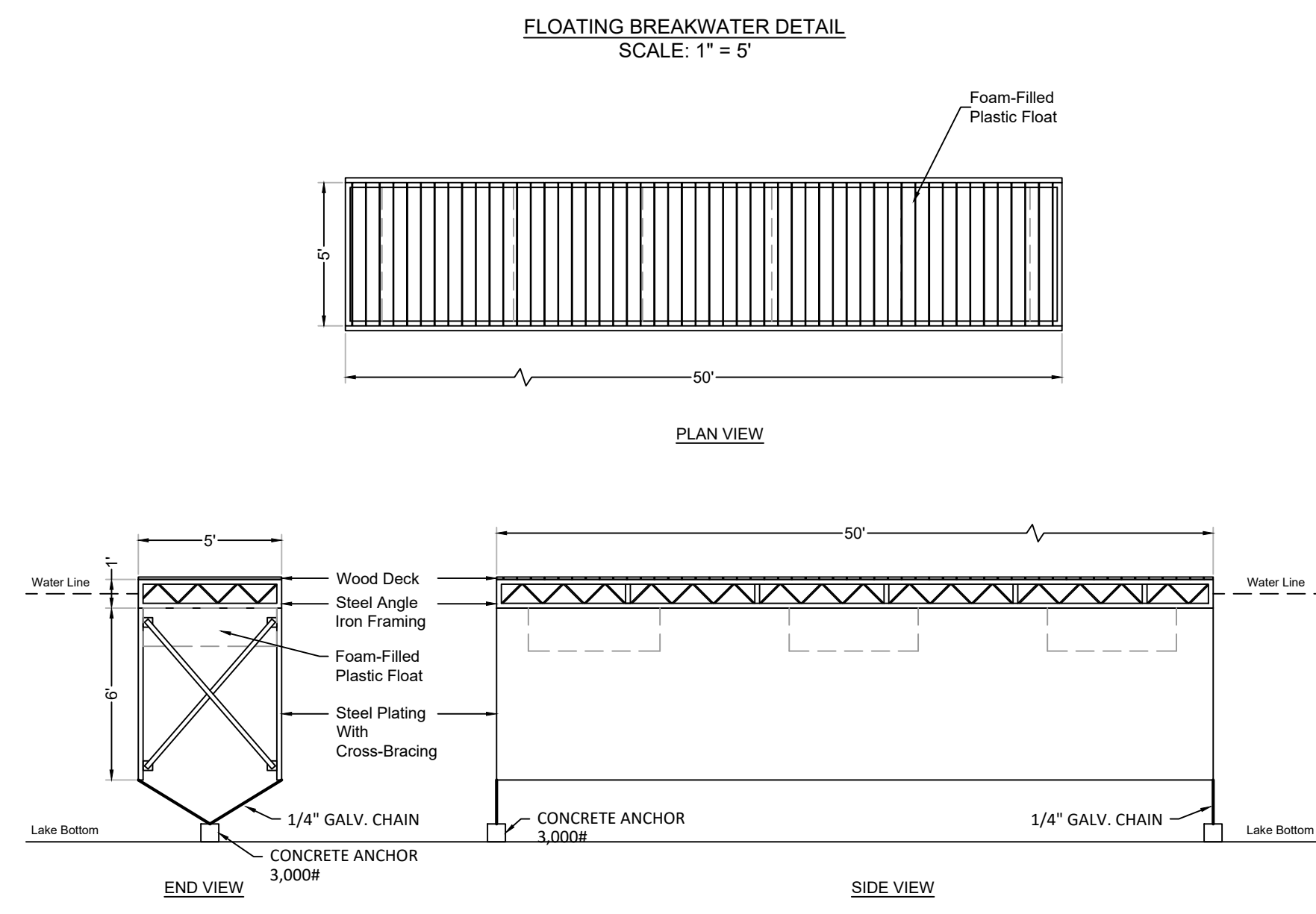
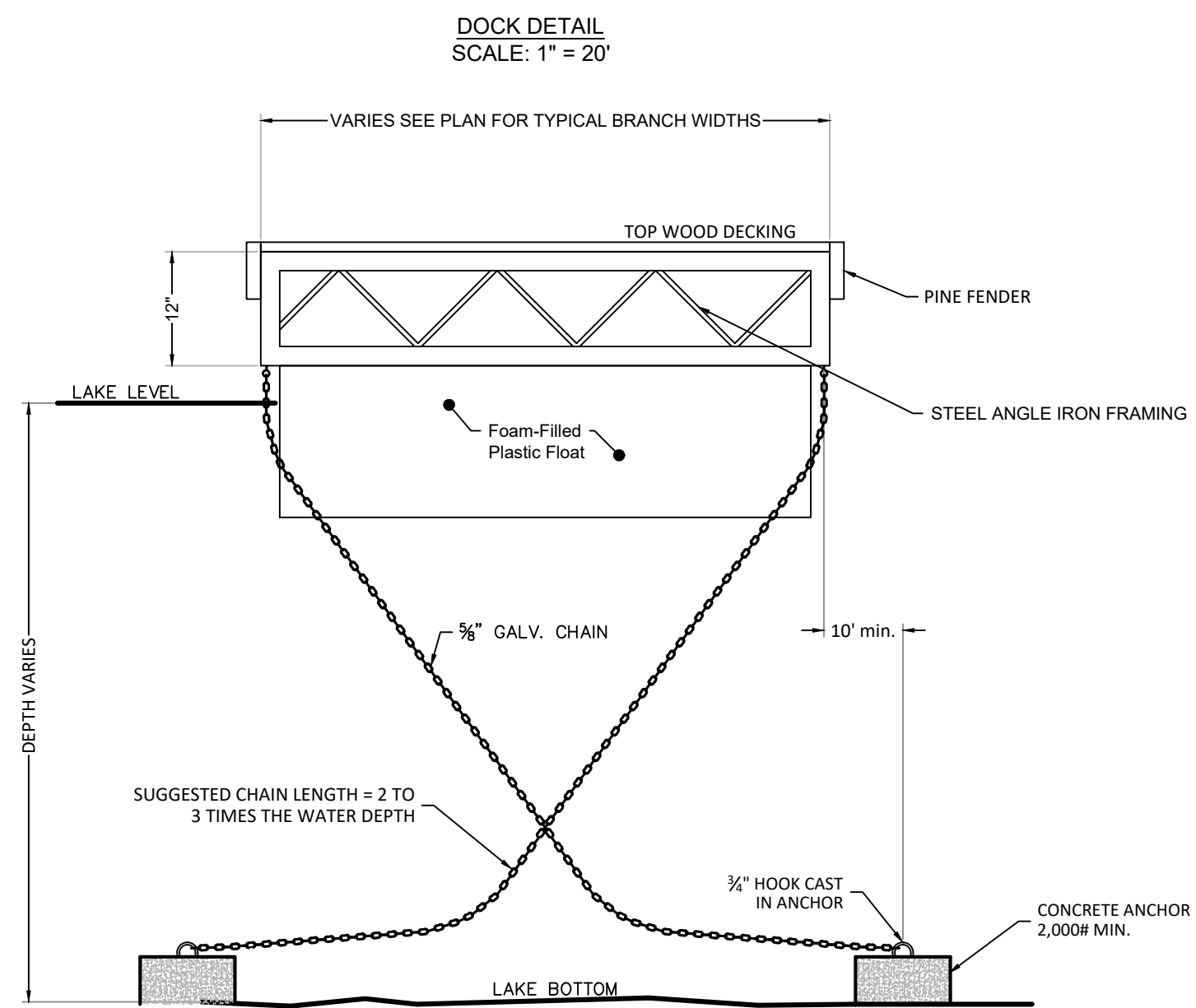
Scale: 1 Inch = 100 Feet

No.	Revision/Issue	Date



Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Proposed Configuration
Date	06/06/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C300	



No.	Revision/Issue	Date

RMS
ROBERT M. SUTHERLAND P.C.
ENGINEERS • PLANNERS • SURVEYORS
SOIL & MATERIAL TESTING
11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
518.561.6145 (PH) 518.561.2496 (FX)
R M S P C . C O M

Project Name & Address
Map prepared for
Olde Valcour & Snug Harbor Marina
~ Situate ~
Stewart's Patent
Town of Peru
Clinton County State of New York

Project #	24052	Sheet	DETAILS
Date	06/06/2024	Scale	D100
Drawn	LSC	Checked	AJO

Tank Information

PBS Number:
5-436763

(Please use the key located on the last page to complete each item/column)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
Action	Tank Number	Tank Location	Status	Installation, out-of-service, or Permanent ClosureDate (mm/dd/yyyy) Application will be returned if blank	Capacity (Gallons)	Product Stored (If Gasoline w/ethanol or Biodiesel, list % additive) %	Tank Type	Tank Internal Protection	Tank External Protection	Tank Secondary Containment	Tank Leak Detection	Tank Overfill Prevention	Tank Spill Prevention	Pumping/Dispensing Method	Piping Location	Piping Type	Piping External Protection	Piping Secondary Containment	Piping Leak Detection	Under Dispenser Containment (UDC) (Check box if present)
	001	3	1	2/1/1993	2,000	0009	01	00	01	01 10	06	04	00	02	01	01	01	00	00	<input type="checkbox"/>
	002	3	1	2/1/1993	2,000	0008	01	00	01	01 10	06	04	00	02	01	01	01	00	00	<input type="checkbox"/>
4	003	3	1	9/24/2008	300	0008	01	00	01	01 10	06	04	01	06	01	11	00	00	00	<input type="checkbox"/>
4	004	3	1	9/24/2008	300	0009	01	00	01	01 10	06	04	01	06	01	11	00	00	00	<input type="checkbox"/>
	010	3	1	1/1/2005	275	2642	01	00	01	01 10	06	04	01	04	01	10	00	00	00	<input type="checkbox"/>
4	012	3	2	10/1/1995 10/25/19	275	0001	01	00	01	01 10	06	05	00	05	01	10	00	00	00	<input type="checkbox"/>

Note: If you need to add tanks to your registration, write them in using blank lines above. Attach additional sheets as needed. Blank Section B is available at http://www.dec.ny.gov/docs/remediation_hudson_pdf/pbsrenewal.pdf



August 15, 2024

Ms. Corrie Magee
NYS Adirondack Park Agency
P.O. Box 99
1133 NYS 86
Ray Brook, New York 12877

Re: Valcour Marina, Peru, New York- Response to Opposition Letters

Dear Ms. Magee:

We are writing to respond to the allegations made by Lighthouse Apartments, LLC (“Lighthouse Apartments”) and JF Leveille of Heron Ledge Cottages (“Leveille”).

1. Lighthouse Apartments, LLC- Alleged Negative Effect on Property

By way of background, the Lighthouse Apartments were purchased from James Carter when Mr. Carter also owned the Olde Valcour Marina and the Snug Harbor Marina. The apartments are located in between these two marinas. These apartments were originally built in the 1950’s or 1960’s as motor motels when Route 9 was the primary road between Albany and Canada. It is believed that sometime after Interstate 87 displaced Route 9 as the primary road between Albany and Canada, the motel units were converted into apartments.

In the May 17, 2024 letter submitted on behalf of Lighthouse Apartments, its attorney alleges “that any proposed expansions would clearly negatively affect my client’s property.” Yet, Lighthouse Apartments failed to provide any evidence, or even an unsupported specific claim, as to how the proposed expansion would negatively impact its property. Accordingly, this baseless objection should not be considered.

In addition, Lighthouse Apartments, LLC purchased the apartments with full knowledge that the then owner of both marinas, James Carter, retained the riparian rights, including the right to use the lake in front of the premises “for the placement of docks and moorings and marina related purposes,” which contemplated expansions and



reconfigurations. The Deed dated April 4, 2008 from James D. Carter to Lighthouse Apartment, LLC, recorded in the Clinton County Clerk's Office on April 4, 2008 as Instrument Number 2008-00214541 provides the following identical restrictive language in the description of all three parcels:

The grantor herein specifically reserves all use of the waters of Lake Champlain located in front of the premises herein conveyed for the placement of docks and moorings and marina related purposes.

A copy of the Deed is enclosed.

Notwithstanding the foregoing, the proposed de minimis expansion will have no demonstrable detrimental impact on the Lighthouse Apartments' property. Conversely, Lake Champlain Transportation ("LCT") will be replacing the breakwaters and the 1980's dock system with modern breakwaters and a modern dock system that will be much more aesthetically pleasing and attractive than the dilapidated 1980's system. In addition, LCT has cleared the land-based facilities and grounds of truckloads of debris, and will continue to enhance facilities, which suffer from decades of deferred maintenance. Thus, if anything, Lighthouse Apartments has already been, and will continue to be, enhanced by the material improvements and ongoing maintenance of the water and land-based facilities by LCT.

2. Leveille - Noise and Environmental Allegations

In his letter dated June 6, 2024, Leveille alleges that the campers at the marina campsite are routinely loud and noisy late at night, particularly on weekends. We cannot speak to what occurred at the campgrounds before we purchased the marinas and campground on May 30, 2024. However, since we purchased the campground, we have not had a single complaint, including no complaints from JF Leveille, any of his tenants, nor from any of the individuals listed on page 1 of his letter. In addition, we take offense to Leveille's libelous and offensive characterization of our campers as having "Disability and Social Security" profiles, drinking "moonshines", and being "Trailer Trash."

We operate the Ferry Dock Marina in Burlington, Vermont and are diligent in ensuring that the boaters and our neighbors enjoy an environment which is free from boisterous, noisy, and disrespectful behavior. Anyone who is noncompliant is asked to leave and is not allowed to be a return customer. We take the same approach at the marinas and campground in the Town of Peru.

The campers at the Valcour Island Marina RV Park (“VIM”) are all required to sign a “Terms and Conditions for Seasonal Residents” document, paragraphs 13 and 14 of which state the following:

13. All VIM seasonal members and their guests must comply with Town of Peru noise ordinance rules, which can be found at: [http://www.perutown.com/towndocs/Noise Ordinance.pdf](http://www.perutown.com/towndocs/Noise%20Ordinance.pdf). All seasonal campers are responsible for not only their behavior, but their guests. Failure to adhere to these bylaws may result in eviction from VIM, with forfeiture of any monies paid to date.

14. Quiet Hours at VIM are 10PM to 6AM Sunday through Thursday, and 11PM to 6am Friday and Saturday to follow the noise ordinance of the Town of Peru.

Our campers understand that violation of our Terms and Conditions will not be tolerated.

We spoke with John McKervey, the long-term cottage renter referred to in Leveille’s letter. Mr. McKervey said under the prior marina ownership he experienced loud noise and music into the night. However, he said thus far this summer, there has been no problem with noise emanating from the campsite.

Lastly, Leveille states in his letter that he purchased Heron Ledge on January 20, 2015. Accordingly, Leveille was aware that the property he purchased was adjacent to a campground and marina.

Leveille also makes allegations regarding alleged filling and piling by Champlain Boat Works. Again, we are not aware of activities undertaken by prior owners. However, as previously stated, we have undertaken a comprehensive and extensive clean-up of the property, including the removal of truckloads of tires that were stored adjacent to Leveille. We have also identified four concrete blocks along the bank of the stream and will remove these from the stream. We will continue to make material capital improvements to the property, which will make it much more aesthetically pleasing.

Please contact us if you have any questions or required any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB' with a large flourish extending to the right.

Kyle Bostwick
Marina Manager

Enclosure: Deed
cc: Aaron Ovios

Form 583 - N.Y. DEED-WARRANTY with Lien Covenant

THIS INDENTURE

Made the 4th day of APRIL Two Thousand Eight

BETWEEN

JAMES D. CARTER, with a mailing address of 591 Lake Shore Road, West Chazy, New York 12992,

party of the first part, and

LIGHTHOUSE APARTMENTS, LLC, a limited liability corporation with a mailing address of P. O. Box 506, Morrisonville, New York 12962,

party of the second part,

Witnesseth that the party of the first part, in consideration of One and 00/100 Dollar (\$1.00), lawful money of the United States, paid by the party of the second part, do/does hereby grant and release unto the party of the second part, their successors and assigns forever, all

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the Town of Peru, County of Clinton and State of New York, being more particularly described on SCHEDULE "A" attached hereto and made a part hereof.

SCHEDULE A

PARCEL I

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the Town of Peru, County of Clinton, State of New York, more particularly bounded and described as follows:

BEGINNING at low water mark in Lake Champlain at the northeast corner of premises conveyed by Fred B. Day and Mary O. Day, his wife, to Marjorie Harriott O'Rourke by deed dated November 21, 1924 and recorded in the Clinton County Clerk's Office in Volume 145 of Deeds at Page 292;

AND RUNNING THENCE westerly in the North line of O'Rourke to the easterly line of the State Highway Number 9;

THENCE northerly in the East line of said State Highway Number 9 a distance of 161 feet and 4 inches;

THENCE easterly and parallel to the said Marjorie Harriott O'Rourke line to the low water mark of Lake Champlain;

THENCE southerly in said low water mark to the point or place of beginning.

SUBJECT to public utility easements and rights of way of record and/or visible upon inspection of the premises and restrictive covenants of record, if any.

THE CONVEYANCE of the above property is restricted by the terms and conditions contained in Adirondack Park Agency Permit No. 87-460 and Permit No. 94-379 which were recorded in the Office of the Clinton County Clerk in Miscellaneous Records in Liber 13 at Page 317 and Book 13 of Miscellaneous Records at Page 333 and A.P.A. Project Permit No. 87-416A and 94-379A dated April 1, 2003. The grantor herein specifically reserves all use of the waters of Lake Champlain located in front of the premises herein conveyed for the placement of docks and moorings and marina related purposes. The grantee's use of the lakefront is encumbered and restricted by the reservation herein and all other terms and conditions of the above referenced Adirondack Park Agency Permits.

The above conveyance is further subject to the following deed covenants:

1. All the riparian rights to moorings and docks associated with this parcel have previously been transferred to either the Snug Harbor

X

Marina and/or Olde Valcour Marina. These marinas reserve the rights to install docks and moorings pursuant to the terms and conditions of APA Permits No. 87-416 and 94-379. This conveyance specifically excludes any rights to moorings and docks which might otherwise be associated with this parcel, and no docks may be constructed nor moorings installed by any subsequent owner of this parcel unless the owners of the marina property agree to transfer any such rights, and only upon further application to and approval by the APA and any other government agency having jurisdiction over such transfer. This covenant shall run with, and touch and concern the land and shall be enforceable by the Olde Valcour and Snug Harbor Marinas, the State of New York and the Adirondack Park Agency.

2. Pursuant to Adirondack Park Agency Permit No. 94-379A and 87-416A, this parcel may be used for nine apartments located in two, single-story structures. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building "rights", to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permit Nos. 94-379, 87-416 and 91-378.

BEING the same premises conveyed by James D. Carter to Z6, LLC by deed dated April 23, 2003 and recorded in the Clinton County Clerk's Office on April 24, 2003 as Instrument #2003-154396.

PARCEL II

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being along the east bounds of State Route 9 in the Town of Peru, County of Clinton, State of New York, being more particularly bounded and described as follows:

COMMENCING at an iron pipe found along the easterly bounds of State Route 9 which point marks the northwest corner of lands owned by the Grantor herein pursuant to a deed of Asbany Corporation dated July 29, 1996 which was recorded in the Office of the Clinton County Clerk on July 30, 1996 in Liber 984 of Deeds at Page 141;

THENCE TRAVELING north 4° 0' W along the easterly bounds of State Route 9 a distance of 163.79 feet to a point;

THENCE TURNING at an interior angle of 98° 36' and traveling in a generally easterly direction a distance of 84.33 feet to an iron pipe found at the top of a bank

THENCE CONTINUING 30± feet to the bottom of the bank;

THENCE CONTINUING 45± feet to the edge of the waters of Lake Champlain;

THENCE TURNING AND TRAVELING along the edge of the waters of Lake Champlain to a point which point marks the northeast corner of the lands owned by James D. Carter by deed (984/141);

THENCE TURNING AND TRAVELING in a westerly direction a distance of 185.54± feet to the point or place of beginning.

HEREBY intending to describe lands shown on a map filed in the Office of the Clinton County Clerk on November 14, 1957 in Map Drawer 324B entitled 'Map of Land Owned by Reno and Theresa Ouellette'.

THE CONVEYANCE of the above property is restricted by the terms and conditions contained in Adirondack Park Agency Permit No. 87-460 and Permit No. 94-379 which were recorded in the Office of the Clinton County Clerk in Miscellaneous Records in Liber 13 at Page 317 and Book 13 of Miscellaneous Records at Page 333 and A.P.A. Project Permit No. 87-416A and 94-379A dated April 1, 2003. The grantor herein specifically reserves all use of the waters of Lake Champlain located in front of the premises herein conveyed for the placement of docks and moorings and marina related purposes. The grantee's use of the lakefront is encumbered and restricted by the reservation herein and all other terms and conditions of the above referenced Adirondack Park Agency Permits. The above conveyance is further subject to the following deed covenants:

1. All the riparian rights to moorings and docks associated with this parcel have previously been transferred to either the Snug Harbor Marina and/or Olde Valcour Marina. These marinas reserve the rights to install docks and moorings pursuant to the terms and conditions of APA Permits No. 87-416 and 94-379. This conveyance specifically excludes any rights to moorings and docks which might otherwise be associated with this parcel, and no docks may be constructed nor moorings installed by any subsequent owner of this parcel unless the owners of the marina property agree to transfer any such rights, and only upon further application to and approval by the APA and any other government agency having jurisdiction over such transfer. This covenant shall run with, and touch and concern the land and shall be enforceable by the Olde Valcour and Snug Harbor Marinas, the State of

New York and the Adirondack Park Agency.

2. Pursuant to Adirondack Park Agency Permit No. 94-379A and 87-416A, this parcel may be used for eight, single-room efficiency apartments located in two, single-story structures. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building "rights", to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permit Nos. 94-379, 87-416 and 91-378.

BEING the same premises conveyed by James D. Carter to Z7, LLC by deed dated April 23, 2003 and recorded in the Clinton County Clerk's Office on April 24, 2003 as Instrument #2003-154397.

PARCEL III

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Peru, County of Clinton, State of New York, and lying easterly of U.S. Route #9, and being more particularly bounded and described as follows:

BEGINNING at an iron pin set in the west shore of Lake Champlain at or near the northeast corner of premises owned and occupied by Reno and Theresa D, Ouellette;

THENCE proceeding north 85° 22' W in the northerly bounds of said Ouellette premises a distance of 80.72 feet to another iron pin set in the easterly bounds of U.S. Route #9 .78 feet southerly of a New York State highway right of way marker;

THENCE turning and proceeding northerly along the east bounds of Route #9 a distance of 162± feet to an iron pin set in the ground;

THENCE south 85° 22' E a distance of 44.76 feet to an iron pin;

THENCE continuing in the same course, viz: south 85° 22' E to the high water mark on the shore of Lake Champlain;

THENCE in a southerly direction along the high water mark a distance of 163± feet, to a point at which the northerly line of said Ouellette premises reaches high water mark on Lake Champlain;

THENCE north 85° 22' W along the north line of said Ouellette

premises to the iron pipe at the point or place of beginning

THE ABOVE courses and distances are those determined in a survey made by Paul Cummings, L.S., completed August 25, 1959.

SUBJECT to easements and reservations of record.

THE ABOVE conveyance is all of the land lying easterly of Route #9 purchased by Reno and Theresa D. Ouellette from Edward J. Mira and Vivian H. Mira, and are part of the same premises contained in deed dated May 4, 1963 and recorded in the Clinton County Clerk's Office in Volume 464 of Deeds at Page 784.

EXCEPTING AND RESERVING from the premises herein conveyed an easement for the benefit of the balance of the premises retained by the parties of the first part which were conveyed to Reno Ouellette and Theresa D. Ouellette by Edward J. Mira and Vivian H. Mira by deed dated May 4, 1963 and recorded in the Clinton County Clerk's Office in Volume 464 of Deeds at Page 784, for the purpose of using the sewage disposal system which runs across the herein demised premises.

THE CONVEYANCE of the above property is restricted by the terms and conditions contained in Adirondack Park Agency Permit No. 87-460 and Permit No. 94-379 which were recorded in the Office of the Clinton County Clerk in Miscellaneous Records in Liber 13 at Page 317 and Book 13 of Miscellaneous Records at Page 333 and A.P.A. Project Permit No. 87-416A and 94-379A dated April 1, 2003. The grantor herein specifically reserves all use of the waters of Lake Champlain located in front of the premises herein conveyed for the placement of docks and moorings and marina related purposes. The grantee's use of the lakefront is encumbered and restricted by the reservation herein and all other terms and conditions of the above referenced Adirondack Park Agency Permits.

The above conveyance is further subject to the following deed covenants:

1. All the riparian rights to moorings and docks associated with this parcel have previously been transferred to either the Snug Harbor Marina and/or Olde Valcour Marina. These marinas reserve the rights to install docks and moorings pursuant to the terms and conditions of APA Permits No. 87-416 and 94-379. This conveyance specifically excludes any rights to moorings and docks which might otherwise be associated with this parcel, and no docks may be constructed nor moorings installed by any subsequent owner of this parcel unless the owners of the marina property agree to transfer any such rights, and

only upon further application to and approval by the APA and any other government agency having jurisdiction over such transfer. This covenant shall run with, and touch and concern the land and shall be enforceable by the Olde Valcour and Snug Harbor Marinas, the State of New York and the Adirondack Park Agency.

2. Pursuant to Adirondack Park Agency Permit No. 94-379A and 87-416A, this parcel may be used for one, two-story single family dwelling and two, one-bedroom apartments. These structures may not be expanded from their current size of the use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building "rights", to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permit Nos. 94-379, 87-416 and 91-378.

BEING the same premises conveyed by James D. Carter to Z8, LLC by deed dated April 23, 2003 and recorded in the Clinton County Clerk's Office on April 24, 2003 as Instrument #2003-154398.

ALSO BEING the same premises conveyed by Z6, LLC, Z7, LLC and Z8, LLC to James D. Carter by deed dated March 27, 2007 and recorded in the Clinton County Clerk's Office on June 14, 2007 as Instrument #2007-00206294.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, their successors and assigns forever.

And said party of the first part do covenant as follows:

First that the party of the second part shall quietly enjoy the said premises;

Second that said party of the first part will forever **WARRANT** the title to said premises.

Third, That, in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part have/has hereunto set his/her/their hand and seal the day and year first above written.

In Presence of

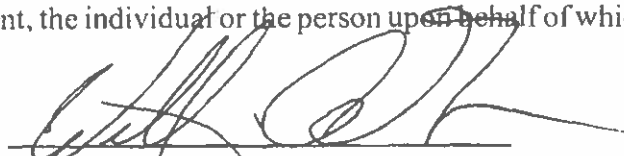
 _____ LS
JAMES D. CARTER

_____ LS

State of New York }
 } ss.:
County of Clinton }

On the 4th day of April, 2008, before me, the undersigned, a Notary Public in and for said state, personally appeared JAMES D. CARTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

WILLIAM A. FAVREAU
Notary Public, State of New York
No. 4800755
Qualified in the County of Clinton
My Commission Expires June 30, 2011



Notary Public

July 24, 2024

Corrie Magee
Environmental Program Specialist 1 (EPS1)
New York State Adirondack Park Agency
1133 NYS Route 86
Ray Brook, NY 12977



RE: 2024-0152 1st NIPA

Dear Corrie Magee,

In response to your June 21, 2024 review letter with respect to the above referenced matter, we offer the following:

1. B. Laing Associates will have the aquatic resources flagged prior to the 7-26-24 date and Taylor Strum their Senior Scientist will be on site that day to examine the property with your staff. A boat and operator will be provided for this site visit.
2. In order to eliminate the need for a variance, the applicant has amended the request to construct a 100' x 10' Gas Dock which is less than the previously approved 142' x 10' Dock as authorized by Permit 94-379. In addition, the gas attendant booth has also been reduced to 5 feet by 12 feet for a total area of 60 square feet. Each of the two previously approved dock plans included a 32 square foot attendant booth for a total of 64 square feet, or greater than what is being requested by this amendment. The proposed booth will be less than 8 feet in height to match the existing structures.
3. A summary of the existing permitted slip and mooring counts is provided on Sheet C200 in Table 1. As noted, in said table, the proposed total increase is 24 boats or 6.9%. This increase will allow the owner to provide more slips than moorings and meet the demands of current boater customers. Since the project was originally approved in 1993, more boaters now desire slips over moorings. The proposed minor increase in total capacity and type of accommodations allows the owner to keep up with the community growth and customer demands allowing the marina to be successful business and economic

benefit to the region. This de minimums increase will have no impact on the boat capacity on Lake Champlain.

4. As with the current marina operations, the dock and mooring anchors remain on the lake bed, with only the floating objects being removed during the off-season months. This ensures that with the installation and removal of the docks and mooring balls, no disturbance of the lake bottom or stirring of the lake bottom occurs. No dredging is proposed with this permit modification. Our office has been in contact with the DEC Permit Office and we have prepared a Joint Application and updated floating objects permit. See attached for details.
5. The docks are removed from the lake during the winter month to prevent damage from ice and stored on shore in the same manner as currently exists at the facility.
6. The attached plan has been updated to better illustrate the Mean High Water Mark of Lake Champlain and the required 50 setback.
7. Please see attached letter from the Town or Peru Water & Sewer Department clarifying system has significant additional capacity to handle the minor increase in usage.
8. The hours submitted on the industrial / commercial application are the same as the prior approval.
9. Indoor and outdoor boat storage is provided at both Marinas. One (1) 85' x 150' Boat storage building is located across from the Mariner Bar & Grill, West of Route 9, with an outdoor staging area to the north. There are two (2) 60' x 100' Boat storage buildings located across from the Valcour store, West of Route 9, with an out-of-doors boat storage area directly South with a capacity of 80 boats. There is no plan to modify these capacities as not all boats that utilize the marina are stored on site. With the lack of a travel lift, the marina is only able to use the Peru Boat Launch (DEC) to launch and remove boats. Thus, the marina has never been able to store sail boats and large motor boats, resulting in no need for additional storage.
10. During peak hours of operations, summer season, the majority of the stored boats are in the water, which provides additional space for marina patrons without negatively

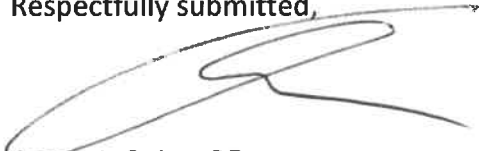
effecting the restaurant operations. The proposed less than 7% increase in parking demand can be supported by the existing facility without modifications.

11. Any requested information will be provided to OPRHP upon request.

12. No replacement or new structures are proposed within the 50-foot shoreline setback area with this application.

We hope that this added information will permit you to determine that the application is complete. To assist in your review, we have attached the Revised Site Plan. If you have any questions, or require additional information, please do not hesitate to contact our office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron J. Ovios', with a long horizontal flourish extending to the right.

Aaron J. Ovios, PE

Robert M. Sutherland, PC

TJ Sexton

Subject: FW: Snug Harbor Olde Valcour Marina

From: Courtney Tetrault <ctetrault@perutown.com>

Sent: Wednesday, July 17, 2024 2:18 PM

To: Aaron J. Ovios <aj.ovios@rmspc.com>

Subject: Re: Snug Harbor Olde Valcour Marina

Mr. Ovios

I have reviewed the proposed marina plan for Olde Valcour and Snug Harbor Marina, and the proposed expansion of 24 boats. The Town's sanitary sewer system has adequate capacity to accept the added flow from the proposed increase without any improvements. Please note that the existing sanitary pump station that serves the marinas is a simplex pump station. Although not required at this time, we would recommend considering upgrading this pump station to a duplex system for redundancy and added capacity.

Thank you
Courtney Tetrault
Town Of Peru
Water and Sewer Superintendent

On Tue, Jul 16, 2024 at 2:52 PM Aaron J. Ovios <aj.ovios@rmspc.com> wrote:

Courtney,

As we discussed, the new owners of Olde Valcour and Snug Harbor are looking to update their docking plan with the APA. The proposed marina will go from 346 boats to 370 boats, a 6.9% increase.

The APA has asked that we obtain a letter from the Town that this minimal increase will not negatively affect your system and that you have the capacity to accept this added flow.

Aaron

AARON J. DVIDS, P.E.
PRESIDENT

RMS

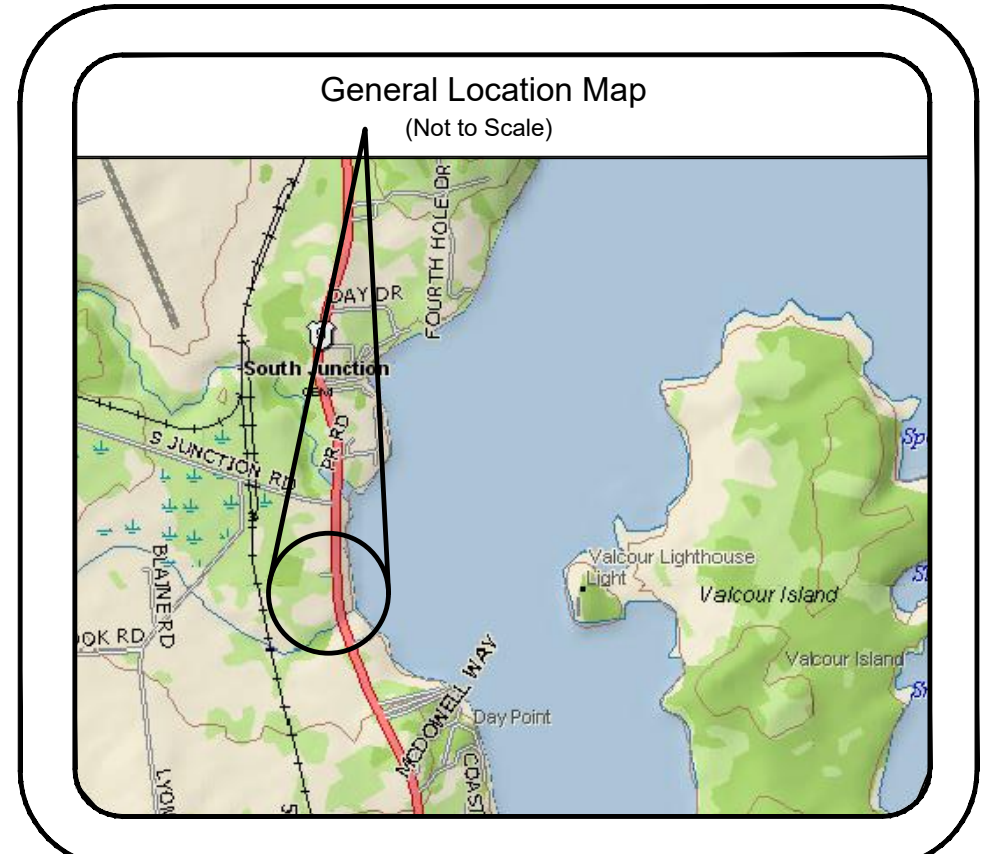
ROBERT M. SUTHERLAND P.C.
11 MACDONOUGH STREET,
PLATTSBURGH, NY 12901
518.561.6145(PH)
518.561.2496 (FX)
RMSPC.COM

--

Courtney Tetrault
Water/Sewer Superintendent
Town Of Peru
10 Cross St.
Peru NY, 12972
Office:518-643-8125
Cell:518-925-2691

Permit #	Description	Location	Ref #
N/A	Old Abandoned Building	N/A	N/A
86-184	On-Site Parking	Finding of Fact	5
86-184	Marina Store/Office/Shop Bldg	Finding of Fact	3
86-184	Bathroom	Finding of Fact	2
86-317	Boat Storage Buildings	Finding of Fact	5
86-317	Out-of-doors Boat Storage Area	Finding of Fact	7
87-416	115 Capacity Parking	Project Description	15
87-416	Fueling Facility	Project Description	12
87-416	Three Floating Tire Breakwaters	Project Description	11
91-378	Restaurant Sign	Project Description	10
91-378	Existing Well	Project Description	8
91-378	Existing Restaurant	Project Description	6
91-378	13 Parking Spots	Project Description	9
91-378	120 Parking Spots	Project Description	9
94-379	Floating Tire Breakwater	Project Description	9

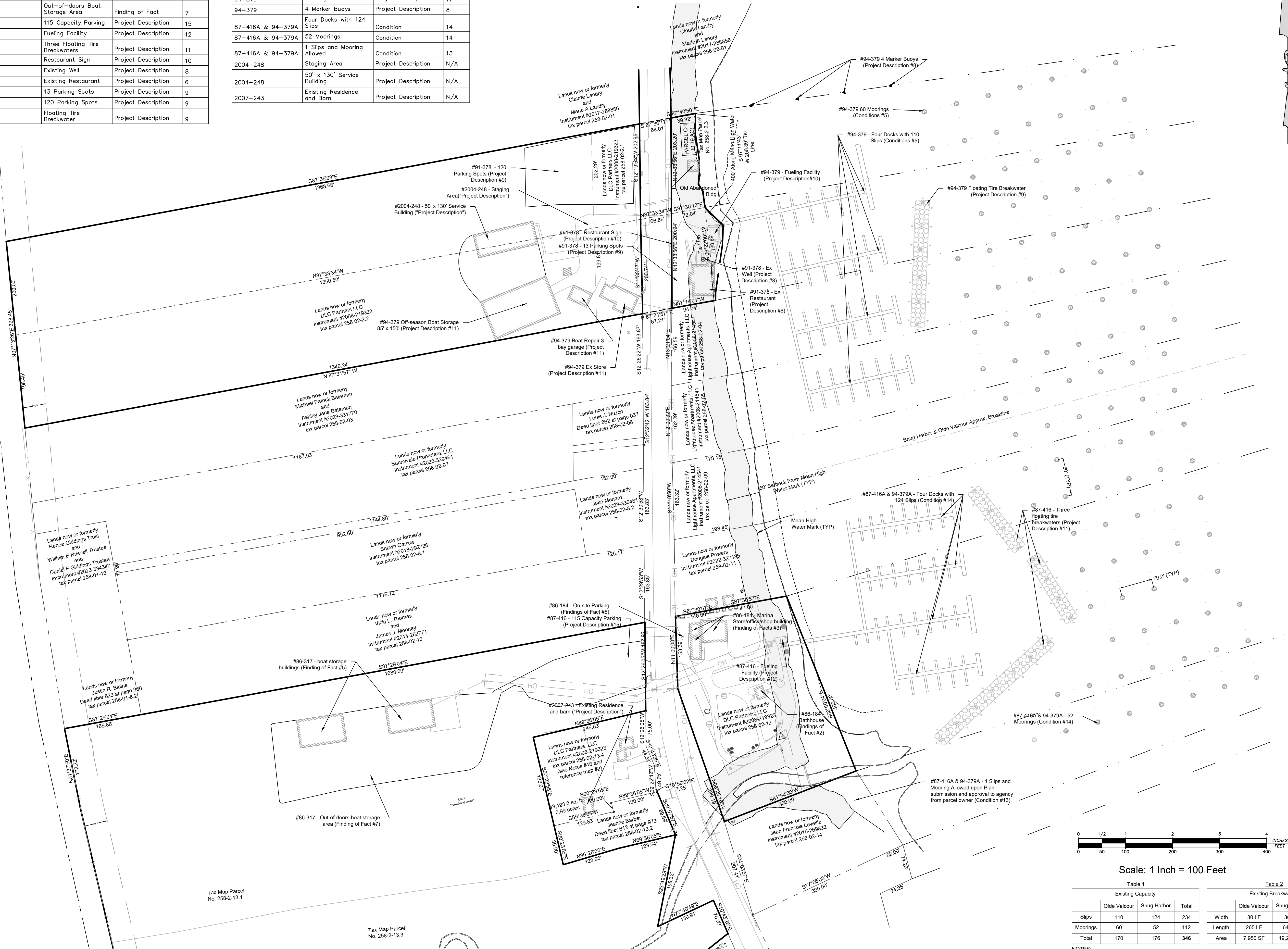
Permit #	Description	Location	Ref #
94-379	60 Moorings	Condition	10
94-379	Fueling Facility	Project Description	5
94-379	Four Docks with 110 Slips	Condition	5
94-379	Off-Season Boat Storage	Project Description	11
94-379	Boat Repair 3-Bay Garage	Project Description	11
94-379	Existing Store	Project Description	11
94-379	4 Marker Buoys	Project Description	8
87-416A & 94-379A	Four Docks with 124 Slips	Condition	14
87-416A & 94-379A	52 Moorings	Condition	14
87-416A & 94-379A	1 Slips and Mooring Allowed	Condition	13
2004-248	Staging Area	Project Description	N/A
2004-248	30' x 130' Service Building	Project Description	N/A
2004-248	Existing Residence and Barn	Project Description	N/A
2007-243	Existing Residence and Barn	Project Description	N/A



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

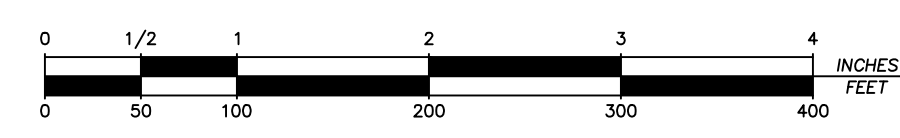
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○	Found property evidence (as described)	⊙	Utility pole
□	Computed corner	⊙	Ex Mooring
⊙	Fire hydrant	—	Property line
⊙	Manhole	—	Overhead utility line
⊙	Water well	—	Building setback line
⊙	Water valve	—	Stone wall
⊙	Recovered concrete monument	—	Fence
		—	Edge of woods



No.	Revision/Issue	Date



Project Name & Address
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

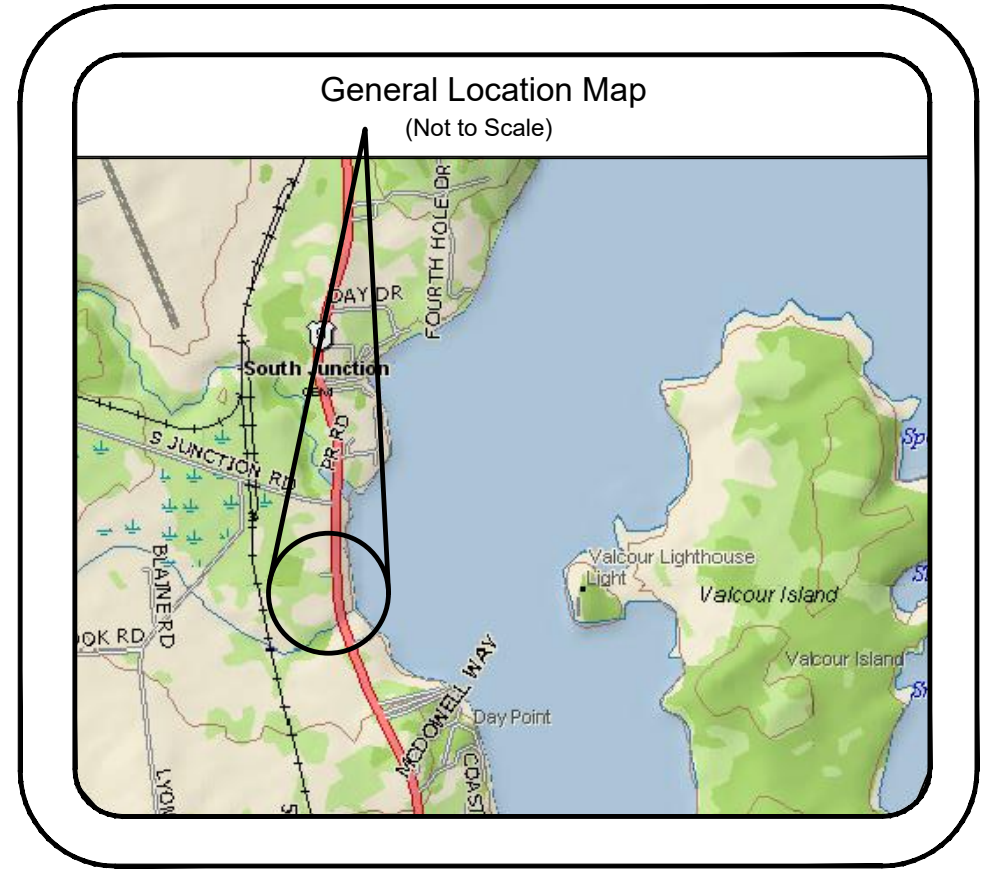


Scale: 1 Inch = 100 Feet

Table 1			Table 2			
Existing Capacity			Existing Breakwaters			
Slips	110	124	234	Width	30 LF	30 LF
Moorings	60	52	112	Length	265 LF	640 LF
Total	170	176	346	Area	7,850 SF	19,200 SF
						27,150 SF

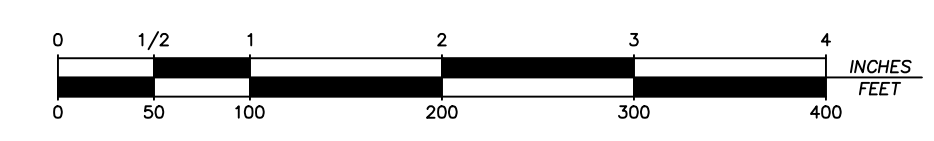
NOTES:
 1. 1 BOAT PER SLIP/MOORING

GRID NORTH NAD 83 NYS EAST ZONE-18



Tax Map Reference:
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 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

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Table 1
Existing & Proposed Capacity

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Slips	110	124	234	148	154	302
Moorings	60	52	112	32	36	68
Total	170	176	346	180	190	370

Table 2
Existing & Proposed Breakwaters

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Width	30 LF	30 LF	60 LF	5 LF	5 LF	10 LF
Length	265 LF	640 LF	905 LF	500 LF	850 LF	1350 LF
Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	6,750 SF

NOTES:
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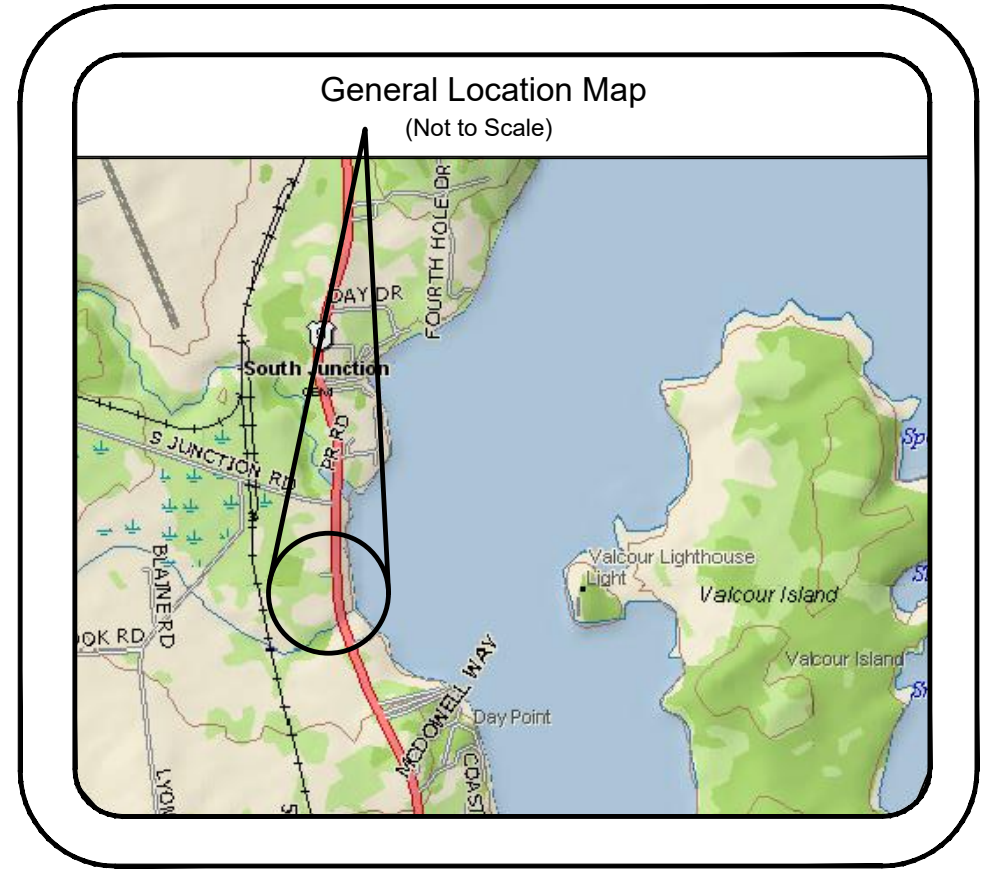
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RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MADDEN STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
 R M S P C C O M

Project Name & Address
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Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Current Permitted Configuration with Proposed Overlay
Date: 07/24/2024	C200
Scale: 1" = 100'	Checked: AJO
Drawn: TJS	

GRID NORTH MAD 83 NYS EAST ZONE-18



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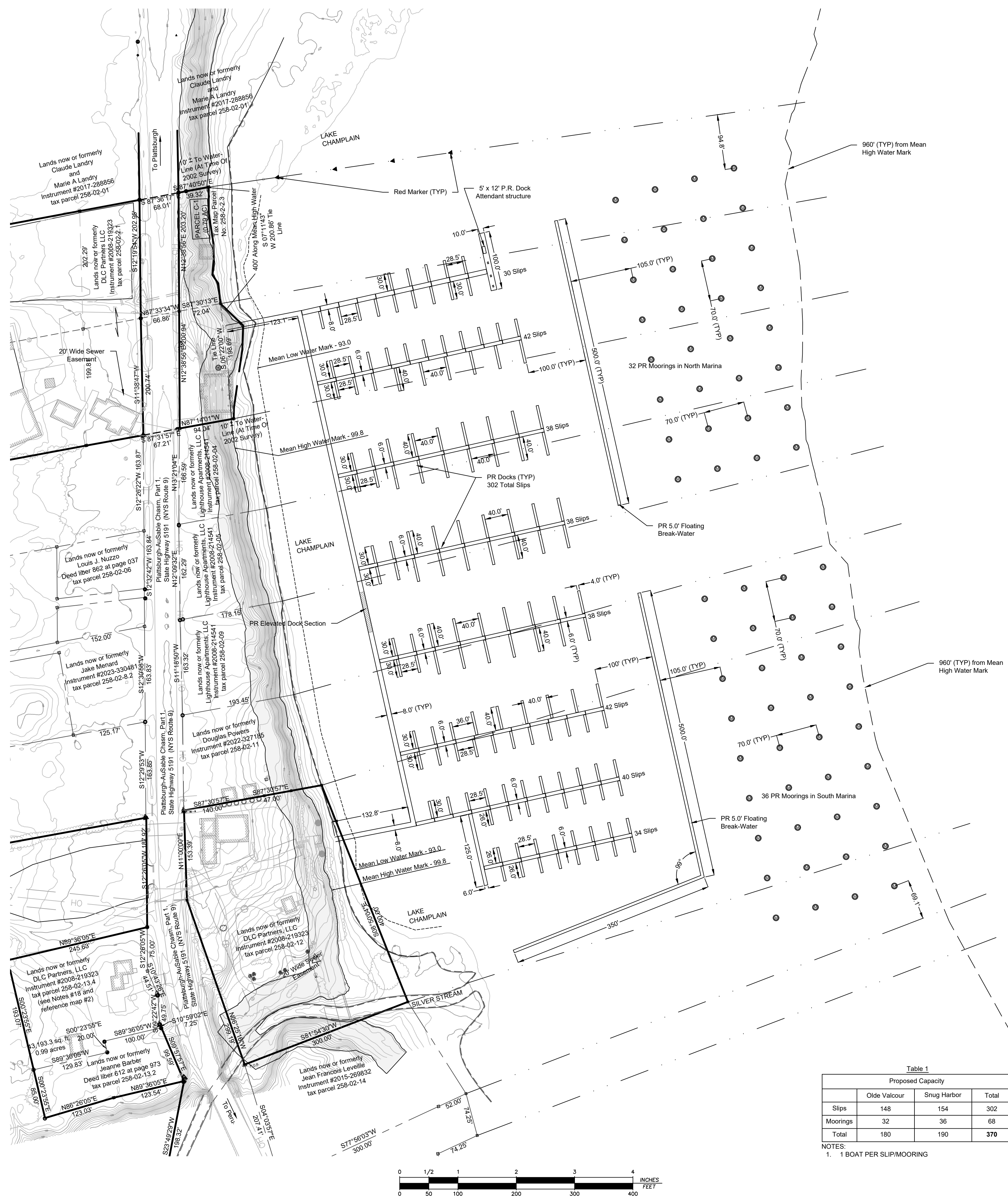


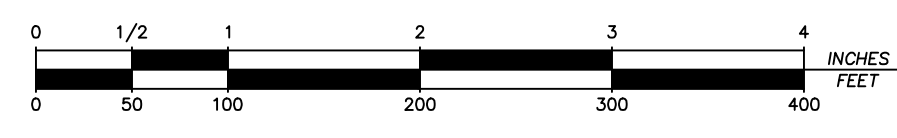
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Moorings	32	36	68
Total	180	190	370

Table 2
Proposed Breakwaters

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Width	5 LF	5 LF	
Length	500 LF	850 LF	
Area	2,500 SF	4,250 SF	6,750 SF

NOTES:
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Date	07/24/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C300	

August 14, 2024

Corrie Magee
Environmental Program Specialist 1 (EPS1)
New York State Adirondack Park Agency
1133 NYS Route 86
Ray Brook, NY 12977



RE: 2024-0152 2nd NIPA

Dear Corrie Magee,

In response to your agencies June 11, 2024 review letter with respect to the above referenced matter, we offer the following:

1. B. Laing Associates has mapped out the SAV area as described in the attached SAV Study. As noted on sheet C200/Table 3, the existing permitted plan has approximately 12,697 square feet of floating docks above said wetland area, and is hatched on the attached map for clarification.

The proposed docking layout would slightly reduce the area of floating dockage over the wetlands to approximately 11,603 square feet.

Based on this fact, the proposed reconfiguration of the dockage will have less of an impact on the submergent wetland than the current permitted plan. Nor does the project propose any dredging that would physically alter the lake bottom.

2. See attached Local Government Notice Form.
3. Coordination with NYSOGS has begun through the means of a joint application. Applicant will copy the agency on all future correspondence, comments, and approvals as necessary for a coordinated review. See attached copy of joint application. Our office was able to confirm that the land lease with OGS was renewed in 2014 and is up for

renewal at the end of September. We have attached a copy of the lease for your records.

4. Applicant will seek to construct a boathouse meeting agencies regulations and standards. The proposed boathouse will berth a boat for the Marina staff and provide access to the adjacent docks improving the general safety and navigability of the site.
5. Please see the joint application submitted to the NYSDEC, NYSOGS, and US Army Corps of Engineers. Further coordination, comments, and approvals will be provided upon receipt.
6. See project plans for location of existing travel trailers on the project site.
7. All docks and moorings will be anchored by concrete blocks resting on the lake bed. Therefore, no driving, excavation, or grading is proposed.

We hope that this added information will permit you to determine that the application is complete. To assist in your review, we have attached the Revised Site Plan, Joint application, SAV Study, Local Government Notice form, NYSOGS Submerged land license, and a list of Agency contacts. If you have any questions, or require additional information, please do not hesitate to contact our office.

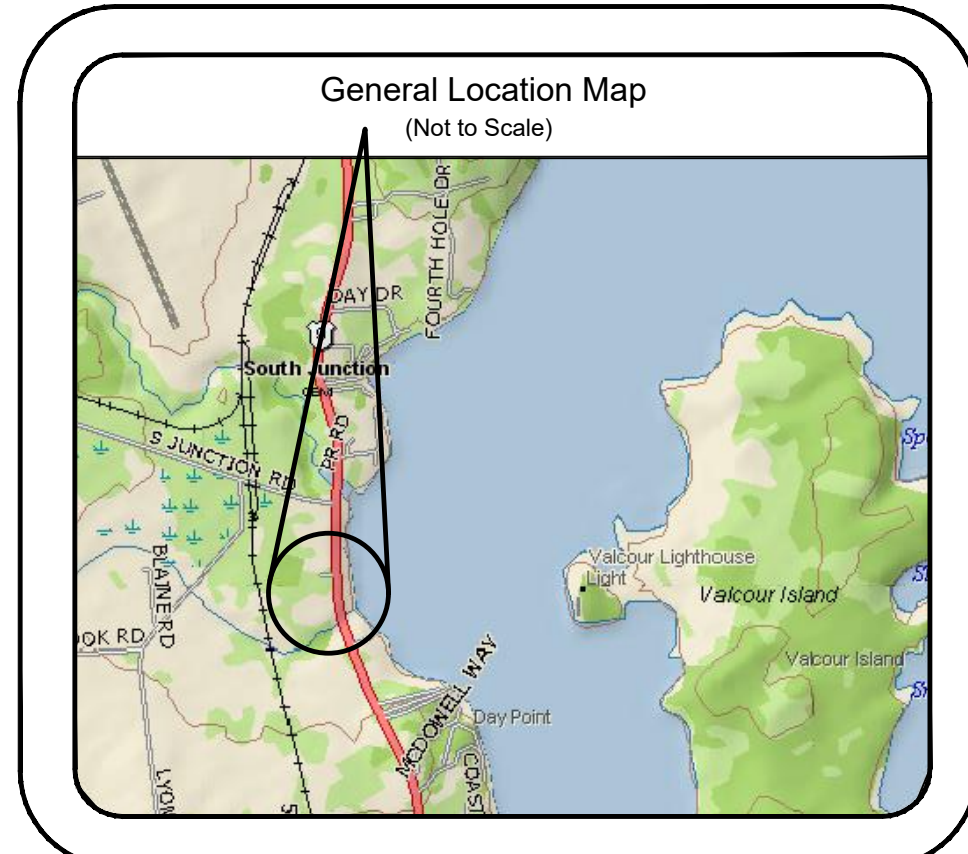
Respectfully submitted,

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Aaron J. Ovios, PE
Robert M. Sutherland, PC

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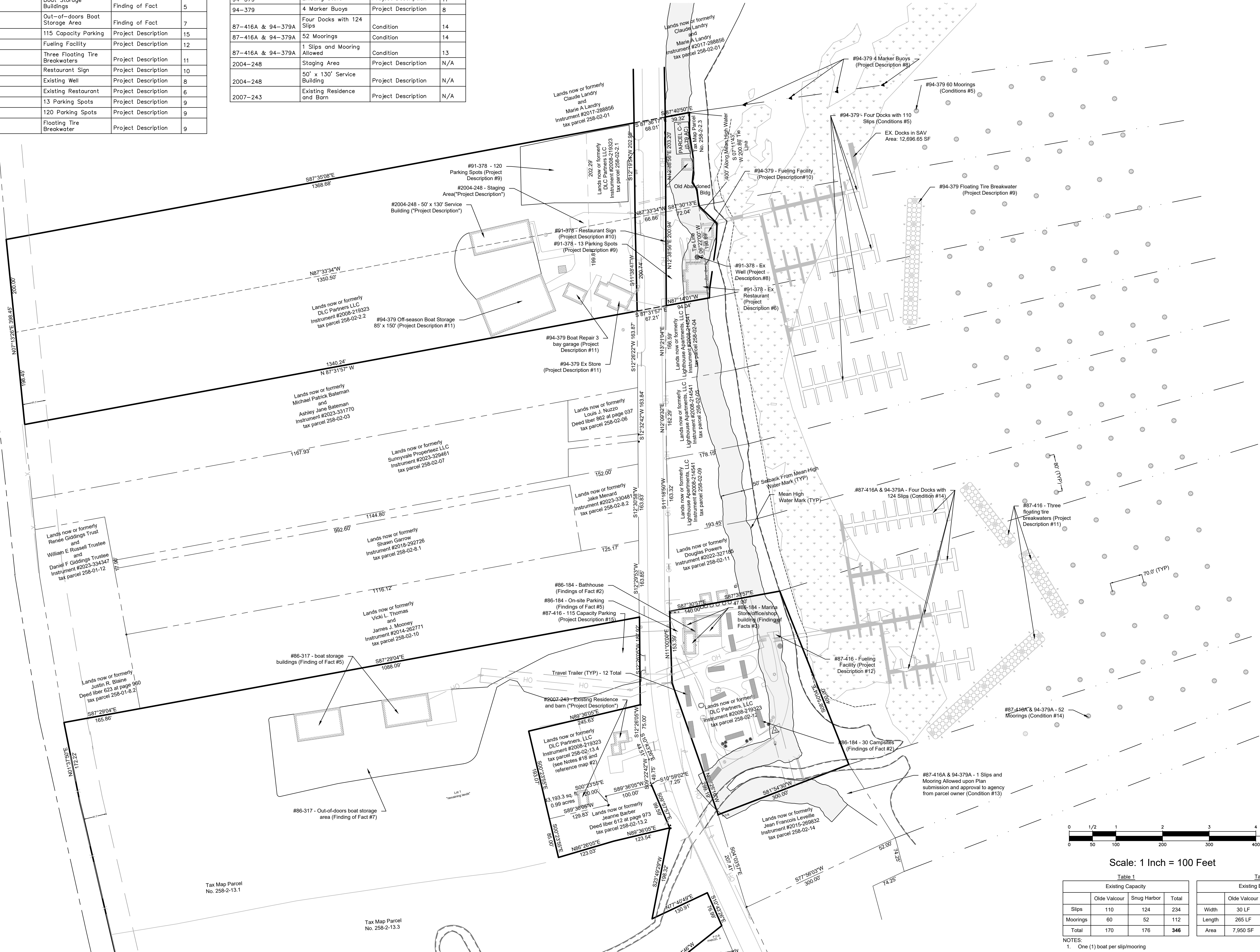
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2004-248	30' x 130' Service Building	Project Description	N/A
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Tax Map Reference:
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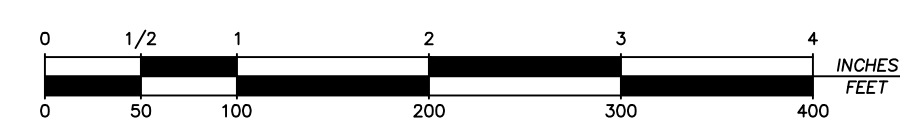
No.	Revision/Issue	Date

Adirondack Park Agency
RECEIVED
 Date: August 14, 2024

RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
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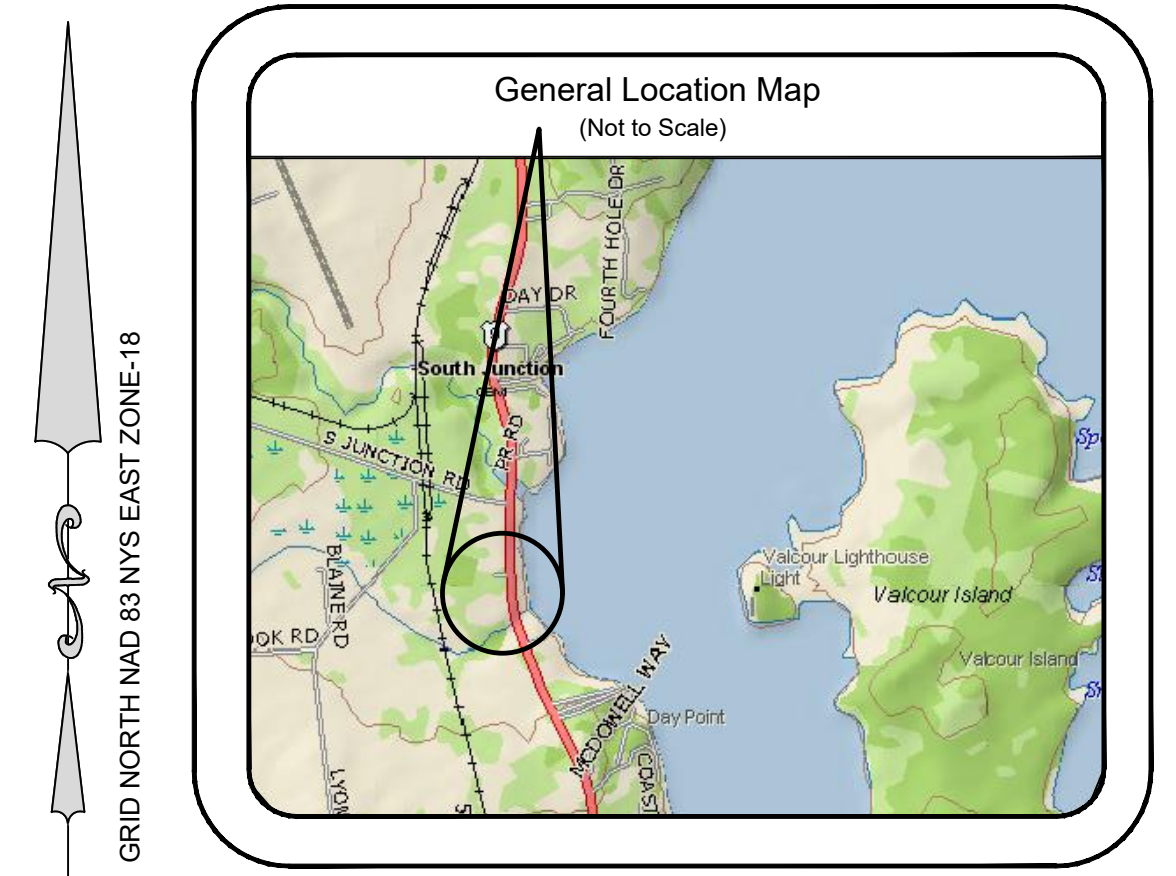
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Date: 08/13/2024	C100
Scale: 1" = 100'	
Drawn: TJS	Checked: AJO



Scale: 1 Inch = 100 Feet

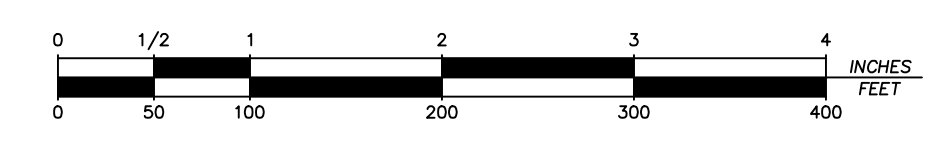
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NOTES:
 1. One (1) boat per slip/mooring



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Table 2
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Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	6,750 SF

Table 3
Submerged Aquatic Vegetation (SAV)

EX Docks in SAV	Area: 12,696.65 SF
PR Docks in SAV	Area: 11,602.88 SF

NOTES:
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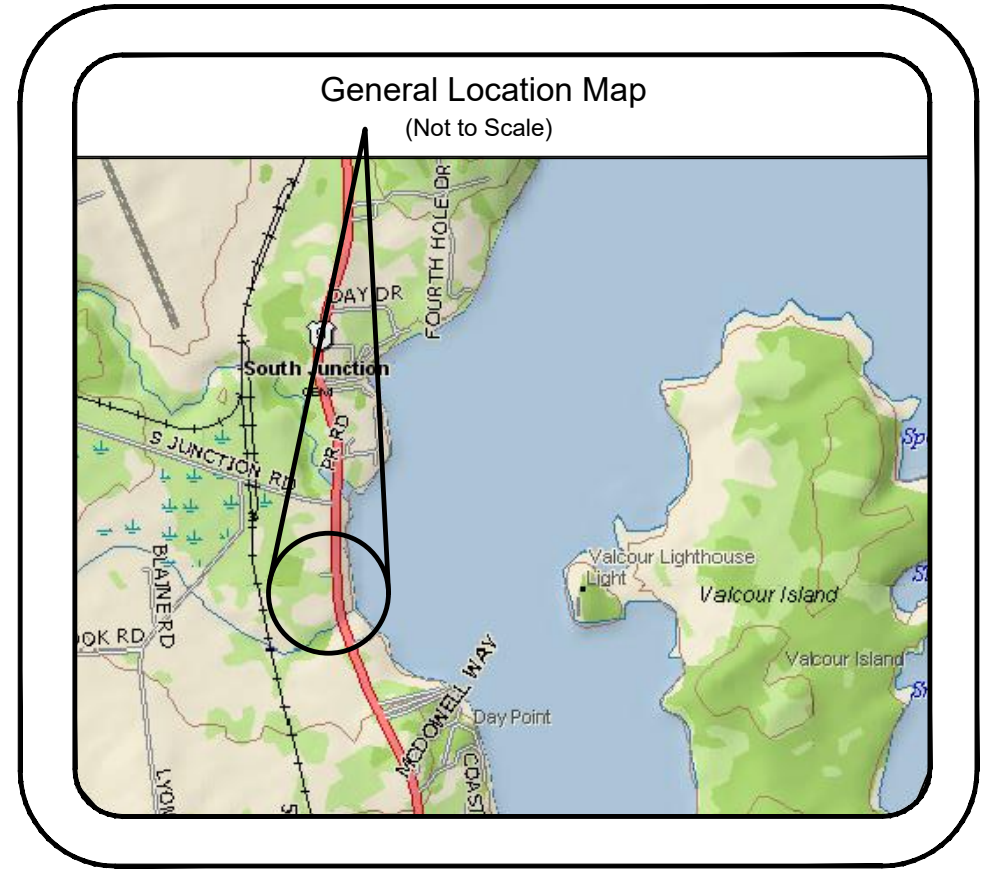
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 ENGINEERS - PLANNERS - SURVEYORS
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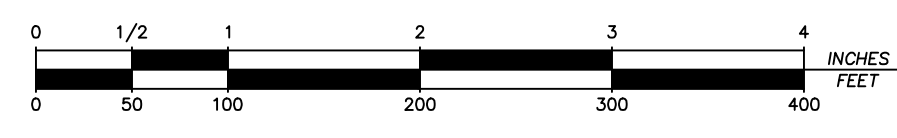
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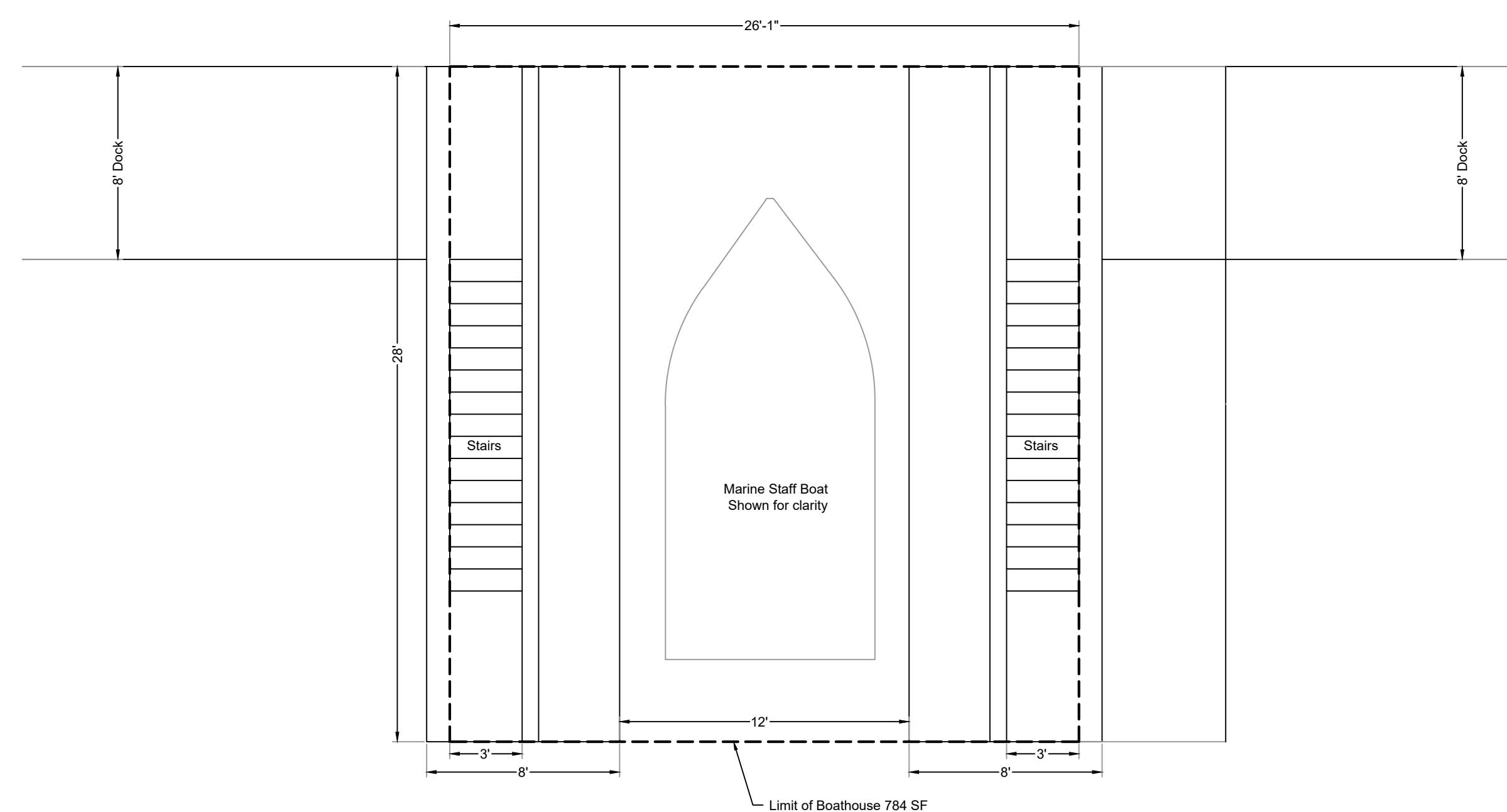
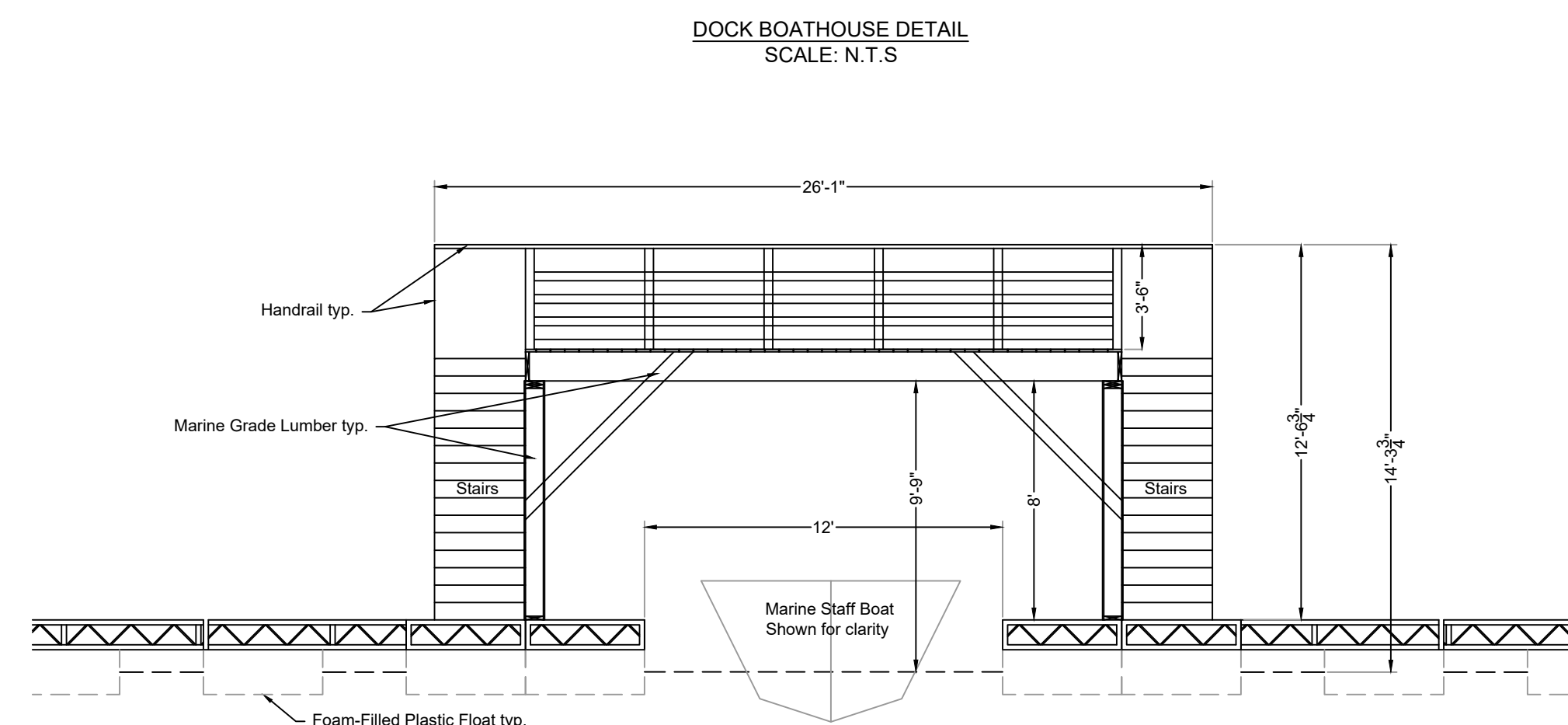
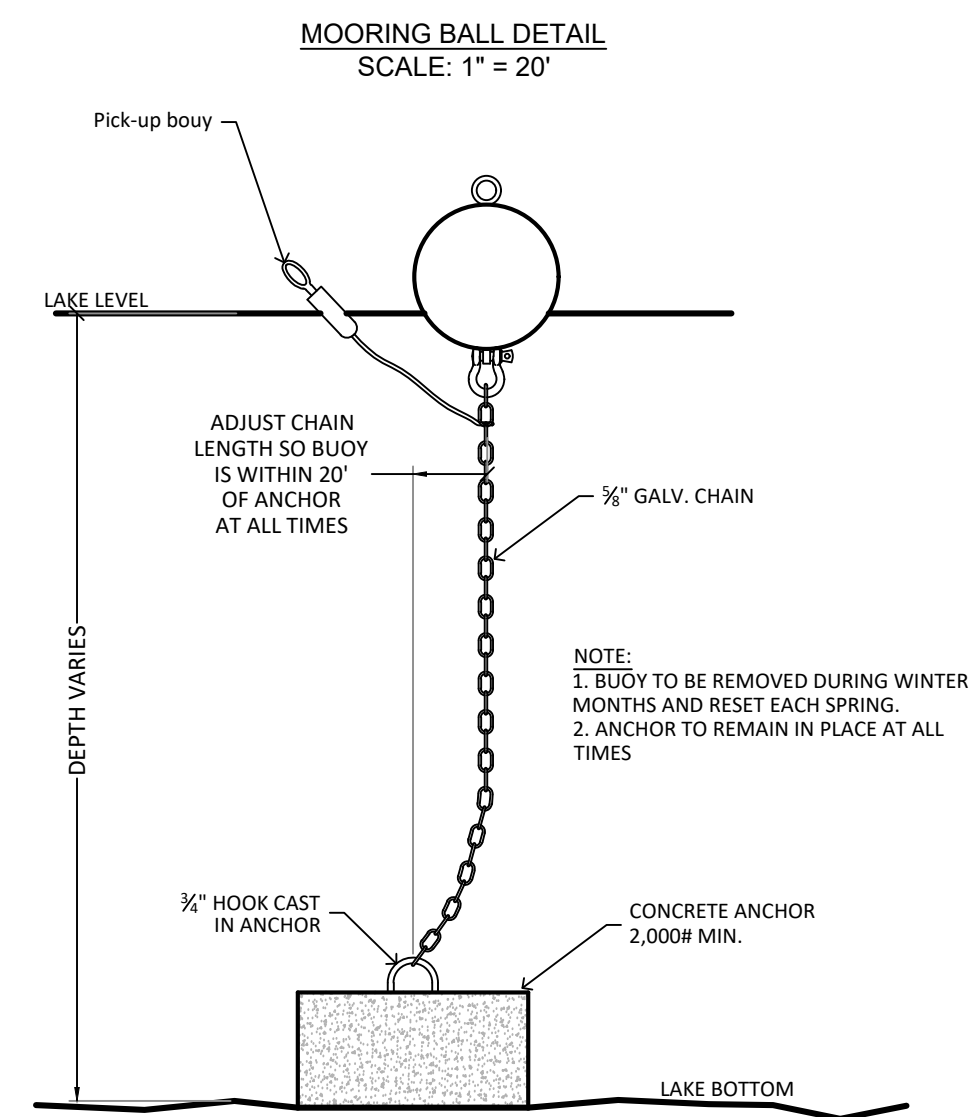
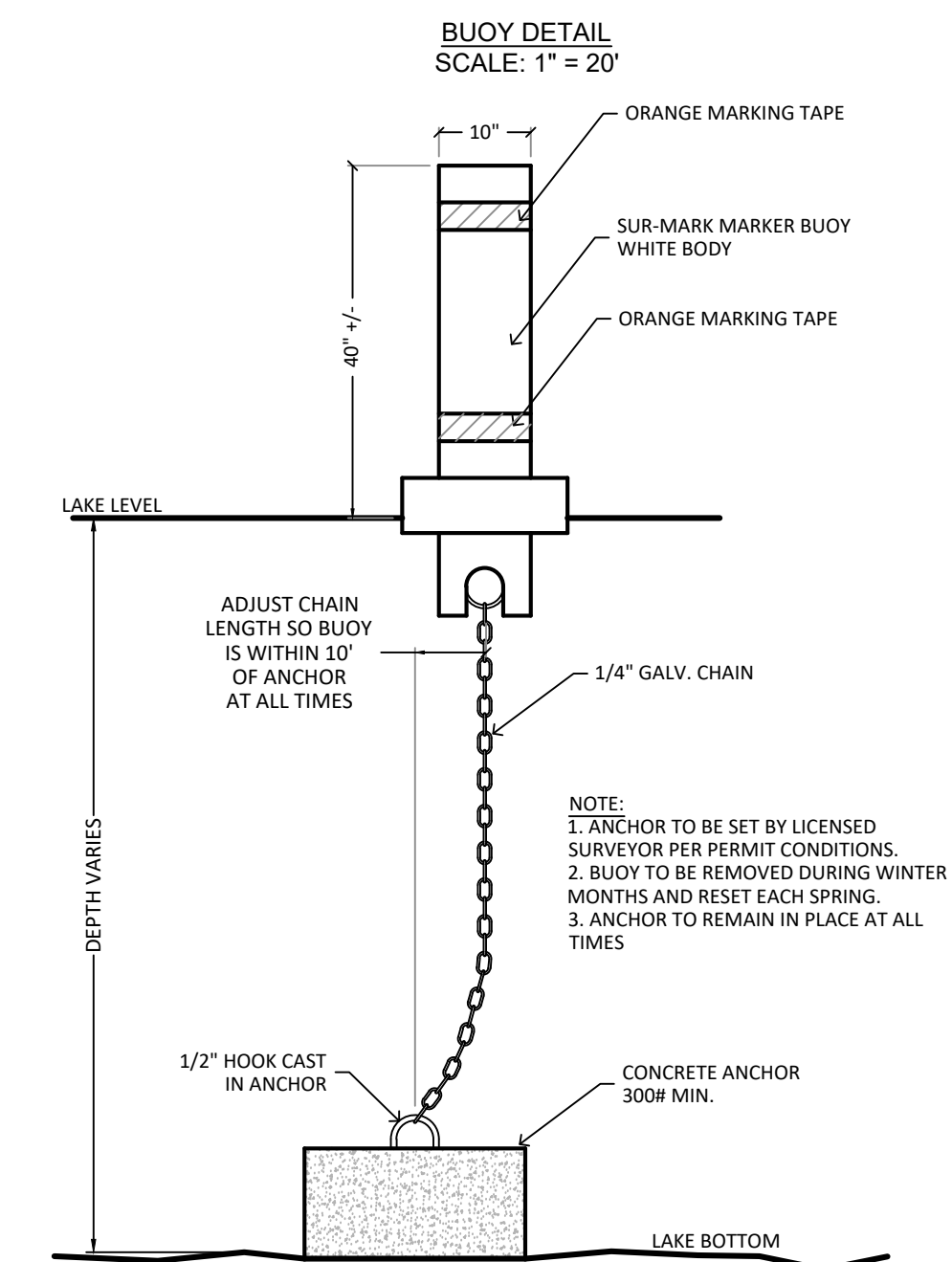
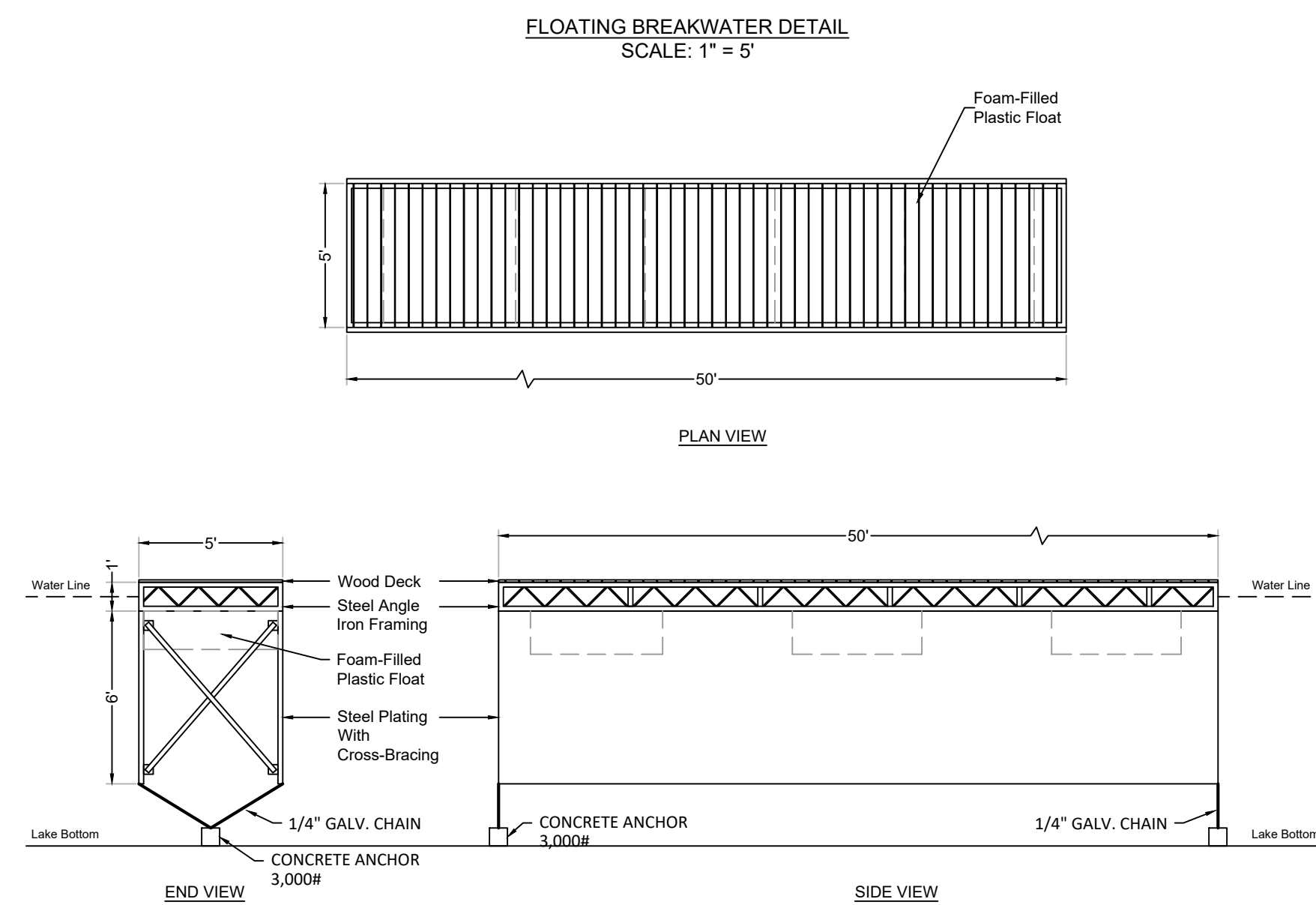
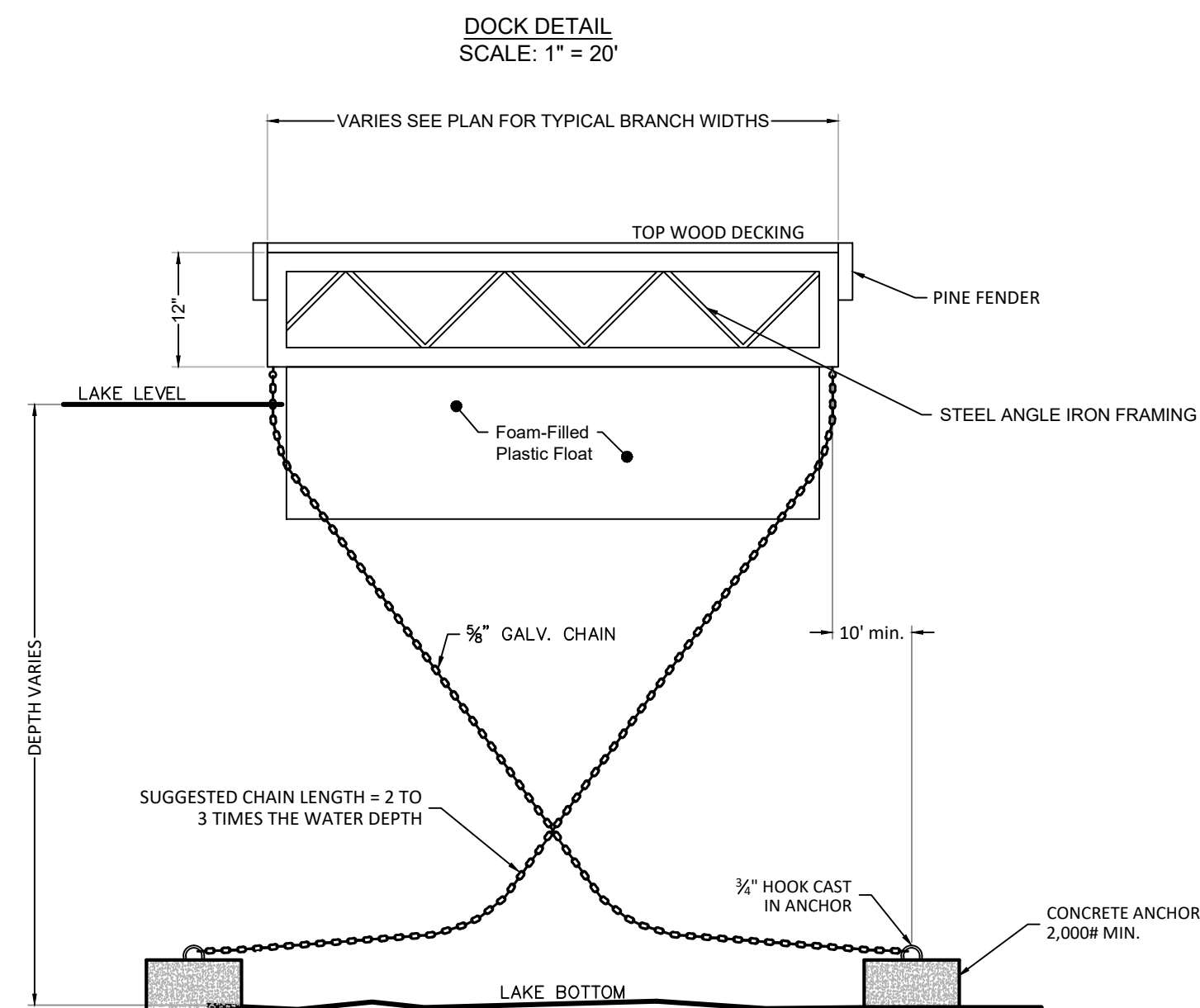
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Project #	24052	Sheet	DETAILS
Date	08/13/2024	Scale	D100
Drawn	LSC	Checked	AJO

August 7, 2024

New York State Department of Environmental Conservation
Regional Permit Administrator
PO Box 296
1115 NYS Route 86
Ray Brook, NY 12977-0296

US Army Corps of Engineers New York District
ATTN: Regulatory Branch, Room 1937
26 Federal Plaza
New York, NY 10278-0090

NYS Office of General Services
Bureau of Land Management
39th Floor, Corning Tower
Empire State Plaza
Albany, NY 12242-0001

Re: Olde Valcour and Snug Harbor Marinas Joint Application

Dear Permitting Committee:

Lake Champlain Transportation (“LCT”) has purchased ~41.1 acres of land, where Olde Valcour and Snug Harbor Marinas are currently permitted to operate with docks, moorings, and various buildings to serve customers. The project site, located in the town of Peru, consists of the following parcels, Tax Map #258.-2-2.1, 2.2, 2.3, 12, 13.1, 13.3, and 13.4.

The existing marinas currently reside on parcel #258.-2-2.3 & 12 respectively. LCT proposes to reconfigure, modernize, and make needed safety and environmental improvements to the docks, mooring field, and breakwaters. No changes to the existing onshore facilities at either marina are anticipated or proposed.

The total number of Moorings proposed is 44 less than the existing permitted total. The total number of slips proposed is 68 more than the permitted total. This results in a <7% increase (or, 24 slips) added to the total permitted capacity. Furthermore, the existing tire breakwaters and wooden docks will be replaced with modern metal breakwaters and docks which will be safer and more aesthetically pleasing than what exists. The proposed breakwater will be 6,750 SF compared to the ~27,500 SF permitted for the tire breakwaters.

All proposed docks, breakwaters, and moorings will lie within the existing leased area. Given the minimal change to permitted capacity, the existing facility’s infrastructure, including but not limited to, access, parking, and utilities will not need to be increased or changed.

The Snug Harbor and Olde Valcour Marinas have been servicing to the community for over 40 years. The Applicant desires to not only continue this legacy but to enhance it by modernizing the docks and breakwaters, improving the aesthetics, functionability, as well as the safety, while operating within the existing permitted limits. The proposed improvements will also provide environmental improvements.

To assist in your review of this Application we have included the Joint Application Form, Supplement D-2, NYSDEC Floating Objects App, General Location Map, Project Plans, Photographs, Short EAF Part 1, NYSOGS Environmental Questionnaire, and the existing NYSOGS Submerged Land License.

If you have any further questions or require additional information, please do not hesitate to contact our office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Ovios', written over a horizontal line.

Aaron J. Ovios, P.E.
Robert M Sutherland, PC



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply:
Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, Excavation and Fill in Navigable Waters, 401 Water Quality Certification*, Wild, Scenic and Recreational Rivers, Long Island Well, Docks, Moorings or Platforms, Freshwater Wetlands, Coastal Erosion Management, Incidental Take of Endangered / Threatened Species
* See Instructions (page 3)
>US Army Corps of Engineers
Check here to confirm you sent this form to USACE.
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act
Is the project Federally funded? Yes No
If yes, name of Federal Agency:
General Permit Type(s), if known:
Preconstruction Notification: Yes No
>NYS Office of General Services
Check here to confirm you sent this form to NYSOGS.
Check all permits that apply:
State Owned Lands Under Water, Utility Easement (pipelines, conduits, cables, etc.), Docks, Moorings or Platforms
>NYS Department of State
Check here to confirm you sent this form to NYSDOS.
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Lake Champlain Transportation
Taxpayer ID (if applicant is NOT an individual) 03-0259960
Mailing Address 1 King Street Dock
Post Office / City Burlington State VT Zip 05401
Telephone 8-802-864-9804 Email kyleb@ferries.com
Applicant Must be (check all that apply): Owner Operator Lessee

3. Name of Property Owner (if different than Applicant)
Mailing Address
Post Office / City
State
Zip
Telephone
Email

For Agency Use Only Agency Application Number:

4. Name of Contact / Agent

Kyle Bostwick

Mailing Address: 1 King Street Dock

Post Office / City: Burlington

State: VT

Zip: 05401

Telephone: (802) 864-9804

Email: kyleb@ferries.com

5. Project / Facility Name

Olde Valcour and Snug Harbor Marinas

Property Tax Map Section / Block / Lot Number: 258.-2-2.3 and 12

Project Street Address, if applicable: NYS Route 9

Post Office / City: Peru

State: NY

Zip: 12972

Provide directions and distances to roads, intersections, bridges and bodies of water

The two marinas are located on the shore of Lake Champlain, specifically East of Route 9, West of Valcour Island, and North of the Silver Stream. Additional parking and storage buildings are located across from the existing marinas, West of Route 9.

✓ Town: Peru

Village:

City:

County: Clinton

Stream/Waterbody Name: Lake Champlain

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 44 ° 37 ' 24 " Longitude: 73 ° 26 ' 48 "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

Olde Valcour and Snug Harbor Marinas have existed in their current location for more than 30 years. The property is now under new ownership who wishes to reconfigure, modernize, and make needed safety and environmental improvements to the docks, mooring field, and breakwaters.

b. Description of current site conditions:

The two marinas as they exist consist of wooden docks and tire breakwaters with a total capacity of 346 boats and 27,150 square feet of rubber tire breakwaters.

c. Proposed site changes:

Reconfigure the docking facility and replace aging docks along with replace the rubber tire breakwaters with new steel wave attenuators. The total boat capacity of the marinas would increase slightly from 346 boats to 370 boats, less than a 7% increase. The reconfigured facility will fit within the existing marina limits and not extend any further out into the lake or extend northerly or southerly.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

~46,611 SF of metal docks with approximately 160, 2,000 lbs (0.5 cy/ea) concrete anchors
 68 Total mooring with 68, 2,000 lbs (0.5 cy/ea) concrete anchors
 ~6,750 SF of breakwaters with 20, 2,000 lbs (0.5 cy/ea) concrete anchors

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

No dredging or excavation is proposed.

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. ✓ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

All docks anchors and moorings will be anchored with concrete blocks that will rest on the Lake's bed from a barge. Marinas will utilize existing shore anchor points.

h. Describe the planned sequence of activities:

1. Remove existing docks, moorings, and breakwaters.
2. Install new breakwaters, docks and moorings.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

No dredging or excavation, no vegetative cutting within 100' of the mean high water mark. All work to be performed by barge. Dock sections being fabricated in Vermont and floated to site. No shoreline activity.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

No ground disturbance is proposed.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

The proposed reconfigured marinas are in the same location and same total area as the existing operations that have existed for more than 30 years.

l. Proposed use: Private Public Commercial

m. Proposed Start Date: 08/01/2024 Estimated Completion Date: 05/01/2025

n. Has work begun on project? Yes If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes If Yes, explain below. No

The marinas are located within Lake Champlain, State land. The existing marinas had OGS leases that have expired, under the prior operator. Proposed marinas will utilize the same lease area as previously existed.

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

Floating Objects Other Than Aids to Navigation Permit DEC #5-0940-00011/0003
USACE - Permitted in 1994 number unknown
OGS Lease 1993-2013 - Since expired

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below. No

Adirondack Park Agency Permit

7. Signatures.

Applicant and Owner (if different) must sign the application. If the applicant is the landowner, the **landowner attestation form** can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date

Raymond Pecor III

7-29-2024

Applicant Must be (check all that apply): Owner Operator Lessee

Printed Name

Title

Trey Pecor

President

Signature of Owner (if different than Applicant)

Date

Raymond Pecor III (KB)

Printed Name

Title

Raymond (KB)

Signature of Contact / Agent

Date

Kyle Bostwick

7/29/24

Printed Name

Title

Kyle Bostwick

Marina Manager

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date



Department of Environmental Conservation

APPLICATION FOR PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION OR EXPANSION OF DOCKING AND MOORING FACILITIES (Including Platforms and Breakwaters)

Supplement D-2

FOR AGENCY USE ONLY
DEC APPLICATION NUMBER:
U.S. ARMY CORPS OF ENGINEERS APPLICATION NUMBER:

Please read all instructions on the following page. TYPE OR PRINT CLEARLY IN INK. Attach additional information as needed.

PROJECT CONSTRUCTION DESCRIPTION: Reconfigure, Modernize, and Expand Existing Marinas

1. TYPE OF ACTIVITY: [] New Facility Construction [] Substantial Reconstruction [x] Expansion [] Change in Use

2. CAPACITY OF DOCKING FACILITY OR MOORING AREA:
Maximum number of boats to be docked: 302
Maximum number of boats to be moored: 68
Boat type and size ranges to be served: Class A (<16') to Class 3 (40'-65') Boats
Total surface area of facility perimeter: 1,193,700 square feet

3. IDENTIFY STRUCTURE TYPES AND THE USE OF SUCH STRUCTURES. INCLUDE SIZE, TYPE OF CONSTRUCTION AND MATERIALS TO BE USED, IF SUBSTANTIAL RECONSTRUCTION IS REQUIRED. EXPLAIN EXTENT OF ACTIVITY INCLUDING PERCENTAGE OF THE TOTAL STRUCTURE SIZE AFFECTED.

46,611 SF of metal docks
68 mooring
6,750 SF of breakwaters

(continue on attached sheet if necessary)

4. FOR NEW FACILITY, EXPANSION OF EXISTING FACILITY OR CHANGE IN USE, CHECK APPROPRIATE ITEMS AND DESCRIBE THE SERVICES TO BE PROVIDED:

[x] Water Supply: Private well
[x] Sewage Disposal: Public Sewer - Town of Peru
[x] Electrical Supply: NYSEG
[] Gas Supply:
[x] Gasoline/Oil Supply: Existing Bulk Petroleum Storage
[] Other:

(continue on attached sheet if necessary)

5. SIGNATURE

[Handwritten signature]

DATE 8.8.24



New York State Department of Environmental Conservation
Division of Environmental Permits

APPLICATION FOR PERMIT: FLOATING OBJECTS OTHER THAN AIDS TO NAVIGATION
Section 35-a Navigation Law

Form with sections 1A-5C and 6-9. 1A: NAME AND ADDRESS OF APPLICANT (Lake Champlain Transportation, 1 King Street Dock, Burlington, VT 05401, Phone: 802-864-9804). 1B: E-MAIL ADDRESS (Optional) (kyleb@ferries.com). 2: TYPE OF FLOATING OBJECT PROPOSED (Mooring Buoy(s), Other (Identify) Breakwaters). 3: LOCATION OF FLOATING OBJECT (Waterway: Lake Champlain, City/Town: Peru, County: Clinton). 4A: ARE YOU THE ADJACENT UPLAND OWNER TO WHERE THE FLOATING OBJECT(S) WILL BE PLACED? (Yes). 4B: ARE YOU THE FEE OWNER OF THE UNDERWATER LANDS OVER WHICH THE FLOATING OBJECT(S) WILL BE PLACED? (No). 5A: NAME AND ADDRESS OF CONTACT PERSON (if different than applicant). 5B: Telephone Number. 5C: E-Mail Address (Optional). 6: EXPLAIN REASON FOR PLACING FLOATING OBJECT(S): (To upkeep and modernize the existing Marinas). 7: EXPLAIN TYPE AND QUANTITY OF BOATING TRAFFIC IN THE AREA WHERE THE FLOATING OBJECT WILL BE PLACED: (Existing marina with the proposed capacity of 370 boats being only 24 boats above its historic boat count...). 8: ARE YOU AWARE OF ANY OBJECTION TO THE PLACING OF THIS OBJECT FROM ADJACENT LANDOWNERS, LOCAL GOVERNMENT OFFICIALS OR ANY OTHER PERSON? (No). 9: WILL THE EXISTENCE OF THIS FLOATING OBJECT IN ANY WAY OBSTRUCT OR ENDANGER NAVIGATION, OR OBSTRUCT OR OTHERWISE HINDER SAFE ACCESS TO ANOTHER PERSON'S PROPERTY? (No).

INSTRUCTIONS

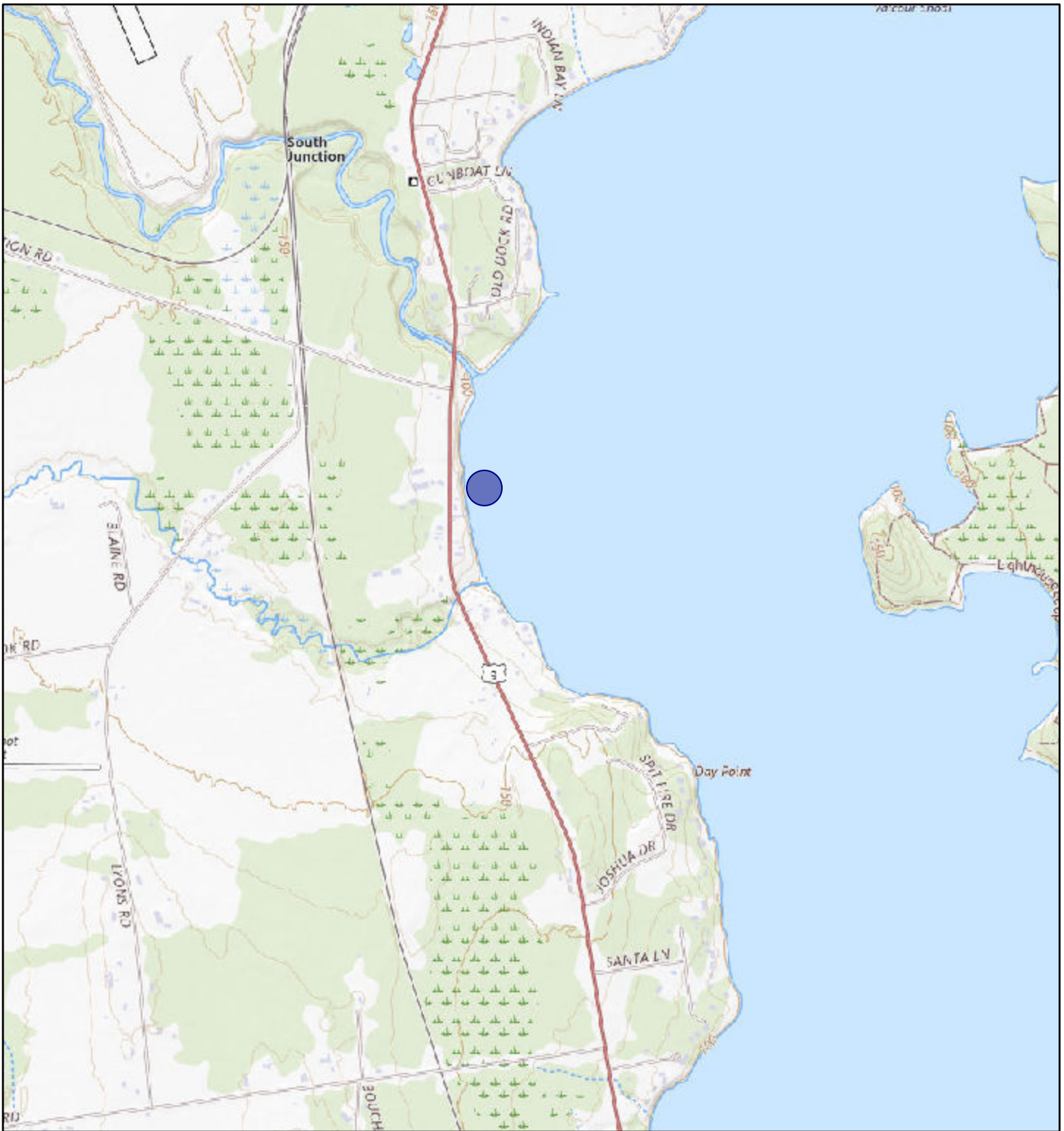
NOTE: Please Read and Follow Instructions Carefully.

- 1. Complete all sections (Items #1-9). Failure to submit a complete application will delay processing of your application.
2. Refer to checked boxes on attached transmittal letter for additional required items.
3. The application form must bear an original signature.


I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project.

Date 8-8-24 Signature of Applicant [Signature] Title MANAGER

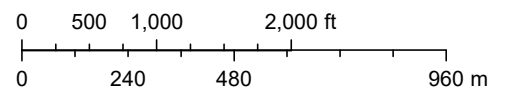
The National Map Advanced Viewer



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 Approximate Site Location

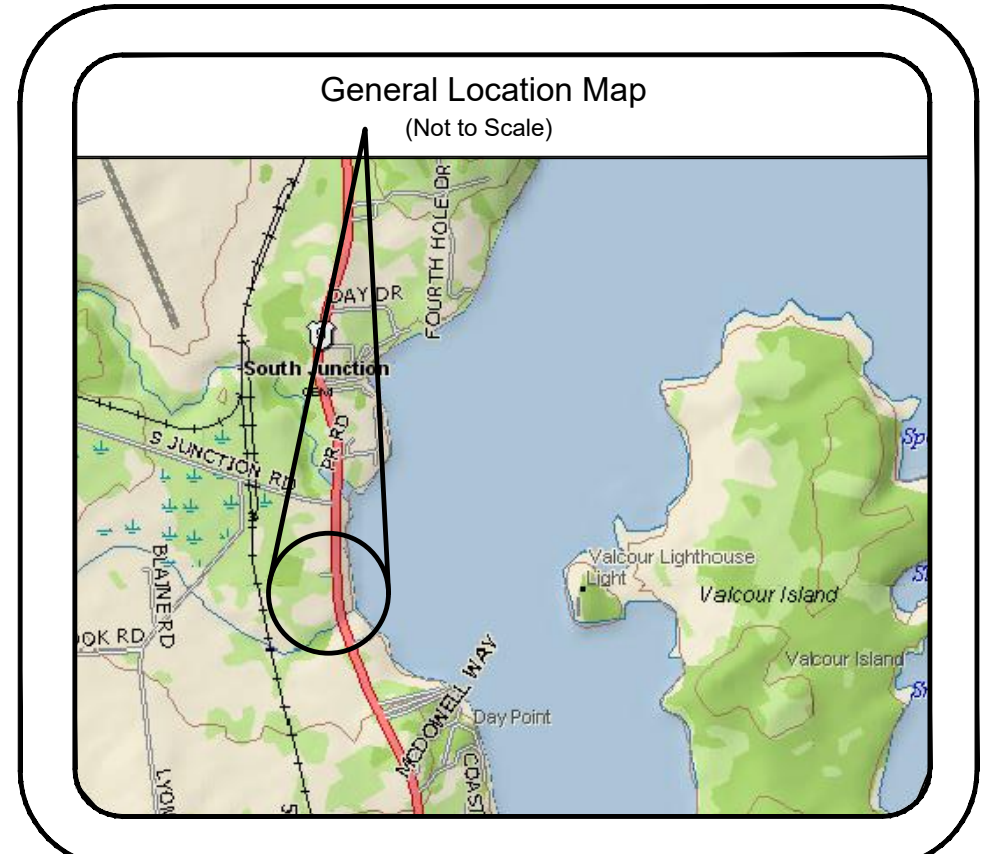
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USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road data; Natural Earth Data; U.S.

Permit #	Description	Location	Ref #
N/A	Old Abandoned Building	N/A	N/A
86-184	On-Site Parking	Finding of Fact	5
86-184	Marina Store/Office/Shop Bldg	Finding of Fact	3
86-184	Bathhouse	Finding of Fact	2
86-317	Boat Storage Buildings	Finding of Fact	5
86-317	Out-of-doors Boat Storage Area	Finding of Fact	7
87-416	115 Capacity Parking	Project Description	15
87-416	Fueling Facility	Project Description	12
87-416	Three Floating Tire Breakwaters	Project Description	11
91-378	Restaurant Sign	Project Description	10
91-378	Existing Well	Project Description	8
91-378	Existing Restaurant	Project Description	6
91-378	13 Parking Spots	Project Description	9
91-378	120 Parking Spots	Project Description	9
94-379	Floating Tire Breakwater	Project Description	9

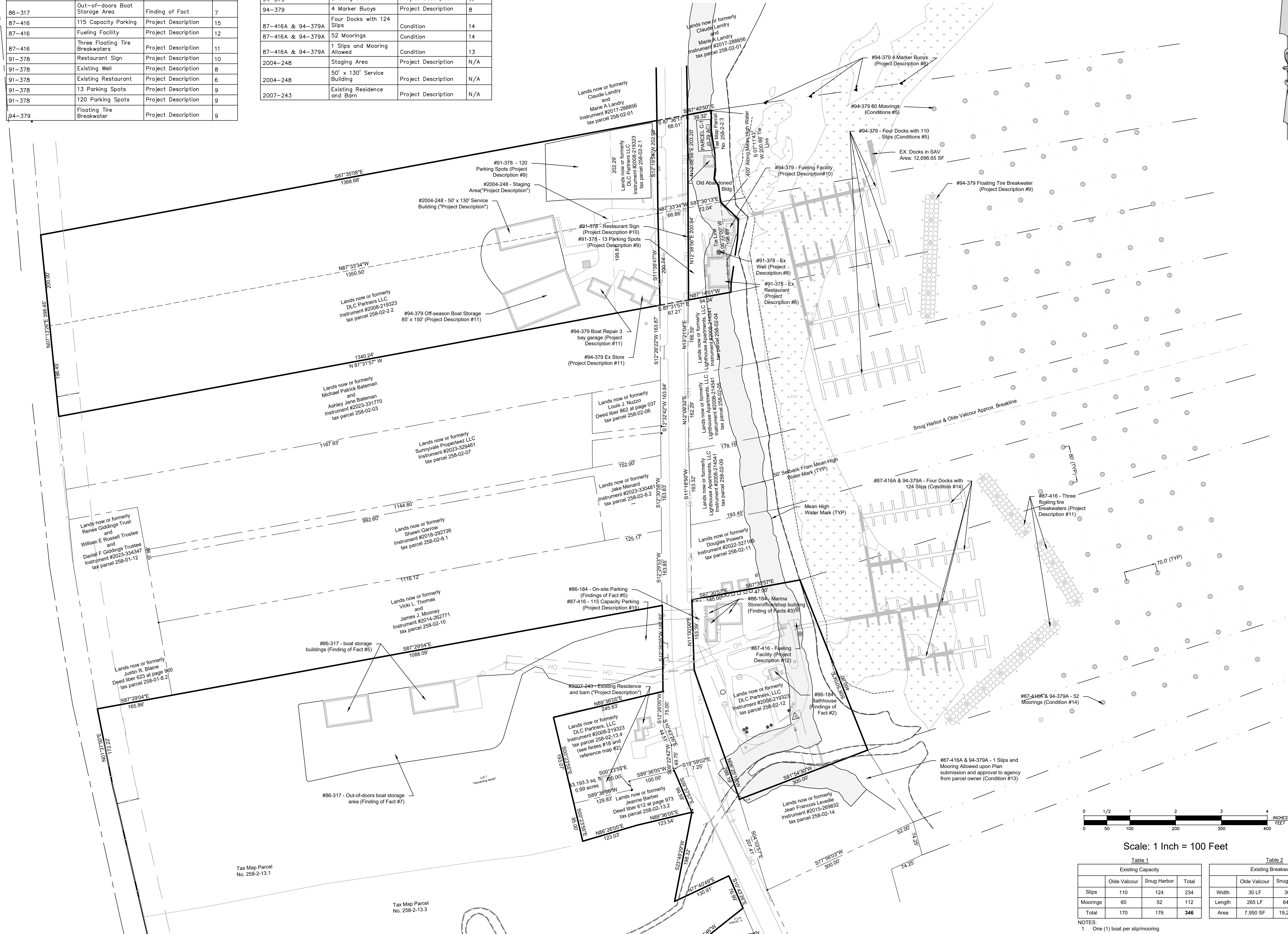
Permit #	Description	Location	Ref #
94-379	60 Moorings	Condition	10
94-379	Fueling Facility	Project Description	5
94-379	Four Docks with 110 Slips	Condition	5
94-379	Off-Season Boat Storage	Project Description	11
94-379	Boat Repair 3-Bay Garage	Project Description	11
94-379	Existing Store	Project Description	11
94-379	4 Marker Buoys	Project Description	8
87-416A & 94-379A	Four Docks with 124 Slips	Condition	14
87-416A & 94-379A	52 Moorings	Condition	14
87-416A & 94-379A	1 Slips and Mooring Allowed	Condition	13
2004-248	Staging Area	Project Description	N/A
2004-248	30' x 130' Service Building	Project Description	N/A
2004-248	Existing Residence and Barn	Project Description	N/A
2007-243	Existing Residence and Barn	Project Description	N/A



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊗ Fire hydrant
- ⊙ Manhole
- ⊕ Water well
- ⊖ Water valve
- △ Recovered concrete monument
- ☆ Lamp post
- ⊕ Utility pole
- ⊙ Ex Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods

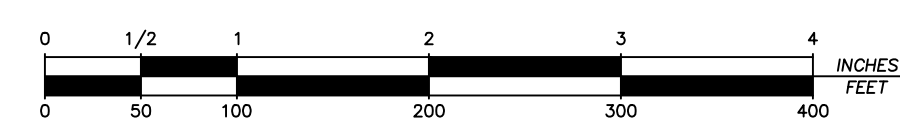


No.	Revision/Issue	Date



Project Name & Address
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Existing Permitted Exhibit
Date	08/07/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C100	

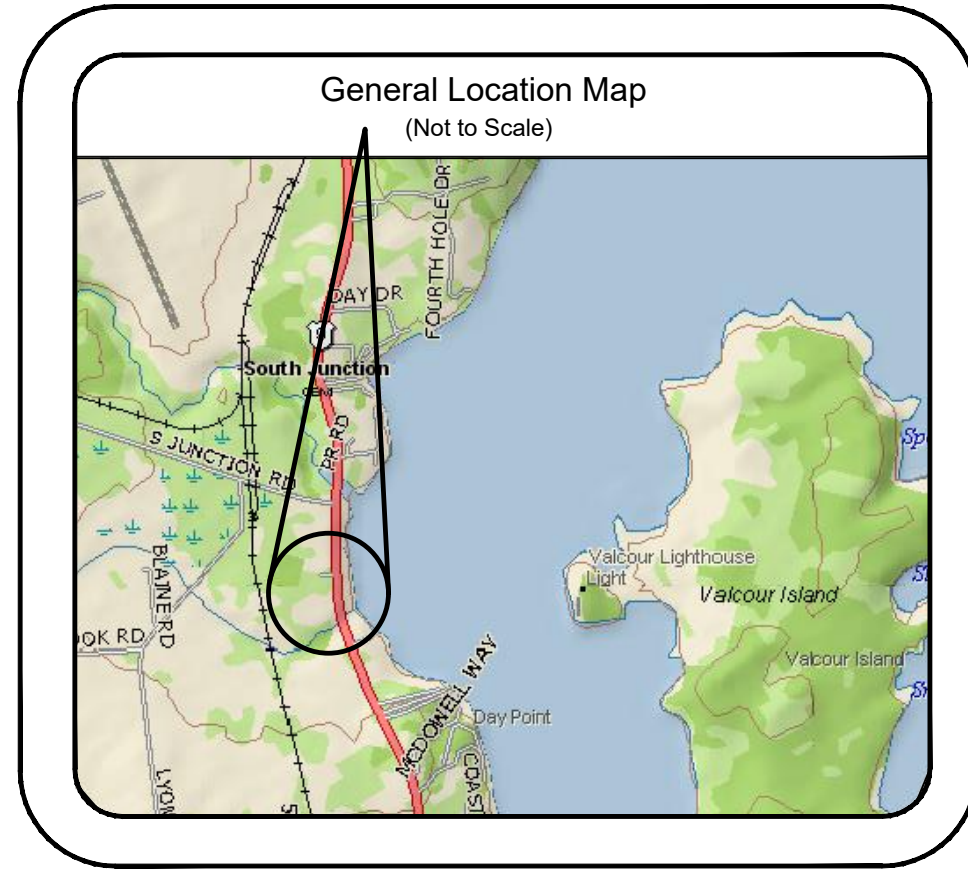


Scale: 1 Inch = 100 Feet

Table 1			Table 2			
Existing Capacity			Existing Breakwaters			
Slips	110	124	234	Width	30 LF	30 LF
Moorings	60	52	112	Length	265 LF	640 LF
Total	170	176	346	Area	7,850 SF	19,200 SF
						27,150 SF

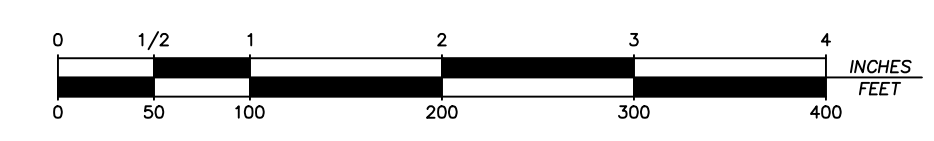
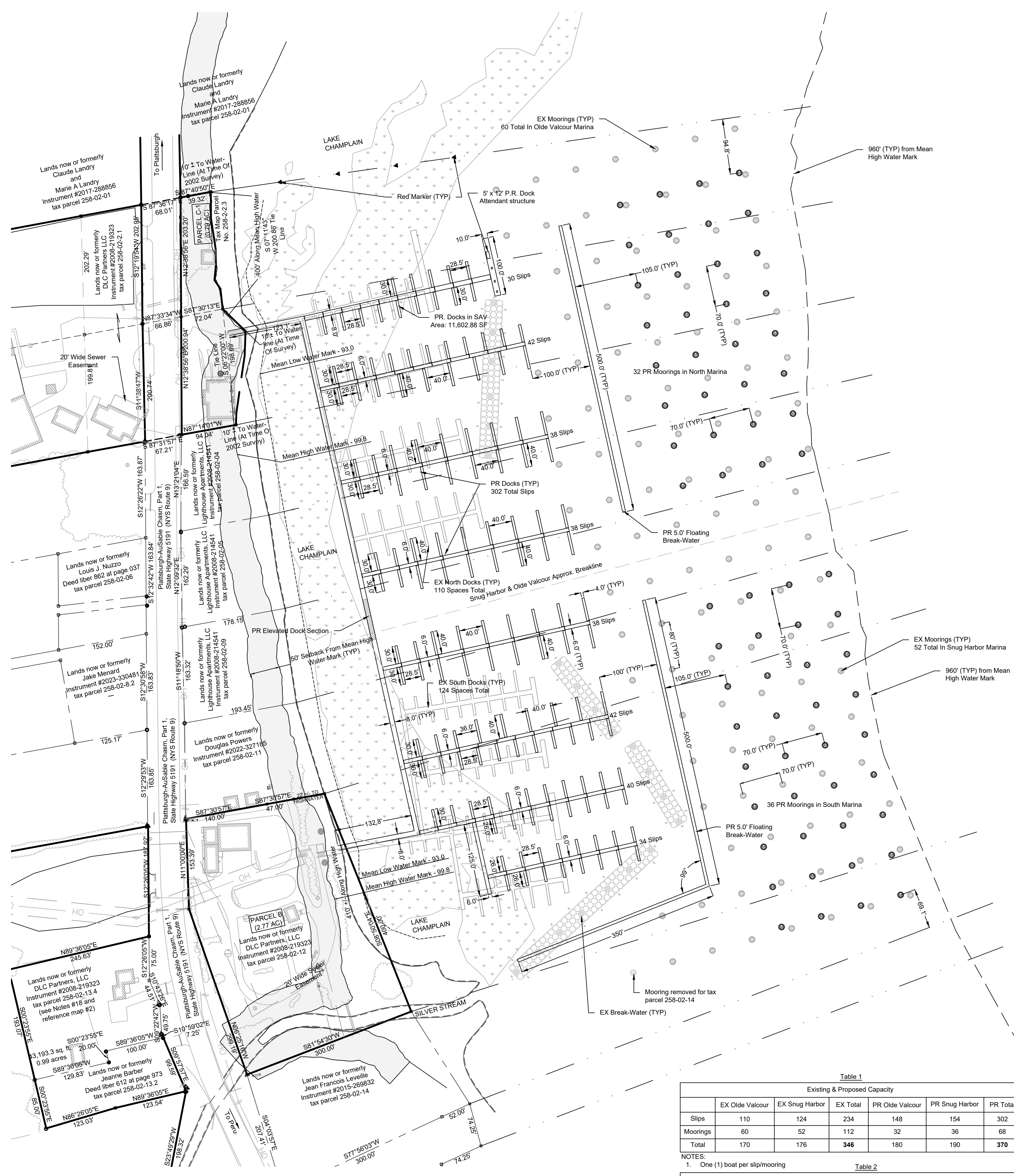
NOTES:
 1. One (1) boat per slip/mooring

GRID NORTH MAD 85 NYS EAST ZONE-18



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

- Legend:**
- 5/8" iron rod w/ RMS survey cap (to be set)
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Scale: 1 Inch = 100 Feet

Table 1
Existing & Proposed Capacity

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Slips	110	124	234	148	154	302
Moorings	60	52	112	32	36	68
Total	170	176	346	180	190	370

Table 2
Existing & Proposed Breakwaters

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Width	30 LF	30 LF	60 LF	5 LF	5 LF	10 LF
Length	265 LF	640 LF	905 LF	500 LF	850 LF	1350 LF
Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	6,750 SF

Table 3
Submerged Aquatic Vegetation (SAV)

EX Docks in SAV	Area: 12,696.65 SF
PR Docks in SAV	Area: 11,602.88 SF

NOTES:
 1. One (1) boat per slip/mooring

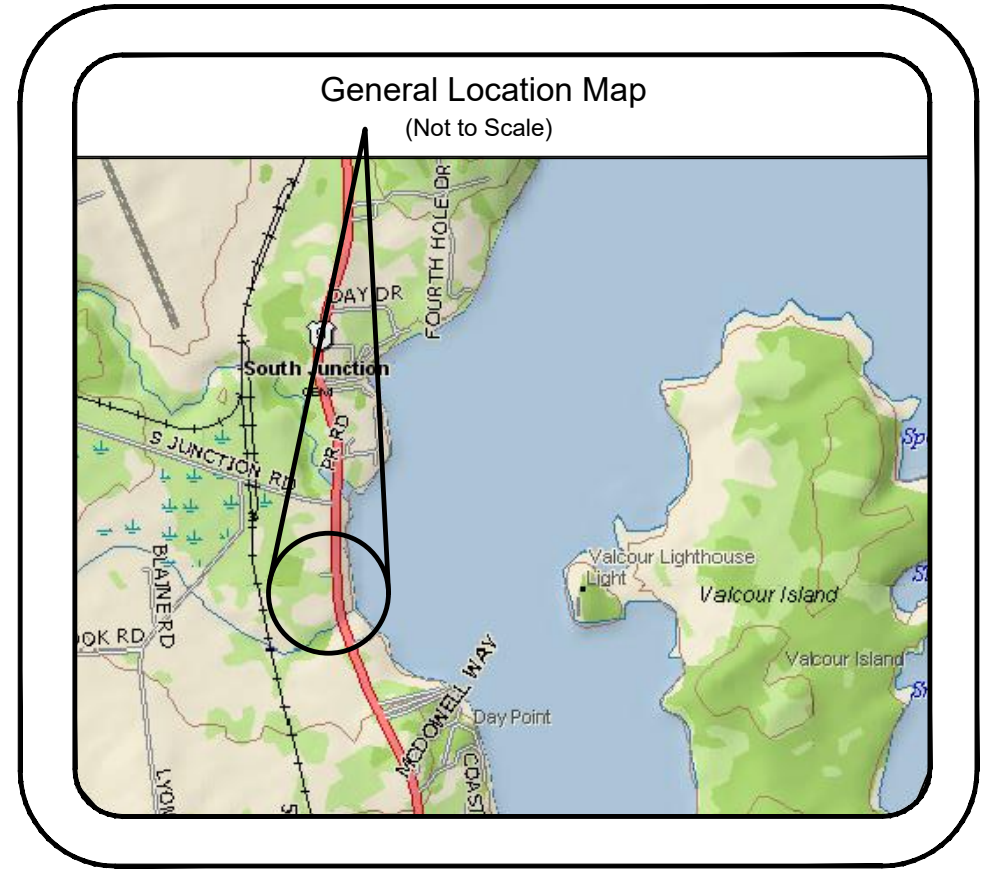
No.	Revision/Issue	Date

RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS - PLANNERS - SURVEYORS
 SOIL & MATERIAL TESTING
 11 MCDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
 R M S P C P C O M

Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	24052	Sheet	Current Permitted Configuration with Proposed Overlay
Date	08/07/2024	Scale	1" = 100'
Drawn	TJS	Checked	AJO

GRID NORTH MAD 83 NYS EAST ZONE-18



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
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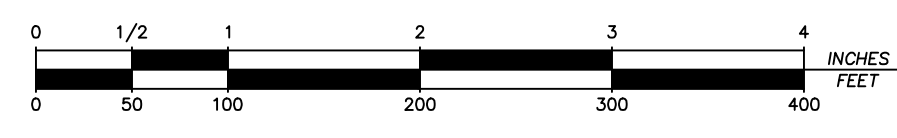
Table 1
Proposed Capacity

	Olde Valcour	Snug Harbor	Total
Slips	148	154	302
Moorings	32	36	68
Total	180	190	370

Table 2
Proposed Breakwaters

	Olde Valcour	Snug Harbor	Total
Width	5 LF	5 LF	
Length	500 LF	850 LF	
Area	2,500 SF	4,250 SF	6,750 SF

NOTES:
 1. One (1) boat per slip/mooring



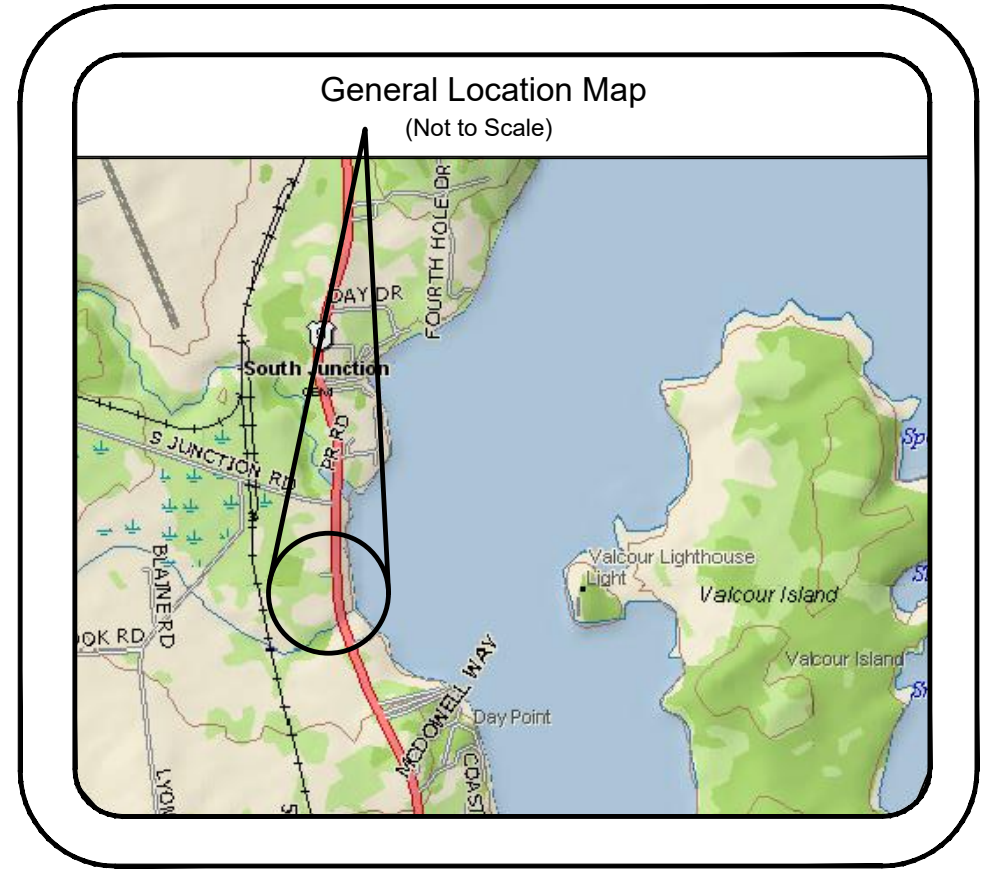
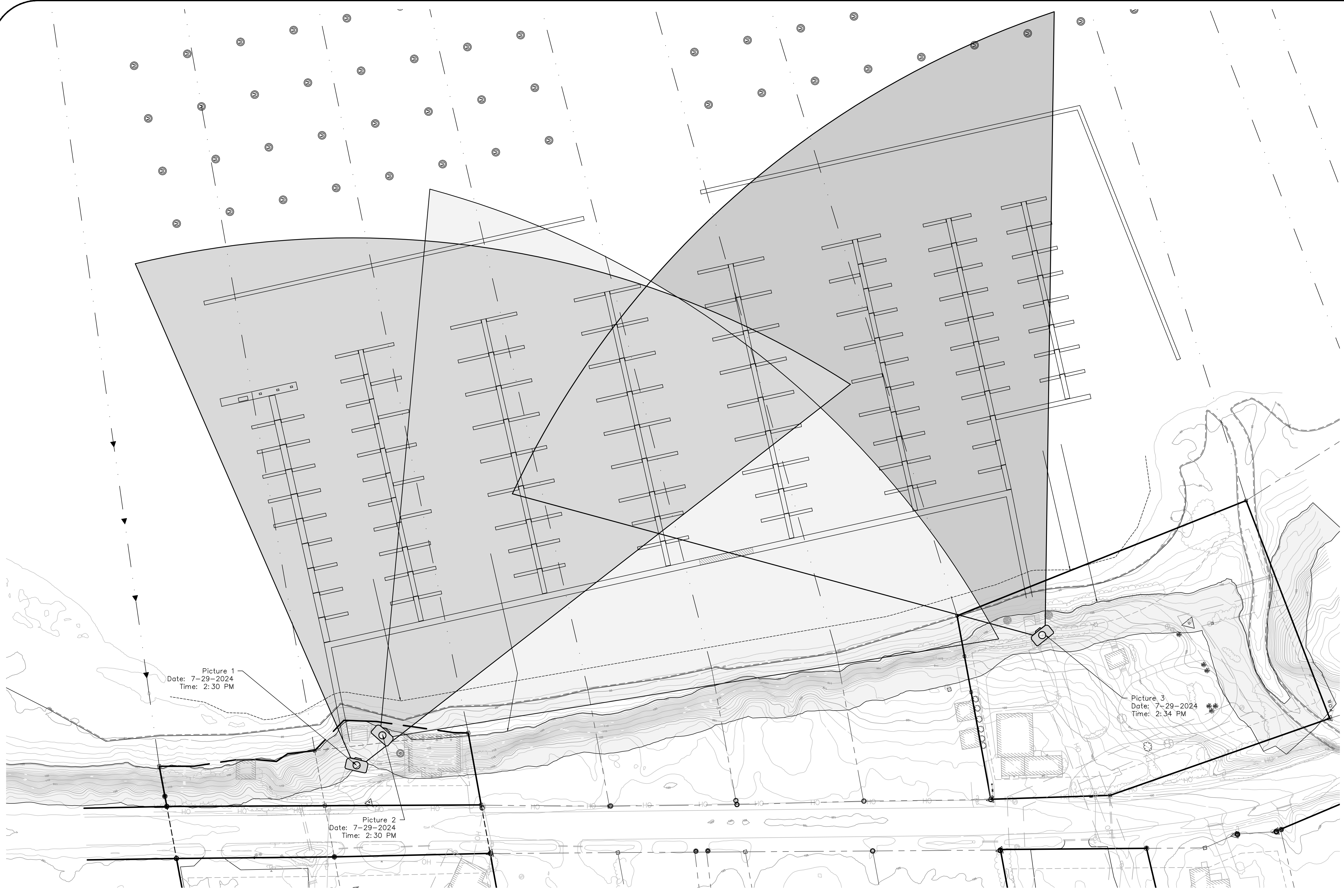
Scale: 1 Inch = 100 Feet

No.	Revision/Issue	Date



Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Proposed Configuration
Date	08/07/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C300	



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

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 - ☆ Lamp post
 - Utility pole
 - Ex Mooring
 - Pr Mooring
 - Property line
 - Overhead utility line
 - - - Building setback line
 - ⋯ Stone wall
 - Fence
 - ⋯ Edge of woods
 - ⊙ Picture Location and Direction

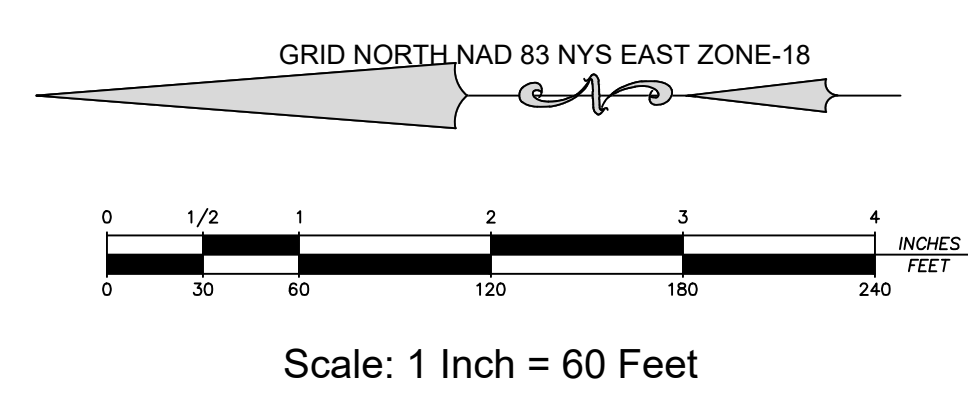
No.	Revision/Issue	Date



RMS
 ROBERT M. SUTHERLAND P.C.
 ENGINEERS • PLANNERS • SURVEYORS
 SOIL & MATERIAL TESTING
 11 MADDENBROUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145(PH) 518.561.2496 (FX)
 R M S P C . C O M

Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 ~ Situate ~
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	24052	Sheet	Picture Location Exhibit
Date	08/01/2024		EX100
Scale	1" = 60'		
Drawn	TJS	Checked	AJO



Proposed Capacity			
	Olde Valcour	Snug Harbor	Total
Slips	139	148	287
Moorings	32	36	68
Total	171	184	355

Picture 1



Picture 2



Picture 3



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

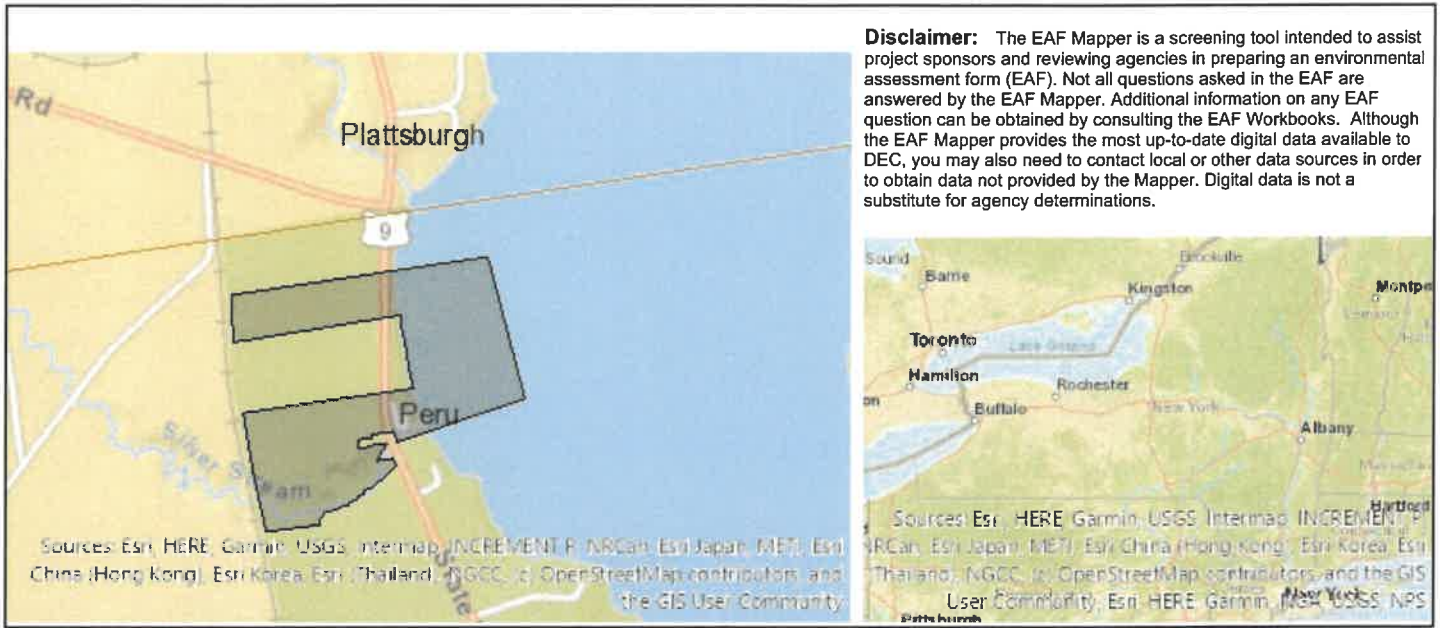
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Olde Valcour and Snug Harbor Marina Renovations			
Project Location (describe, and attach a location map): NYS Route 9, Peru NY			
Brief Description of Proposed Action: Reconfigure, Modernize, and make needed safety and environmental improvements to the docks, mooring field, and breakwaters. No changes to the existing onshore facilities at either marina are anticipated or proposed.			
Name of Applicant or Sponsor: Lake Champlain Transportation		Telephone: 802-864-9804	
Address: 1 King Street Dock		E-Mail: kyleb@ferries.com	
City/PO: Burlington		State: VT	Zip Code: 05401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC, NYSOGS, APA			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 41.1 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 41.1 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
See NYSDEC Spill report #0806702. Spill was deemed complete on April 19th, 2023 by DEC Lead Jono M. Pollard with no additional actions required at that time.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name:	<u>Avon D-1105 Pk.</u>	Date: <u>8/2/24</u>
Signature: _____	Title: <u>Agent</u>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

ENVIRONMENTAL QUESTIONNAIRE

This is intended to supplement ENG Form 4345, Application for Department of the Army Permit, or the Joint Application for Permit used in the State of New York. Please provide complete answers to all questions below which are relevant to your project. Any answers may be continued on separate sheet(s) of paper to be attached to this form.

PRIVACY ACT STATEMENT

The purpose of this form is to provide the Corps of Engineers with basic information regarding your project. This information will be used to facilitate evaluation of your permit application and for public dissemination as required by regulation. Failure to provide complete information may result in your application being declared incomplete for processing, thereby delaying processing of your application.

GENERAL--APPLICABLE TO ALL PROJECTS

1. Explain the need for, and purpose of, the proposed work.

See Attachment A

2. Provide the names and addresses of property owners adjacent to your work site (if not shown on the application form or project drawings).

See project drawings

(Please note that depending upon the nature and extent of your project, you may be requested to provide the names and addresses of additional property owners proximate to your project site to ensure proper coordination.)

3. Photographs of the project site should be submitted. For projects in tidal areas, photographs of the waterway vicinity should be taken at low tide. Using a separate copy of your plan view, indicate the location and direction of each photograph as well as the date and time at which the photograph was taken. Provide a sufficient number of photographs so as to provide a clear understanding of conditions on and proximate to your project site.

4. Provide a copy of any environmental impact statement, or any other environmental report which was prepared for your project.

5. Provide a thorough discussion of alternatives to your proposal. This discussion should include, but not necessarily be limited to, the "no action" alternative and alternative(s) resulting in less disturbance to waters of the United States. For filling projects in waters of the United States, including wetlands, your alternatives discussion should demonstrate that there are no practicable alternatives to your proposed filling and that your project meets with current mitigation policy (i.e. avoidance, minimization and compensation).

See Attachment A

DREDGING PROJECTS

Answer the following if your project involves dredging.

1. Indicate the estimated volume of material to be dredged and the depth (below mean low water) to which dredging would occur. Would there be overdepth dredging?

2. You can apply for a ten-year permit for maintenance dredging. If you wish to apply for a ten-year permit, please provide the number of additional dredging events during the ten-year life of the permit and the amount of material to be removed during future events.

3. Indicate of your drawings the dewatering area (if applicable) and disposal site for the dredged material (except landfill sites). Submit a sufficient number of photographs of the dewatering and disposal sites as applicable so as to provide a clear indication of existing conditions. For ten-year maintenance dredging permits, indicate the dewatering/disposal sites for future dredging events, if known.

4. Describe the method of dredging (i.e. clamshell, dragline, etc.) and the expected duration of dredging.

5. Indicate the physical nature of the material to be dredged (i.e. sand, silt, clay, etc.) and provide estimated percentages of the various constituents if available. For beach nourishment projects, grain size analysis data is required.

6. Describe the method of dredged material containment (i.e. hay bales, embankment, bulkhead, etc.) and whether return flow from the dewatering/disposal site would reenter any waterway. Also indicate if there would be any barge overflow.

MOORING FACILITIES

Answer the following if your project includes the construction or rehabilitation of recreational mooring facilities.

1. It is generally recommended that any fixed piers and walk ramps be limited to four feet in width, and that floats be limited to eight feet in width and rest at least two feet above the waterway bottom at mean low water. Terminal floats at private, non-commercial facilities should be limited to 20 feet in length. If you do not believe your proposal can meet with these recommendations, please provide the reason(s).

2. Using your plan view, show to scale the location(s), position(s) and size(s) (including length, beam and draft) of vessel(s) to be moored at the proposed facility, including those of transient vessel(s) if known.

3. For commercial mooring sites such as marinas, indicate the capacity of the facility and indicate on the plan view the location(s) of any proposed fueling and/or sewage pumpout facilities. If pumpout facilities are not planned, please discuss the rationale below and indicate the distance to the nearest available pumpout station.

See project plans sheet C100 for location of fueling facilities. 302 Slips and 68 Moorings are proposed in this application.

4. Indicate on your plan view the distance to adjacent marine structures, if any are proximate and show the locations and dimensions of such structures.

5. Discuss the need for wave protection at the proposed facility. Please be advised that if a permit is issued, you would be required to recognize that the mooring facility may be subject to wave action from wakes of passing vessels, whose operations would not be required to be modified. Issuance of a permit would not relieve you of ensuring the integrity of the authorized structure(s) and the United States would not be held responsible for damages to the structure(s) and vessel(s) moored thereto from wakes from passing vessels.

BULKHEADING/BANK STABILIZATION/FILLING ACTIVITIES

Answer the following if your project includes construction of bulkheading (also retaining walls and seawalls) with backfill, filling of waters/wetlands, or any other bank stabilization fills such as riprap, revetments, gabions, etc.

1. Indicate the total volume of fill (including backfill behind a structure such as a bulkhead) as well as the volume of fill to be placed into waters of the United States. The amount of fill in waters of the United States can be determined by calculating the amount of fill to be placed below the plane of spring high tide in tidal areas and below ordinary high water in non-tidal areas.

2. Indicate the source(s) and type(s) of fill material.

3. Indicate the method of fill placement (i.e. by hand, bulldozer, crane, etc.). Would any temporary fills be required in waterways or wetlands to provide access for construction equipment? If so, please indicate the area of such waters and/or wetlands to be filled, and show on the plan and sectional views.

The foregoing requests basic information on the most common types of projects requiring Department of the Army permits. It is intended to obviate or reduce the need for requesting additional information; however, additional information may be requested above and beyond what is requested in this form.

Please feel free to add any additional information regarding your project which you believe may facilitate our review.

Attachment A

1) The existing docks and breakwaters are outdated and suffer from decades of deferred maintenance and lack of capital investment. The project proposes to make minor modifications to the layout, and to replace the dock systems and breakwaters to increase safety, provide environmental enhancements, and enhance the recreational experience as follows:

a) Modern Dock System

The outdated 1980's wooden dock system will be replaced with a modern metal deck system. The Applicant owns and operates Lake Champlain Ferries and marinas in Burlington, Vermont and Port Kent, New York and has the capital, equipment, and experience to replace and maintain the new dock system and breakwaters. The new docks will also be much safer than the existing outdated wooden dock system.

The redesign of the dock layout will make it more efficient and safer. Also, the proposed increase in boat slips is an environmental benefit, as each additional boat slip will be one less boat that has to repeatedly be launched and retrieved when used, which increases the risk of introducing invasive species into Lake Champlain.

b) "Dock Bridge"

The Snug Harbor and Olde Valcour Marinas were historically two independently owned and operated marinas which are now under one ownership (and perhaps should be combined into one marina as part of this permit). The Applicant proposes connecting the existing two dock systems by placing a raised dock ("bridge") along the dock that runs closest and parallel to the shore. Such a "bridge" exists on the Vermont side of the lake. The "bridge" is required for boater safety, and it will permit LCT staff to quickly access all boats and boaters on the entire dock system. Under the current dock configuration, if staff on one dock system (e.g., north or south docks) identifies a boat or boater in danger on the other dock system, they have to walk up to Route 9, then along Route 9 where visibility to the docks is lost, and then walk down to the other dock system from Route 9. This requires additional time and lost line of sight of the boat and/or boater in danger, and could result in injuries (death) to boaters and/or boats that could be avoided/mitigated if LCT could access the distressed boater/boat from the dock system in a quick manner and without losing sight of the boater/boats.

c) New Breakwater System

The proposed realignment, replacement, and modernization of the breakwaters will materially increase wave remediation, which will provide a much-needed additional level of safety to boaters and their boats. The marina has exposure to the prevailing southerly winds and waves that build along the length of the broad lake. The project also proposes replacing the existing tire breakwaters, which are an environmental concern and an eyesore.

d) Reduction in Mooring Field

The Applicant proposes to eliminate the permitted moorings which lie in the main channel taken by boaters to leave and enter the marina. Removing these moorings will clear the main channel and materially increase boat and boater safety.

e) Alternatives

The alternative is to leave the existing dock system, mooring field, and breakwaters as they exist today. This alternative was dismissed as new ownership provides a timely opportunity to make much needed safety, environmental, and recreational enhancements that are listed above.

**State of New York
Office of General Services**

SUBMERGED LAND LICENSE

License Number LUW01838

Pursuant to Article 6, Section 75 of the Public Lands Law, permission is hereby given by the People of the State of New York, acting by and through the Commissioner of the Office of General Services, located at Governor Nelson A. Rockefeller Empire State Plaza, Corning Tower, Albany, New York 12242, (hereinafter referred to as "Licensor") to:

**DLC Partners LLC
DBA Champlain Boatworks
4013 Route 9
Plattsburgh, NY 12901
Phone (518) – 561-2134**

(hereinafter referred to as "Licensee"); to use and occupy certain State-owned submerged land generally described in Attachment 1 attached hereto for the purpose of:

Operation and maintenance of an existing docking facility of 235 slips and 113 moorings for a term of ten years commencing on September 27, 2014 and expiring on September 26, 2024.

THIS LICENSE is given and accepted subject to the following terms and conditions:

1. Licensee shall pay to Licensor the sum of \$34,770.71; (or discounted to present value of \$30,029.95, if paid in full at time of license issuance) for the use and occupation of lands described herein as set forth in the schedule of payments, which is attached hereto as Attachment 2.
2. Annual payments are due by the anniversary date of the License. In the event Licensee does not remit the annual payment within 60 days of said anniversary date, then the entire balance of payments for the remaining term of the License will become due and payable (annual payment x remaining years of license). If payment of the balance for the remaining term is not received within 90 days of the anniversary date, the Licensee will be considered in default and the license terminated. Upon receipt of the notice of termination from the Licensor, all formerly licensed structures located upon State owned land under water must be removed.
3. The License hereby given is issued only with respect to the structures and/or improvements described in the application and shown on the map or plan which accompanies the application and as authorized under Adirondack Park Agency Permit #94-379, Permit #87-416 and their amendments, APA Permit #87-416A & 94-379A (issued April 1, 2003). If the structures and/or improvements shall not have been maintained and used for a period of two years as determined by inspection by the Licensor and if such lack of maintenance and use is not cured or time to cure extended within sixty (60) days of receipt of written notice from Licensor, then in such event the License shall terminate.
4. At the termination of the License hereby given, the Licensee agrees at the expense of the Licensee and at no expense to the Licensor, to remove at once the said structures and/or improvements from the land of the Licensor hereby affected and to leave said land in as nearly the same condition as it was prior to the use and occupation and/or construction hereby authorized.
5. If the Licensee shall have kept and performed all the terms of this License, Licensee may, pursuant to applicable statute and regulation, apply to Licensor for a renewal of this License upon the same or similar

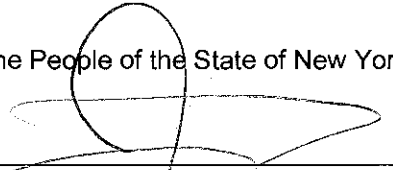
terms, provided that at least sixty (60) days before the expiration of the term, Licensee notifies Licensor in writing of its intention to renew this License.

6. The Licensee shall be liable for and pay all damages that may arise or occur to the Licensor and shall save the Licensor harmless from all claims for damages in consequence of the construction, maintenance, use, occupation and/or removal of the said structures and/or improvements or by reason of any work done or authorized by or under this License and, at the expense of the Licensee, will defend all suits brought on account thereof.
7. This License gives no authority for the mooring or docking of boats in such a manner that they will extend in front of adjacent upland owned by others than the Licensee, and is further subject to the riparian rights, if any, of the adjacent upland owners.
8. The Licensee hereby agrees that no lateral approach rights in front of either adjacent upland owner are given or granted by this License.
9. The License hereby given is intended to affect only the rights of the Licensor in the aforescribed parcel of land.
10. The Licensee will not assign this License.
11. Licensee shall be responsible for payment of all federal, state, city, county, school taxes or other local taxes including all real property taxes, assessments, levies, fees, water and sewer rents and other governmental charges whether general or special, ordinary or extraordinary, all sales and use taxes and all charges for water, gas, light, heat, telephone, electric, and other utilities used on the Licensed premises.
12. (a) Licensee shall promptly comply with every law, statute, rule, ordinance, regulation and/or notice of any municipal, county, state, federal or other authority having jurisdiction pertaining to or affecting the licensed premises.

(b) Licensee, at its sole cost and expense shall at all times keep or cause all improvements on State-owned submerged land to be in good condition and repair. Licensee shall not allow debris or refuse to accumulate on the premises.
13. Except as provided in paragraph 2 above, if Licensee shall fail to comply with any of the terms of this License, Licensor shall have the right, at its option at any time thereafter, to terminate this License, re-enter and take possession of the premises after giving thirty (30) days advance notice in writing to the Licensee. The Licensor may vacate such termination notice should the Licensee cure any deficiencies within the thirty (30) days notice of termination period. Such right of termination shall be in addition to any other legal or equitable rights or remedies, which the Licensor may have.

The People of the State of New York

by


James P. Sproat, Executive Director
Real Property Management and Development
for the Commissioner of General Services

Dated:


3/20/18
Approval Date

Licensee

by

Name (Print)

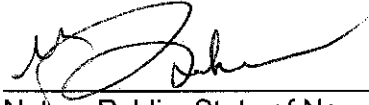
Title


Jeffrey D. Olson
Managing Member

STATE OF N.Y }
COUNTY OF WARREN }

SS.:

On the 3rd day of Feb, in the year ~~2014~~ 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public, State of New York
Qualified in County of:

My Commission Expires:
MELISSA A. ZACHARENKO
Notary Public, State of New York
Registration #01ZA6066070
Qualified in Warren County
Commission Expires November 5, 2017

ATTACHMENT 1

Location and description of property to be used: A parcel of land under the waters of Lake Champlain, in the Town of Peru, Clinton County located in front of upland owned and controlled by the Licensee pursuant to the following instruments: Deed; Instrument Num; 2008-00219323. There are a total of 235 rent producing slips and 113 moorings. Structures are shown on the attached photo.

State of New York
Office of General Services
Division of Real Estate Development
Submerged Lands & Natural Resources Unit
License Valuation Worksheet
Pursuant to
Article 6, Section 75 of the Public Lands Law

Facility/Owner: DLC Partners LLC, Champlain Boatworks/Jeffrey Olson

Waterbody: Lake Chmplain

Municipality: Plattsburgh

County: Clinton

Region: 3

Project Number: LUW 01838

Use: Commercial

Income Approach

<u>Gross Income=</u>	<u>Number of Slips</u>	<u>Length (ft)</u>	<u>Regional Rate</u>	<u>Income</u>
	135	35	\$60.00	\$283,500.00
	100	20	\$60.00	\$120,000.00

<u>Number of Moorings</u>	<u>Length (ft)</u>	<u>Regional Rate</u>	<u>Moorings Discount</u>	<u>Income</u>
113	32	\$60.00	60%	\$130,176.00

<u>Gross Income</u>	\$533,676.00
<u>Less 40% expenses</u>	\$213,470.40
<u>Net Annual Income</u>	\$320,205.60

Article 6, Section 75 of the Public Lands Law, contains a sub-section which relates to the determination of fees for commercial facilities in existence or commercial use on August 7, 1992. The fees are based on a percentage of net annual income derived from the earnings or rentals of structures on State-owned lands underwater. Under this sub-section the fees for the issuance of a license for this type of facility are based upon a market analysis of comparable structures. The rental fees and the percentage used for expenses to generate the above net annual income for this facility were derived from a Regional Market Rent Study prepared for the Office of General Services.

Attachment 2

Fee Computation for Years 1 - 10 of License Term

<u>Time</u>	<u>Formula</u>		<u>Annual Fee</u>
Year 1	1% =	\$320,205.60	\$3,202.06
Year 2	1% =	\$325,008.68	\$3,250.09
Year 3	1% =	\$329,883.81	\$3,298.84
Year 4	1% =	\$334,832.07	\$3,348.32
Year 5	1% =	\$339,854.55	\$3,398.55
Subtotal for years 1-5			\$16,497.85
Year 6	1% =	\$344,952.37	\$3,449.52
Year 7	1%	\$350,126.66	\$3,501.27
Year 8	1%	\$355,378.56	\$3,553.79
Year 9	1%	\$360,709.23	\$3,607.09
Year 10	1%	\$366,119.87	\$3,661.20
Subtotal for Years 6-10			\$17,772.87
Total for Years 1-10			\$34,270.71

PAYMENT OPTIONS

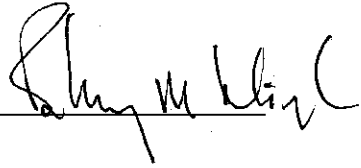
OPTION 1	
Installment Payment Method	
Subtotal for Year 1-10	\$34,270.71
Administration Fee	<u>\$500.00</u>
Ten year payment amount	\$34,770.71
Yearly Payment Due	\$3,477.07

OPTION 2	
Single Payment Option	
Discounted Present Value	
Years 1-10	\$29,529.95
Administration Fee	<u>\$500.00</u>
Single Payment Due	\$30,029.95

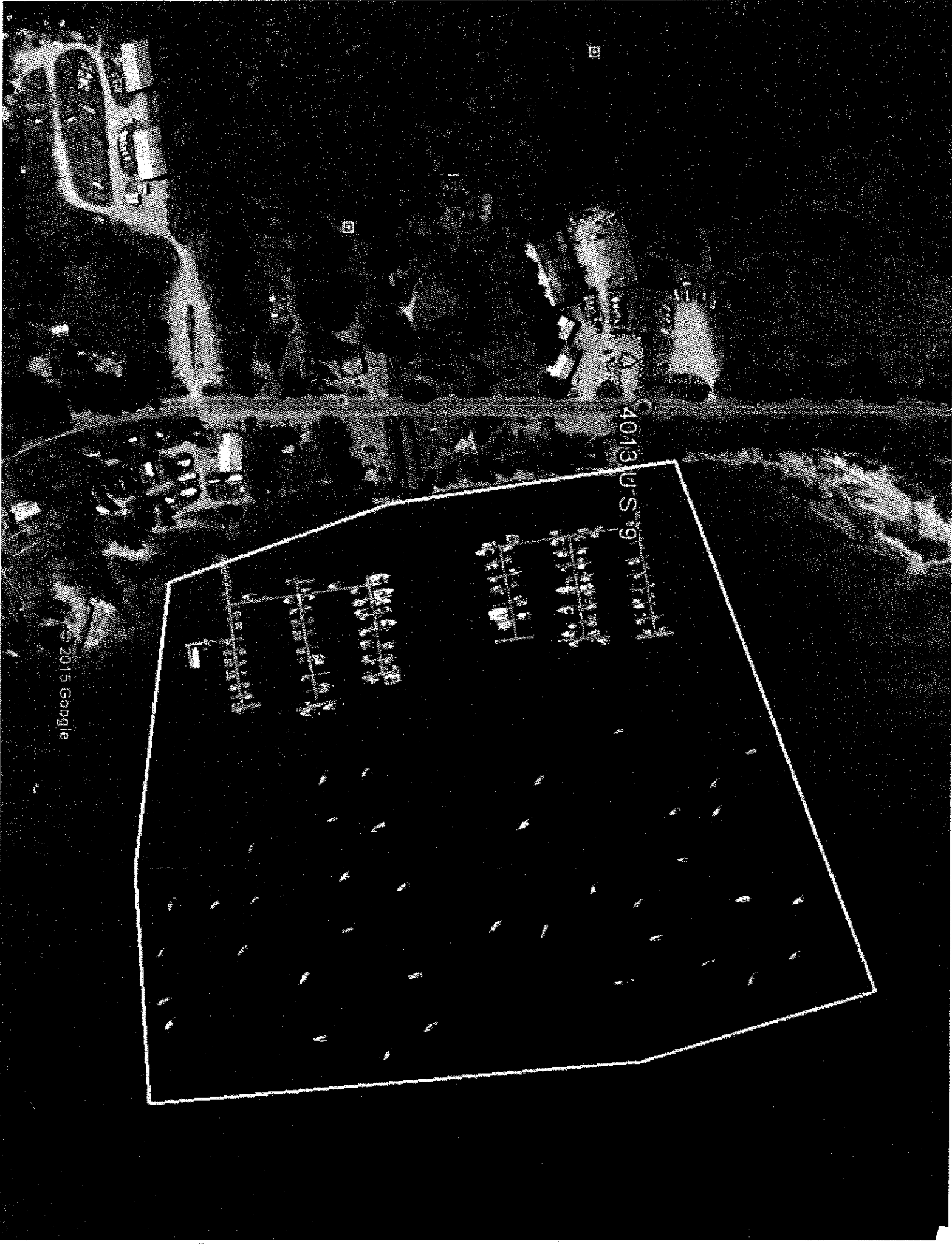
Attachment 2

Prepared By: 

Dated: 1/6/2015

Approved By: 

Dated: 1-22-2015



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August 5, 2024

Aaron Ovios, P.E., President
Robert M. Sutherland, PC
11 MacDonough St.
Plattsburgh, NY 12901

Re: Olde Valcour and Snug Harbor Marinas – Methodology and Findings of SAV Study

Mr. Ovios,

Thank you for allowing B. Laing Associates to provide environmental services regarding the proposed/modified docking facilities at Olde Valcour and Snug Harbor Marinas in the Adirondack Park, on *Lake Champlain*. This memorandum outlines the methodology and findings of a survey for submerged aquatic vegetation (SAV) within the project area, per the request of the Adirondack Park Agency (APA). Please see below.

Methodology:

Following our joint site meeting on July 26, 2024, B. Laing Associates conducted a SAV study between August 2 and August 3. As discussed with APA staff, their jurisdiction for regulated wetlands (including SAV beds) end at a depth of 2 meters (i.e., ± 6.56 feet). Thus, in order to determine the waterward limit of the jurisdictional area, the 2-meter depth contour was first established. This was conducted by boat with the assistance of marina staff. To find the contour, B. Laing Associates started at the south end of the project area, near *Silver Stream*, and worked north, parallel to the shoreline. At regular intervals, depths would be tested with a telescoping bathymetric pole and adjustments (working perpendicular to the shore) to achieve the 2-meter depth would be made. When the 2-meter depth was achieved, a GPS-point was collected using a Juniper Geode GNS3m¹ receiver, through ArcGIS software.

After the limit of APA jurisdiction was determined, B. Laing Associates personnel undertook a survey/mapping effort of the SAV resources. The survey was done using a combination of wading (when water was 3-feet or shallower) and snorkeling (in deeper waters). During the survey period, *Lake Champlain* was relatively clear with good visibility, and calm, which made for optimal surveying conditions in conjunction with periods of strong sun. A floating raft was tied to B. Laing Associates personnel which housed all of the required equipment (e.g., GPS device, underwater camera, snorkeling equipment, etc.) for the study.

¹ The GPS device used provides sub-meter accuracy. However, as a result of the cloudless and unobstructed sky, the accuracy was often within 6-inches and seldom less accurate than 1-foot.

The survey began at the northern limit of the site, which abuts the limit of the Adirondack Park, where *Salmon River* empties into the lake. As with delineating any other natural resource, the boundary of the SAV beds were determined and the line was followed as it continued south, ended, or double-backed along itself. GPS points were collected at semi-regular intervals or when the shape of the SAV bed would require a new point to most accurately define the shape. This methodology continued all the way from the northern end of the project site (near *Salmon River*), to the southern end, where *Silver Stream* discharges into the lake.

When the boundaries (i.e., edges) of large SAV beds were mapped, transects were snorkeled through them to make sure no bare areas (i.e., un-regulated areas) existed within the beds. Using this snorkeling transect methodology, B. Laing Associates staff swam the entirety of the site, up to 2-meters of depth. When bare areas were located within SAV beds, they were delineated in the same methodology as above, as “islands” of bare lake bottom.

Areas of individual plants or sparsely vegetated areas were not included in the mapping, per APA’s methodology.

Representative underwater photos and videos of the SAV beds and other features were taken using a waterproof GoPro camera. Photographs are included at the rear of this memo.

After the data were collected, a map of the SAV beds was generated using a combination of ArcGIS and AutoCAD software. That map is also included, and a Shapefile (.shp) of the data points has been sent concurrently with this memo.

Findings:

The 2-meter contour was found to be somewhat irregular. In the center of the project area, the water is deepest. There, the 2-meter contour is between 120 and 130-feet from shore². However, where *Silver Stream* and *Salmon River* discharge into the lake, the water is much shallower. At the northern edge of the site, where *Salmon River* meets the lake, the 2-meter contour is as far as 640-feet from the shoreline. In the southern part of the site, it can be as far as 315-feet from shore. This is ostensibly owed to these rivers providing constant inputs of sediment into the lake where they settle, creating delta formations and sandbars underwater. These areas also tended to be less vegetated, likely due to the build-up of sediments.

Based on the survey and observations by B. Laing Associates personnel, it appears that the outputs of the aforementioned sediments are one of the only factors preventing SAV beds from establishing in those areas. As a result, most of the project area that is not actively being sedimented consists of vast, “healthy” SAV beds. The dominant plant species is eelgrass (*Vallisneria americana*), but the beds consist of a diverse mosaic of native species. Other dominant species included pondweeds (e.g., *Potamogeton perfoliatus*, *P. zosteriformis*), water-plantain (*Alisma subcordatum*), milfoils (*Myriophyllum*), waterweed (*Elodea canadensis*), and others.

For most of the site, the SAV beds represent one contiguous resource without any substantial break in same. Some less-dense areas exist within the mapped beds but per the meeting with the APA, low-density (even less than 30% coverage) areas which are a part of the larger complex are still jurisdictional. Only areas that are unvegetated would represent a “break” in the SAV beds. This densely vegetated condition

² Thus, the APA’s wetland jurisdiction is less restrictive in the center of the site.

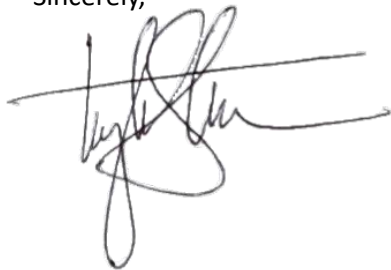
extends to the 2-meter contour in most places, although coverage does become sparser³ as the water gets deeper. As above, numerous snorkeling transects were conducted through the vast beds of SAV and only a few areas of sandy, unvegetated areas were found (and mapped). Most of the transects found very dense (nearly 100% coverage) beds of submerged vegetation extending entirely to the 2-meter contour.

As above, the SAV beds are reduced/further from shore in the areas where sediments build up from *Silver Stream* and *Salmon River*. In the case of the northern section, the beds also have a much more complex shape. This is due to *Salmon River* causing linear sandbars to form underwater which creates a more intricate boundary. This is visible on certain aerial images.

These findings appear to have existed for many years, as corroborated by marina staff. All of the marina staff that this office talked to (at least some of whom pre-date Mr. Bostwick's ownership of the facilities) expressed that the marina bottom was "all seaweed" and that it has been that way for as long as they could recall. Marina staff also told stories of having to "pull out seaweed" from jet skis or other small crafts that have water intakes, due to the extensive condition.

Please see the attached map which depicts the aforementioned findings as well as the attached photographs of the SAV beds. If you have any questions regarding the attached, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor J. Sturm', with a long horizontal line extending to the right.

Taylor J. Sturm, PWS

Senior Project Scientist

³ Though still vegetated and jurisdictional per the APA.

Appendix A
Site Photographs



Photo A: Showing the conditions of *Lake Champlain* during the SAV study.



Photo B: Showing a representative area of eelgrass beds underwater.



Photo C: Looking down in deeper water at numerous SAV species.



Photo D: Showing an unvegetated area within the project area that was not mapped as SAV beds.



Photo E: Showing a small grouping of plants that were otherwise not associated with any beds. These were not mapped.



Photo F: Showing another representative photo of SAV beds.



Photo G: A photo of *Potamogeton perfoliatus* underwater, at the edge of an SAV bed.



Photo H: Showing another area of dense SAV beds which make up a significant portion of the site.

Appendix B

Mapped SAV Areas



SCALE
1/128" = 1.0'

~LAKE CHAMPLAIN~

2-METER CONTOUR

AREA OF SAV

2-METER CONTOUR

AREA OF SAV

Route 9

Route 9

Route 9

258-2-1

258-2-1

258-2-2.1

258-2-3

258-2-6

258-2-8.2

258-2-10

258-2-11

258-2-13.4

258-2-2.3

258-2-4

258-2-5

258-2-9

258-2-11

258-2-12

TITLE: Olde Valcour and Snug Harbor Marinas - SAV Map

AT: Olde Valcour/Snug Harbor Marina **PROJ #:** OVSVC01
ON: Lake Champlain **TM:** var.
COUNTY: Clinton **DB:** TJS
STATE: NY **DATE:** Aug. 5, 2024
FOR: RMS, PC **REV:**
SHEET: 1 of 1 - Map of SAV Beds

NOTES:

- 1. Aerial, lot lines, Adirondack Park Boundary, etc. sourced from ESRI/ArcGIS.
- 2. Limit of SAV and 2 meter contour located by B. Laing Associates on August 2, 2024.
- 3. Plotted with GPS/GNSS device through ArcGIS.
- 4. See associated memorandum for more information.

B. LAING ASSOCIATES
ENVIRONMENTAL CONSULTANTS
380 N Broadway
Suite 407
Jericho, NY 11753
(631) 261-7170
www.blaingassociates.com

**State of New York
Office of General Services**

SUBMERGED LAND LICENSE

License Number LUW01838

Pursuant to Article 6, Section 75 of the Public Lands Law, permission is hereby given by the People of the State of New York, acting by and through the Commissioner of the Office of General Services, located at Governor Nelson A. Rockefeller Empire State Plaza, Corning Tower, Albany, New York 12242, (hereinafter referred to as "Licensor") to:

**DLC Partners LLC
DBA Champlain Boatworks
4013 Route 9
Plattsburgh, NY 12901
Phone (518) – 561-2134**

(hereinafter referred to as "Licensee"); to use and occupy certain State-owned submerged land generally described in Attachment 1 attached hereto for the purpose of:

Operation and maintenance of an existing docking facility of 235 slips and 113 moorings for a term of ten years commencing on September 27, 2014 and expiring on September 26, 2024.

THIS LICENSE is given and accepted subject to the following terms and conditions:

1. Licensee shall pay to Licensor the sum of \$34,770.71; (or discounted to present value of \$30,029.95, if paid in full at time of license issuance) for the use and occupation of lands described herein as set forth in the schedule of payments, which is attached hereto as Attachment 2.
2. Annual payments are due by the anniversary date of the License. In the event Licensee does not remit the annual payment within 60 days of said anniversary date, then the entire balance of payments for the remaining term of the License will become due and payable (annual payment x remaining years of license). If payment of the balance for the remaining term is not received within 90 days of the anniversary date, the Licensee will be considered in default and the license terminated. Upon receipt of the notice of termination from the Licensor, all formerly licensed structures located upon State owned land under water must be removed.
3. The License hereby given is issued only with respect to the structures and/or improvements described in the application and shown on the map or plan which accompanies the application and as authorized under Adirondack Park Agency Permit #94-379, Permit #87-416 and their amendments, APA Permit #87-416A & 94-379A (issued April 1, 2003). If the structures and/or improvements shall not have been maintained and used for a period of two years as determined by inspection by the Licensor and if such lack of maintenance and use is not cured or time to cure extended within sixty (60) days of receipt of written notice from Licensor, then in such event the License shall terminate.
4. At the termination of the License hereby given, the Licensee agrees at the expense of the Licensee and at no expense to the Licensor, to remove at once the said structures and/or improvements from the land of the Licensor hereby affected and to leave said land in as nearly the same condition as it was prior to the use and occupation and/or construction hereby authorized.
5. If the Licensee shall have kept and performed all the terms of this License, Licensee may, pursuant to applicable statute and regulation, apply to Licensor for a renewal of this License upon the same or similar

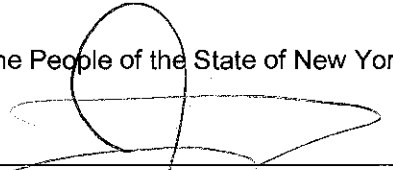
terms, provided that at least sixty (60) days before the expiration of the term, Licensee notifies Licensor in writing of its intention to renew this License.

6. The Licensee shall be liable for and pay all damages that may arise or occur to the Licensor and shall save the Licensor harmless from all claims for damages in consequence of the construction, maintenance, use, occupation and/or removal of the said structures and/or improvements or by reason of any work done or authorized by or under this License and, at the expense of the Licensee, will defend all suits brought on account thereof.
7. This License gives no authority for the mooring or docking of boats in such a manner that they will extend in front of adjacent upland owned by others than the Licensee, and is further subject to the riparian rights, if any, of the adjacent upland owners.
8. The Licensee hereby agrees that no lateral approach rights in front of either adjacent upland owner are given or granted by this License.
9. The License hereby given is intended to affect only the rights of the Licensor in the aforescribed parcel of land.
10. The Licensee will not assign this License.
11. Licensee shall be responsible for payment of all federal, state, city, county, school taxes or other local taxes including all real property taxes, assessments, levies, fees, water and sewer rents and other governmental charges whether general or special, ordinary or extraordinary, all sales and use taxes and all charges for water, gas, light, heat, telephone, electric, and other utilities used on the Licensed premises.
12. (a) Licensee shall promptly comply with every law, statute, rule, ordinance, regulation and/or notice of any municipal, county, state, federal or other authority having jurisdiction pertaining to or affecting the licensed premises.

(b) Licensee, at its sole cost and expense shall at all times keep or cause all improvements on State-owned submerged land to be in good condition and repair. Licensee shall not allow debris or refuse to accumulate on the premises.
13. Except as provided in paragraph 2 above, if Licensee shall fail to comply with any of the terms of this License, Licensor shall have the right, at its option at any time thereafter, to terminate this License, re-enter and take possession of the premises after giving thirty (30) days advance notice in writing to the Licensee. The Licensor may vacate such termination notice should the Licensee cure any deficiencies within the thirty (30) days notice of termination period. Such right of termination shall be in addition to any other legal or equitable rights or remedies, which the Licensor may have.

The People of the State of New York

by


James P. Sproat, Executive Director
Real Property Management and Development
for the Commissioner of General Services

Dated:


3/20/18
Approval Date

Licensee

by

Name (Print)

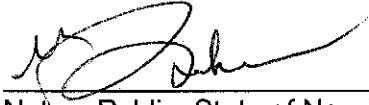
Title


Jeffrey D. Olson
Managing Member

STATE OF N.Y }
COUNTY OF WARREN }

SS.:

On the 3rd day of Feb, in the year ~~2014~~ 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public, State of New York
Qualified in County of:

My Commission Expires:
MELISSA A. ZACHARENKO
Notary Public, State of New York
Registration #01ZA6066070
Qualified in Warren County
Commission Expires November 5, 2017

ATTACHMENT 1

Location and description of property to be used: A parcel of land under the waters of Lake Champlain, in the Town of Peru, Clinton County located in front of upland owned and controlled by the Licensee pursuant to the following instruments: Deed; Instrument Num; 2008-00219323. There are a total of 235 rent producing slips and 113 moorings. Structures are shown on the attached photo.

State of New York
Office of General Services
Division of Real Estate Development
Submerged Lands & Natural Resources Unit
License Valuation Worksheet
Pursuant to
Article 6, Section 75 of the Public Lands Law

Facility/Owner: DLC Partners LLC, Champlain Boatworks/Jeffrey Olson

Waterbody: Lake Chmplain

Municipality: Plattsburgh

County: Clinton

Region: 3

Project Number: LUW 01838

Use: Commercial

Income Approach

<u>Gross Income=</u>	<u>Number of Slips</u>	<u>Length (ft)</u>	<u>Regional Rate</u>	<u>Income</u>
	135	35	\$60.00	\$283,500.00
	100	20	\$60.00	\$120,000.00

<u>Number of Moorings</u>	<u>Length (ft)</u>	<u>Regional Rate</u>	<u>Moorings Discount</u>	<u>Income</u>
113	32	\$60.00	60%	\$130,176.00

<u>Gross Income</u>	\$533,676.00
<u>Less 40% expenses</u>	\$213,470.40
<u>Net Annual Income</u>	\$320,205.60

Article 6, Section 75 of the Public Lands Law, contains a sub-section which relates to the determination of fees for commercial facilities in existence or commercial use on August 7, 1992. The fees are based on a percentage of net annual income derived from the earnings or rentals of structures on State-owned lands underwater. Under this sub-section the fees for the issuance of a license for this type of facility are based upon a market analysis of comparable structures. The rental fees and the percentage used for expenses to generate the above net annual income for this facility were derived from a Regional Market Rent Study prepared for the Office of General Services.

Attachment 2

Fee Computation for Years 1 - 10 of License Term

<u>Time</u>	<u>Formula</u>		<u>Annual Fee</u>
Year 1	1% =	\$320,205.60	\$3,202.06
Year 2	1% =	\$325,008.68	\$3,250.09
Year 3	1% =	\$329,883.81	\$3,298.84
Year 4	1% =	\$334,832.07	\$3,348.32
Year 5	1% =	\$339,854.55	\$3,398.55
Subtotal for years 1-5			\$16,497.85
Year 6	1% =	\$344,952.37	\$3,449.52
Year 7	1%	\$350,126.66	\$3,501.27
Year 8	1%	\$355,378.56	\$3,553.79
Year 9	1%	\$360,709.23	\$3,607.09
Year 10	1%	\$366,119.87	\$3,661.20
Subtotal for Years 6-10			\$17,772.87
Total for Years 1-10			\$34,270.71

PAYMENT OPTIONS

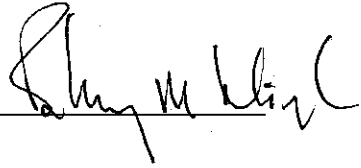
OPTION 1	
Installment Payment Method	
Subtotal for Year 1-10	\$34,270.71
Administration Fee	<u>\$500.00</u>
Ten year payment amount	\$34,770.71
Yearly Payment Due	\$3,477.07

OPTION 2	
Single Payment Option	
Discounted Present Value	
Years 1-10	\$29,529.95
Administration Fee	<u>\$500.00</u>
Single Payment Due	\$30,029.95

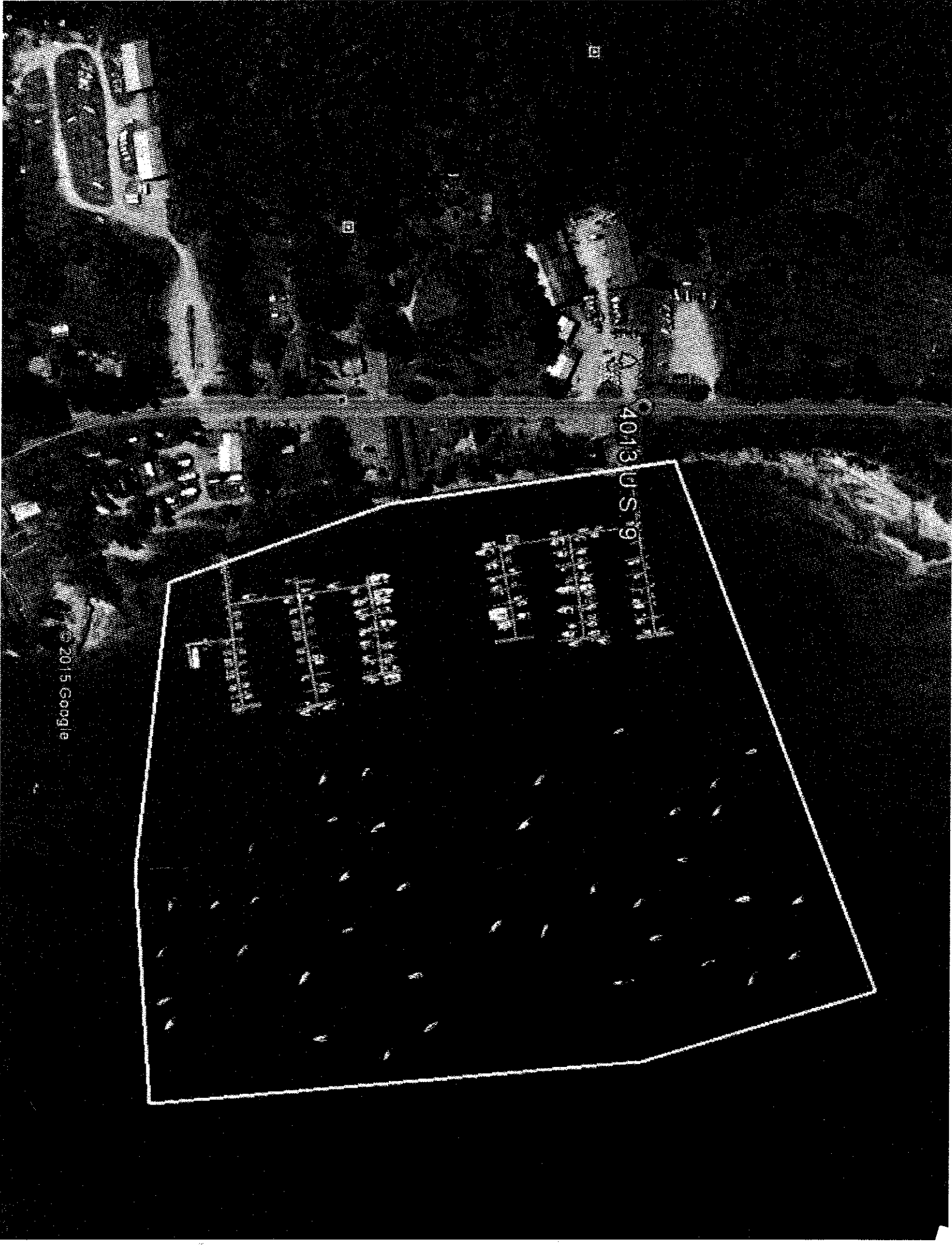
Attachment 2

Prepared By: 

Dated: 1/6/2015

Approved By: 

Dated: 1-22-2015



© 2013 U.S. AIR FORCE

© 2015 Google

August 13, 2024

Agency Contacts

New York State APA – Corrie Magee – corrie.magee@apa.ny.gov – (518) 891-4050

New York State DEC – dep.r5@dec.ny.gov – (518) 897-1234

New York State OGS – LandUnderWater@ogs.ny.gov – (518) 474-2195

US Army Corps of Engineers – cenan.rfo@usace.army.mil – (518) 266-6350

New York State OPRHP – Josalyn Ferguson – (518) 268-2166

October 11th, 2024

Corrie Magee
Environmental Program Specialist 1 (EPS1)
New York State Adirondack Park Agency
1133 NYS Route 86
Ray Brook, NY 12977

New York State Department of Environmental Conservation
Regional Permit Administrator
PO Box 296
1115 NYS Route 86
Ray Brook, NY 12977-0296

NYS Office of General Services
Bureau of Land Management
39th Floor, Corning Tower
Empire State Plaza
Albany, NY 12242-0001

US Army Corps of Engineers New York District
CENAN-R-Permit-App@usace.army.mil

RE: Snug Harbor and Olde Valcour APA #2024-0152 3rd NIPA &
DEC #5-0940-00011/00005 NOIA Response

Dear Permitting Committee,

As an effort to provide a response in regard to a coordinated review we offer this letter to the agencies referenced above.

New York State Adirondack Park Agency

In response to your September 4th, 2024 review letter with respect to the above referenced matter, we offer the following:

1. Please see attached exhibit for the extent of regulated SAV. Additional mapping was performed by Robert M. Sutherland on October 8th, 2024. The regulated SAV extended southerly for a total of 14.86 acres within the Adirondack Park Agency.
2. As seen in the attached exhibit EX101, there are approximately 103 Existing anchor blocks permitted within the regulated SAV. As seen on exhibit EX102 there are approximately 63 anchor blocks proposed within the regulated SAV.
3. In the attempt to simplify the application and review proceses, the applicant will no longer seek to build a boathouse or elevated dock under this application. The marinas will remain separate and unconnected by docks.
4. On September 30, 2024 the office of General Services notified the applicant that the existing licence for use of lands under water is non-transferable, therefore the applicant is in the process of filing a new application. As the existing marina is currently open, the current application is to simply allow the new owner to operate as the prior license allowed. If the reconfiguration is approved by all other agencies, the request to OGS will be modified. Please note that the licence area for the proposed modification is the same area as the prior license.
5. Revised plans for the joint application have been provided to the applicable agencies as required. Applicant will copy the agency on all future correspondence, comments, and approvals as necessary for a coordinated review. Furthermore, as seen in response #3 in this letter, a boathouse is no longer proposed. Therefore revised plans are being provided to reflect this.
6. Noted.

New York State Department of Environmental Conservation

In response to your agencies September 13th, 2024 review letter with respect to the above referenced matter, we offer the following:

Updated Project Scope:

As seen above, the applicant will no longer seek to build a boathouse under this application. The marinas will remain unconnected by docks.

Tire Breakwaters – Additional Information Required:

When the applicant took ownership of the marina, most of the permitted tire breakwaters were removed from the lake with a large pile of tire stored near the shop. These tires were disposed of by a licenced hauler and taken to a recycling center in Canada. The applicant plans to replace the remaining tire breakwater with a steel breakwater. What remains in the water from the current permitted configuration will be floated to shore and removed by a crane in order to protect the SAV and shoreline buffer. The anchors will be vertically lifted and removed out of the water in order to limit any unnecessary lake bed disturbance. The anchors will be removed by a crane as well.

Sediment Control Measures:

As mentioned above, Docks and breakwaters will be floated towards shore. The Anchor blocks will be vertically lifted out of the water and into a boat. Docks, Anchors, and Breakwaters will then be removed from the water/boat by use of a crane. No material will be dragged onto shore or along the lake bed.

Tire Breakwater Disposal:

Similar to the tire that have already been removed, the applicant will utilize a contractor with a Waste Transporter permit to dispose of the waste tires.

Mussel Survey Required:

This item is no longer required due to coordination with the DEC on October 7th, 2024.

Adirondack Park Agency (APA):

Applicant is under permitting process through the APA as seen in the response above. Any coordination will be provided to the NYSDEC in order to ensure a coordinated review between applicable agencies.

Additional items from September 24th, 2024 email:

- A connection between the existing marinas is no longer proposed with this application.
- See above response, this is no longer applicable.
- As allowed under the existing permit the floating docks and breakwater will be removed seasonally and stored on site. This will be done by floating them to shore and removing them from the water with a crane.

We hope that this added information will permit you to determine that the applicable application is complete. To assist in your review, we have attached the Revised Site Plan and various exhibits mentioned above. Communication has been established with the Army Corps, however, no official comments have yet to be received. The applicant will address such comments once in receipt. If you have any questions, or require additional information, please do not hesitate to contact our office.

Cc: Katy Sweet, NYSDEC
Meredith Gillman, DEC Ecosystem Health
Melissa Neely, DEC Ecosystem Health
Patrick Kane, DEC Materials Management
Corrie Magee, APA
Dustin Dorr, USACOE
Josalyn Ferguson, SHPO
Ralph Hill, NYSOGS

Respectfully submitted,



Thomas J. Sexton
Robert M. Sutherland, PC

Map Notes:

1. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies (mylar prints shall be stamped with the surveyor's ink seal with an original signature).
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person for whom the survey is prepared and on his behalf the title company, governmental agency, and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
4. This map may not be used in connection with a "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees.
5. Copyright 2024, Robert M. Sutherland, P.C. All rights reserved.
6. The location of sub-surface improvements are approximate and compiled from field location and mapping provided by the respective utility companies. The contractor shall confirm the location of all utilities prior to the commencement of excavation.
7. Subject to any findings of an accurate abstract of title or those discoverable by inspection.
8. Subject to any and all right of ways and easements of record, if any.
9. North arrow and bearings based Grid North, NAD 1983, New York East Zone 18.
10. The State of New York claims title of lands under water of Lake Champlain to the Mean Low Water (MLW) mark based upon elevation 93.97' NGVD 1929, or 93.56' NAVD 1988.

Reference Deed:

DLC Partners, LLC to Lake Champlain Transportation Company, dba Lake Industries by deed dated May 31, 2024 and recorded in the Clinton County Clerk's Office on June 7, 2024 as Instrument 2024-337985.

Reference Maps:

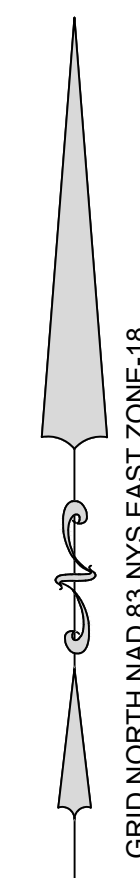
"Map of Survey showing lands to be conveyed to Marina Management Services, Inc." prepared by Robert M. Sutherland, L.S. dated June 13, 2002, last revised March 23, 2004 and filed in the office of Robert M. Sutherland, P.C.

"Map of Survey prepared for MMS Marinas I, LLC showing MMS Marina Subdivision 2007" prepared by Robert M. Sutherland, P.C. September 19, 2007, last revised October 30, 2007 and filed in the Clinton County Clerk's Office as Instrument #2007 210974.

Certification:

I hereby certify that this survey was prepared from deeds and maps of record and from an accurate field survey.

Jeffrey F. Burns, L.S. Date
N.Y.S. License #050702

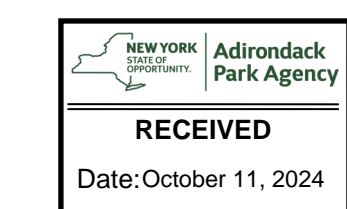


Tax Map Reference:
Section 258 - Block 02 - Lots 2.1 / 13.1 / 13.3 / 12
Town of Plattsburgh - County of Clinton

Zoning Information:

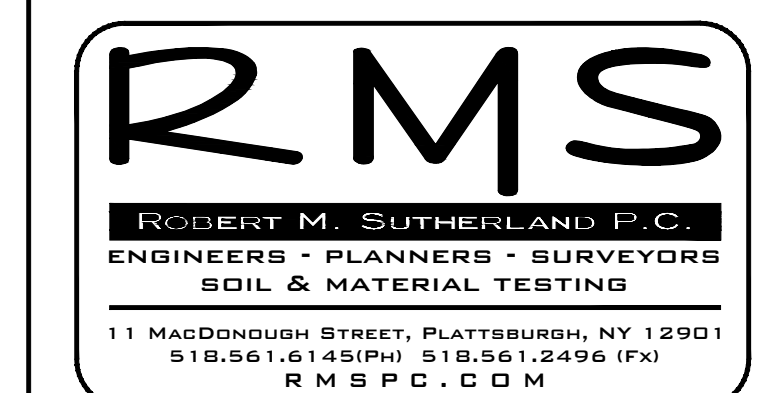
LOCATION: NYS Route 9 Town of Peru	
ZONE: COM (Highway Commercial)	
USE: Non-residential / class 2	
ITEM	REQUIREMENTS
MINIMUM LOT AREA	37,500 sq. ft.
MINIMUM LOT WIDTH	150'
MINIMUM FRONT SETBACK	60'
MINIMUM SIDE SETBACK	30'
MINIMUM REAR SETBACK	30'

No.	Revision/Issue	Date



Legend:

- ☐ Computed corner
- Mean Low Water
- Mean High Water
- Contour
- - - - - Index Contour
- Water body edge
- Property line
- Adjoiner property line

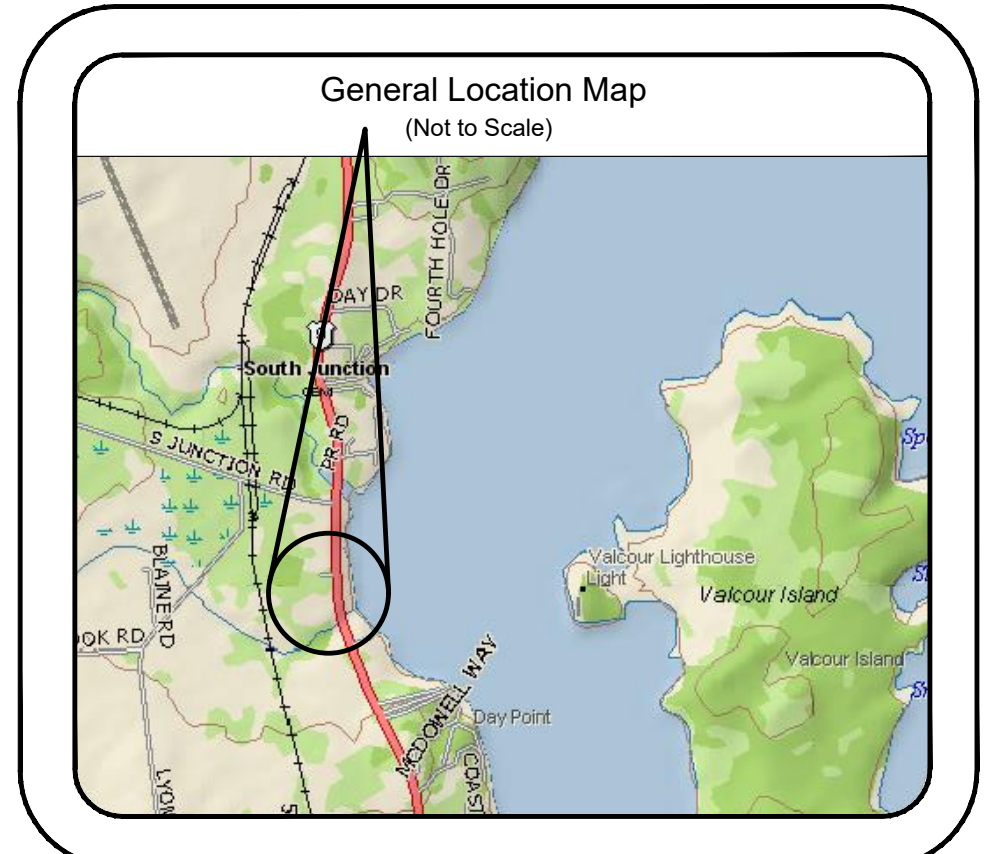


Project Name & Address
**MAP IN THE APPLICATION OF
SNUG HARBOR
FOR LICENSE OF LANDS
UNDER THE WATERS OF
LAKE CHAMPLAIN**
~ Situate ~
Clinton County State of New York

Project #	24052	Sheet	SURVEY
Date	10/10/2024		1
Scale	1" = 200'		
Drawn	FTY	Checked	JFB

Permit #	Description	Location	Ref #
N/A	Old Abandoned Building	N/A	N/A
86-184	On-Site Parking	Finding of Fact	5
86-184	Marina Store/Office/Shop Bldg	Finding of Fact	3
86-184	Bathroom	Finding of Fact	2
86-184	30 Campsites	Finding of Fact	2
86-317	Boat Storage Buildings	Finding of Fact	5
86-317	Out-of-doors Boat Storage Area	Finding of Fact	7
87-416	115 Capacity Parking	Project Description	15
87-416	Fueling Facility	Project Description	12
87-416	Three Floating Tire Breakwaters	Project Description	11
91-378	Restaurant Sign	Project Description	10
91-378	Existing Well	Project Description	8
91-378	Existing Restaurant	Project Description	6
91-378	13 Parking Spots	Project Description	9
91-378	120 Parking Spots	Project Description	9
94-379	Floating Tire Breakwater	Project Description	9

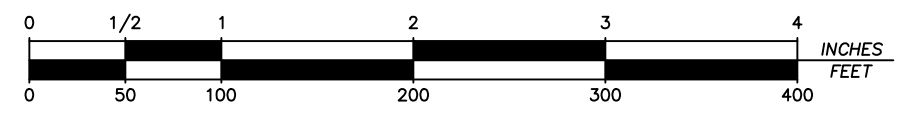
Permit #	Description	Location	Ref #
94-379	60 Moorings	Condition	5
94-379	Fueling Facility	Project Description	10
94-379	Four Docks with 110 Slips	Condition	5
94-379	Off-Season Boat Storage	Project Description	11
94-379	Boat Repair 3-Bay Garage	Project Description	11
94-379	Existing Store	Project Description	11
94-379	4 Marker Buoys	Project Description	8
87-416A & 94-379A	Four Docks with 124 Slips	Condition	14
87-416A & 94-379A	52 Moorings	Condition	14
87-416A & 94-379A	1 Slips and Mooring Allowed	Condition	13
2004-248	Staging Area	Project Description	N/A
2004-248	30' x 130' Service Building	Project Description	N/A
2007-243	Existing Residence and Barn	Project Description	N/A



Tax Map Reference:
 Section 258 - Block 02 - Lot 23
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊗ Fire hydrant
- ⊙ Manhole
- ⊕ Water well
- ⊖ Water valve
- △ Recovered concrete monument
- ☆ Lamp post
- ⊕ Utility pole
- Ex Mooring
- Property line
- Overhead utility line
- Building setback line
- Stone wall
- Fence
- Edge of woods



Scale: 1 Inch = 100 Feet



No.	Revision/Issue	Date



Project Name & Address
Olde Valcour & Snug Harbor Marina
 ~ Situate ~
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

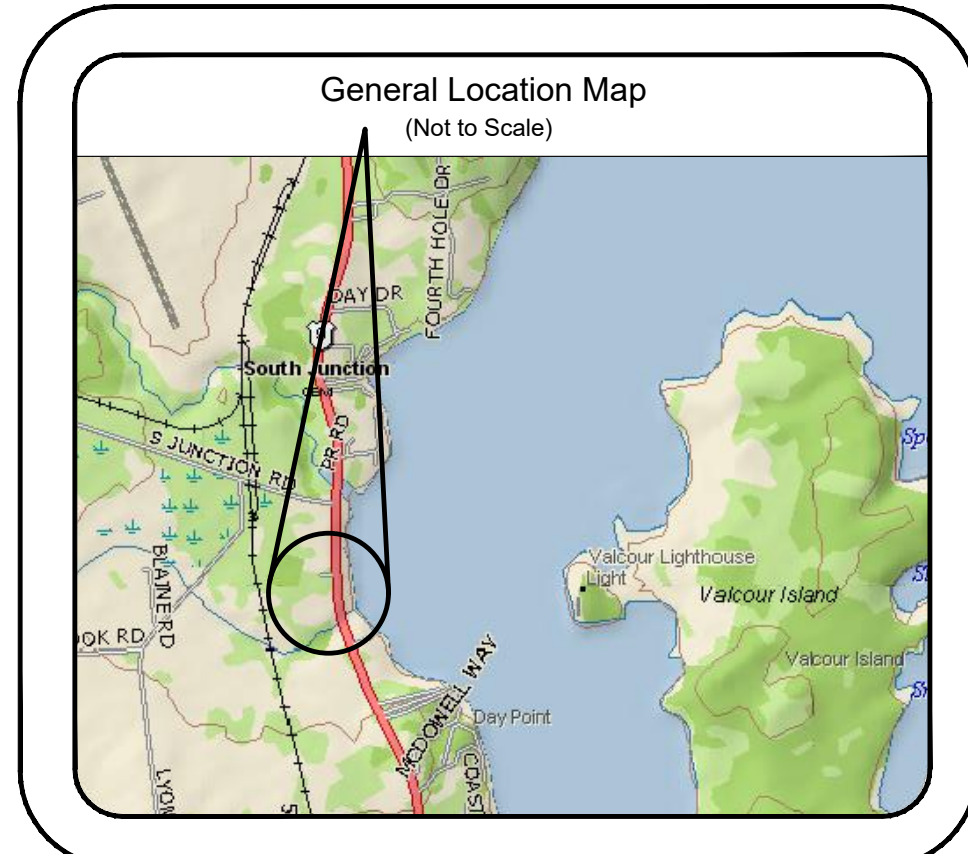
Table 1
Existing Capacity

	Olde Valcour	Snug Harbor	Total
Slips	110	124	234
Moorings	60	52	112
Total	170	176	346

Table 2
Existing Breakwaters

	Olde Valcour	Snug Harbor	Total
Width	30 LF	30 LF	
Length	265 LF	640 LF	
Area	7,850 SF	19,200 SF	27,150 SF

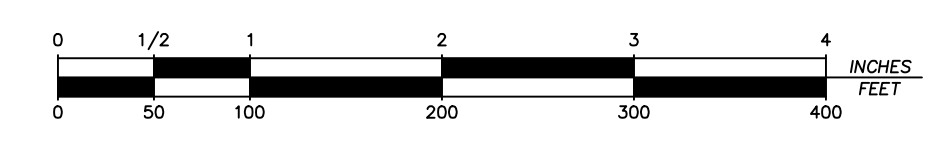
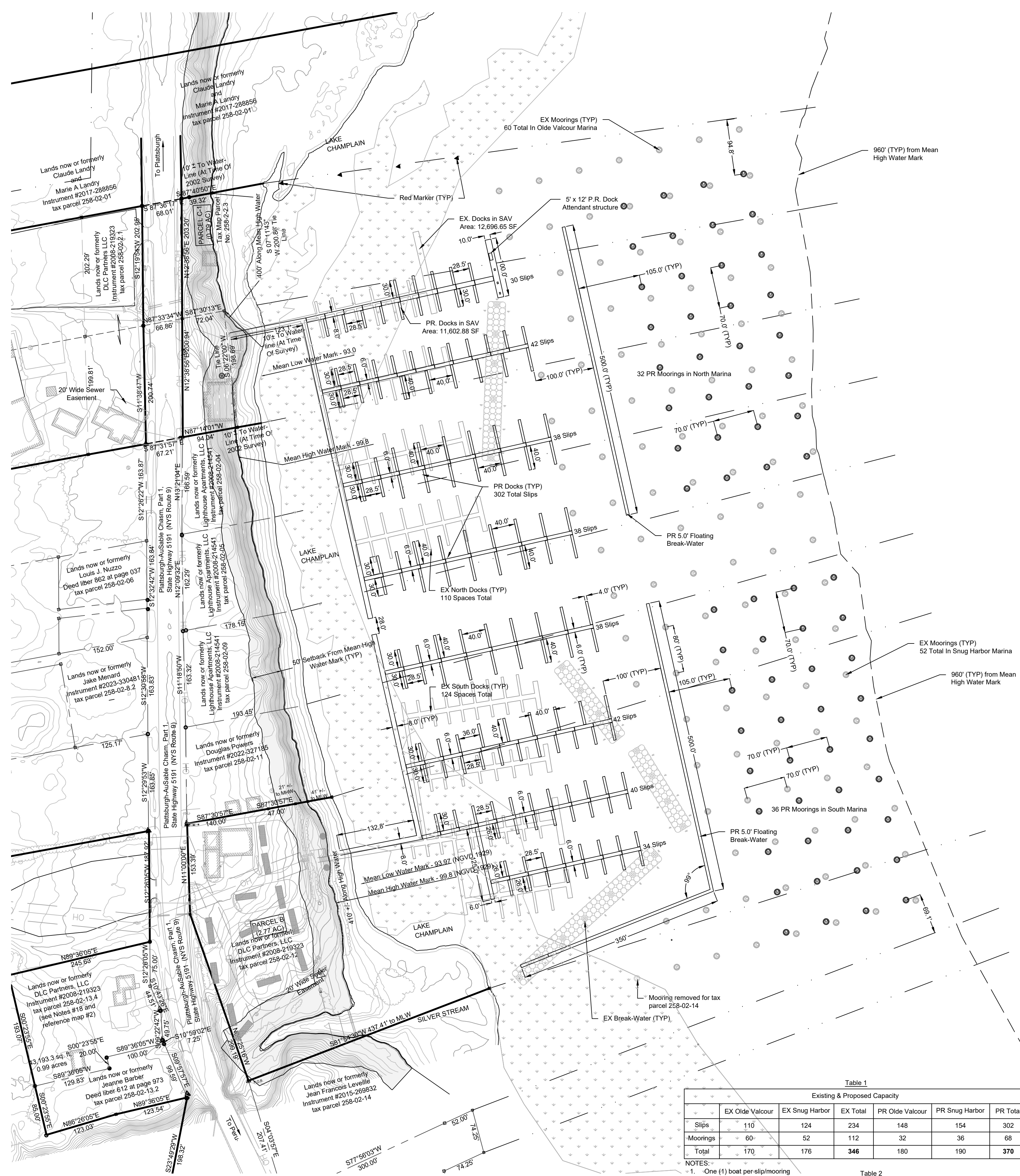
NOTES:
 1. One (1) boat per slip/mooring



Tax Map Reference:
 Section 258 - Block 02 - Lot 2.3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

GRID NORTH NAD 83 NYS EAST ZONE-18

- Legend:**
- 5/8" iron rod w/ RMS survey cap (to be set)
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Scale: 1 Inch = 100 Feet

Table 1
Existing & Proposed Capacity

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Slips	110	124	234	148	154	302
Moorings	60	52	112	32	36	68
Total	170	176	346	180	190	370

Table 2
Existing & Proposed Breakwaters

	EX Olde Valcour	EX Snug Harbor	EX Total	PR Olde Valcour	PR Snug Harbor	PR Total
Width	30 LF	30 LF	60 LF	5 LF	5 LF	10 LF
Length	265 LF	640 LF	905 LF	500 LF	850 LF	1350 LF
Area	7,950 SF	19,200 SF	27,150 SF	2,500 SF	4,250 SF	6,750 SF

Table 3
Submerged Aquatic Vegetation (SAV)

EX Docks in SAV	Area: 12,696.65 SF
PR Docks in SAV	Area: 11,602.88 SF

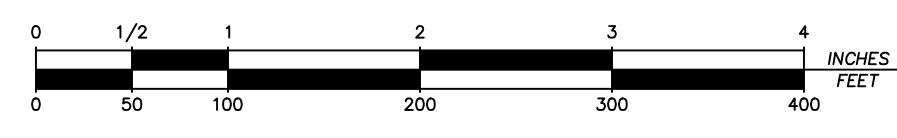
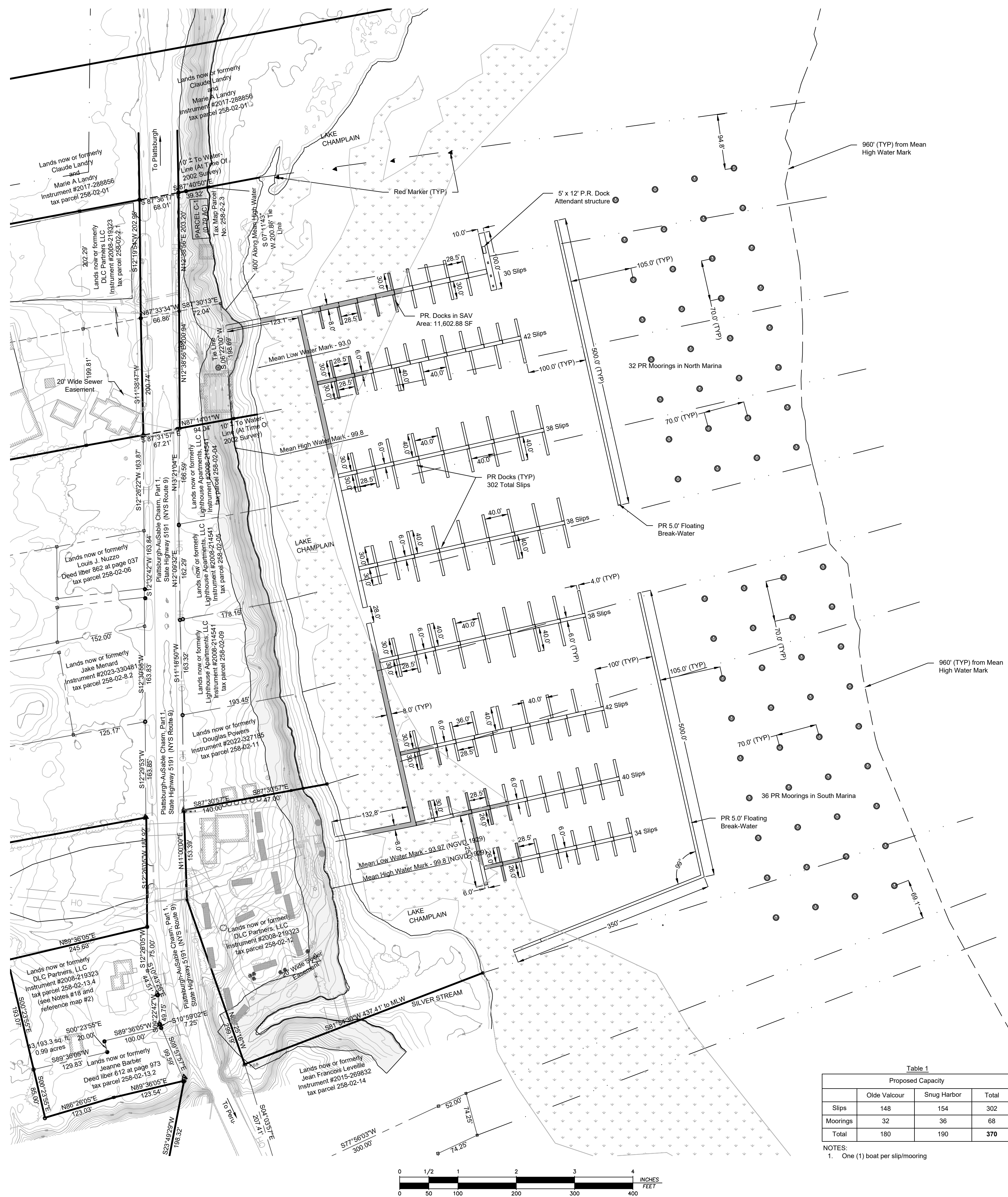
NOTES:
 -1. One (1) boat per slip/mooring

No.	Revision/Issue	Date

RMS
 ROBERT M. SUTHERLAND P.C.
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 SOIL & MATERIAL TESTING
 11 MCDONOUGH STREET, PLATTSBURGH, NY 12901
 518.561.6145 (PH) 518.561.2496 (FX)
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Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 - Situate -
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Current Permitted Configuration with Proposed Overlay
Date	10/10/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO



Scale: 1 Inch = 100 Feet

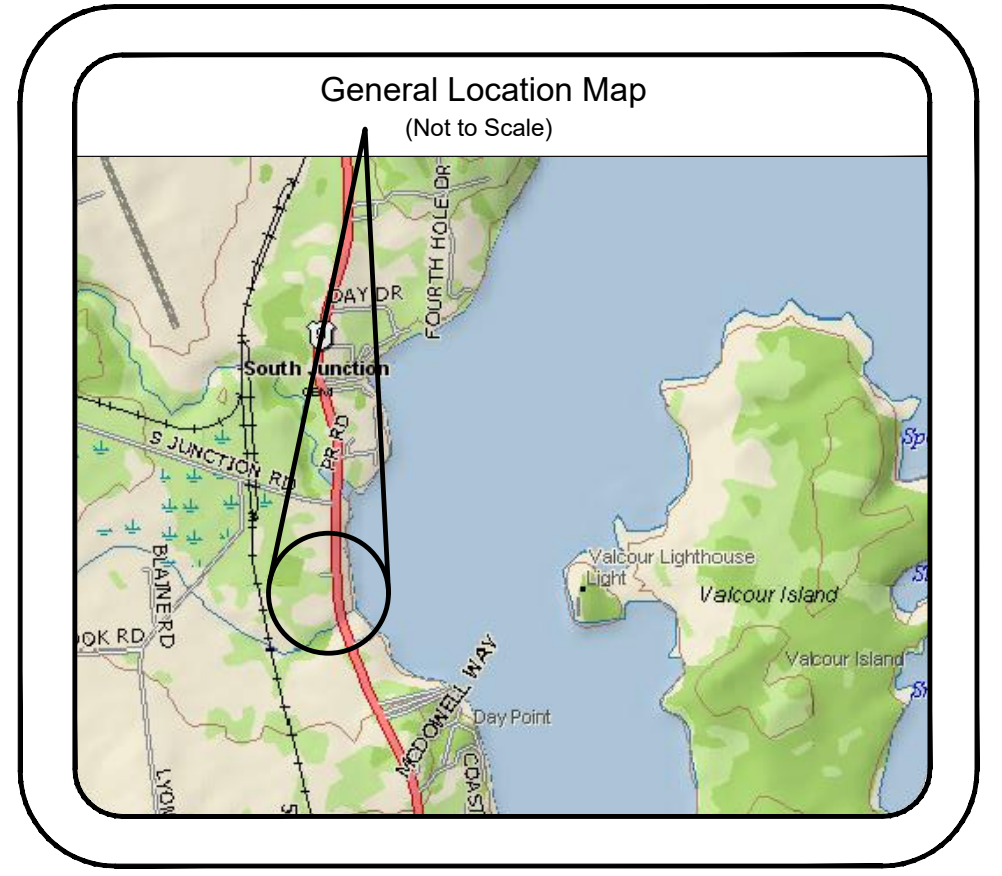
Table 1
Proposed Capacity

	Olde Valcour	Snug Harbor	Total
Slips	148	154	302
Moorings	32	36	68
Total	180	190	370

NOTES:
1. One (1) boat per slip/mooring

Table 2
Proposed Breakwaters

	Olde Valcour	Snug Harbor	Total
Width	5 LF	5 LF	
Length	500 LF	850 LF	
Area	2,500 SF	4,250 SF	6,750 SF



Tax Map Reference:
Section 258 - Block 02 - Lot 2.3
Section 258 - Block 02 - Lot 12
Town of Plattsburgh / County of Clinton

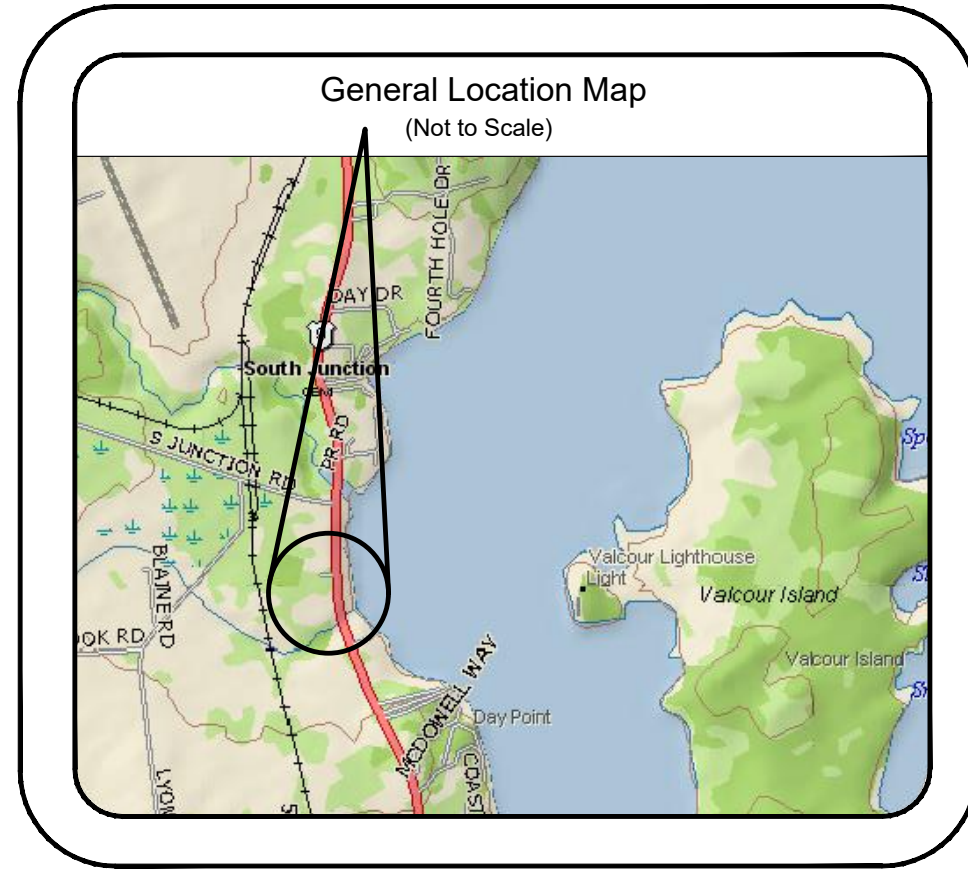
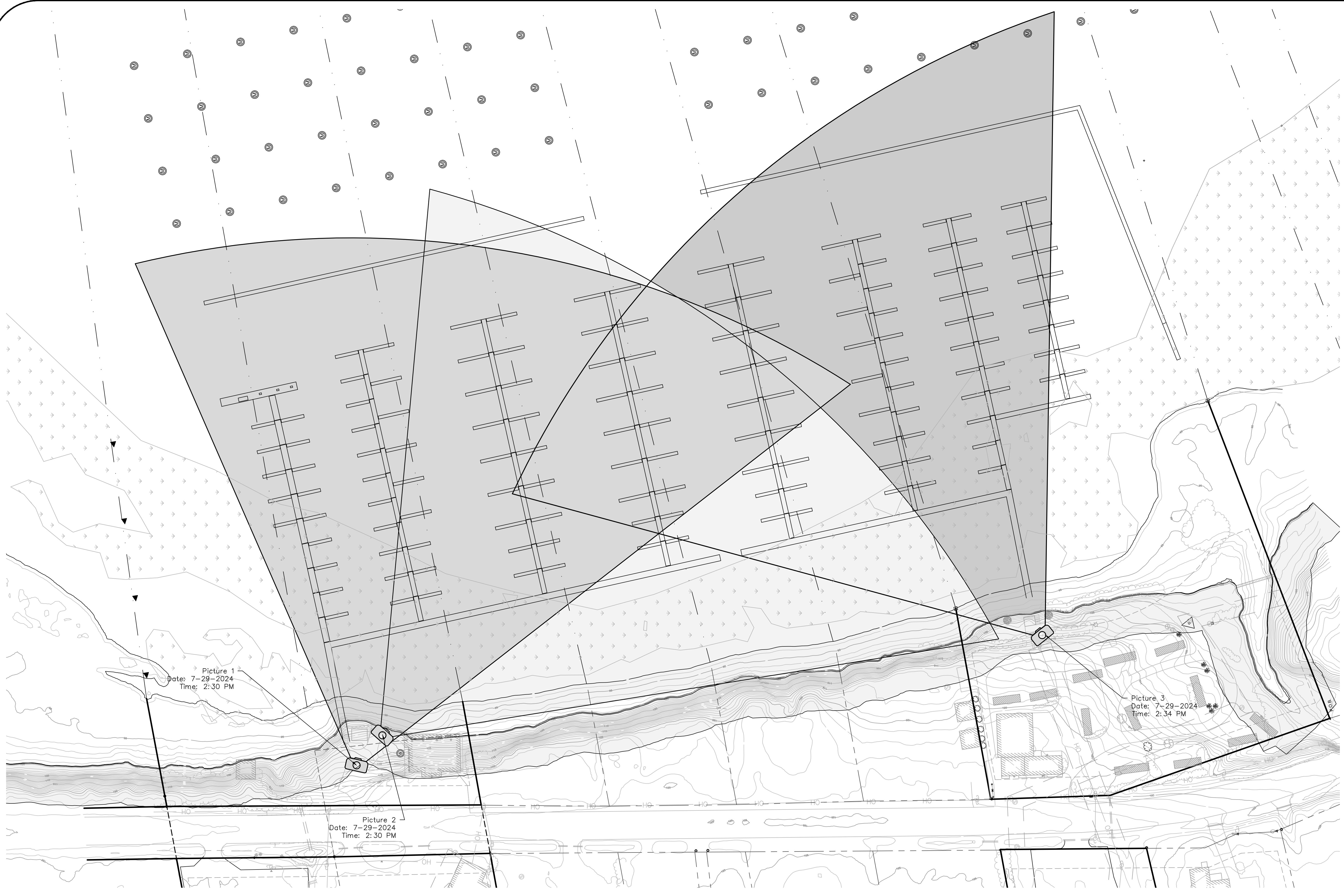
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No.	Revision/Issue	Date



Project Name & Address
Map prepared for
Olde Valcour & Snug Harbor Marina
- Situate -
Stewart's Patent
Town of Peru
Clinton County State of New York

Project #	Sheet
24052	Proposed Configuration
Date	10/10/2024
Scale	1" = 100'
Drawn	TJS
Checked	AJO
C300	



Tax Map Reference:
 Section 258 - Block 02 - Lot 2,3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

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 - ⋯ Stone wall
 - Fence
 - ⋯ Edge of woods
 - ⊕ Picture Location and Direction

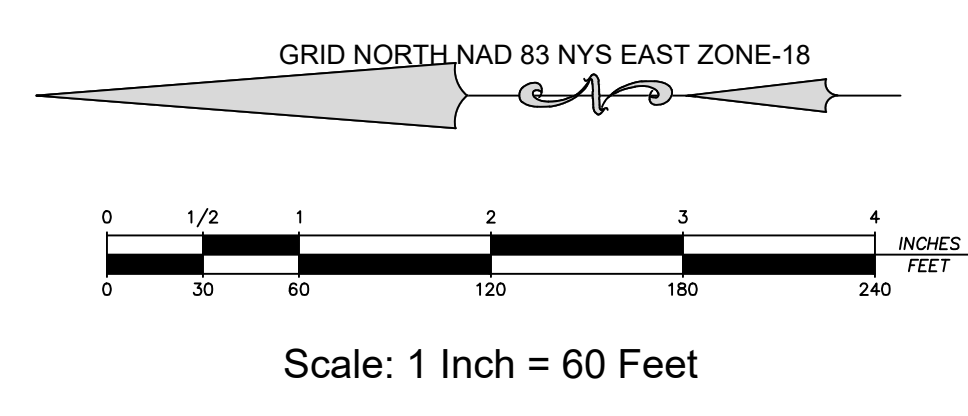
No.	Revision/Issue	Date



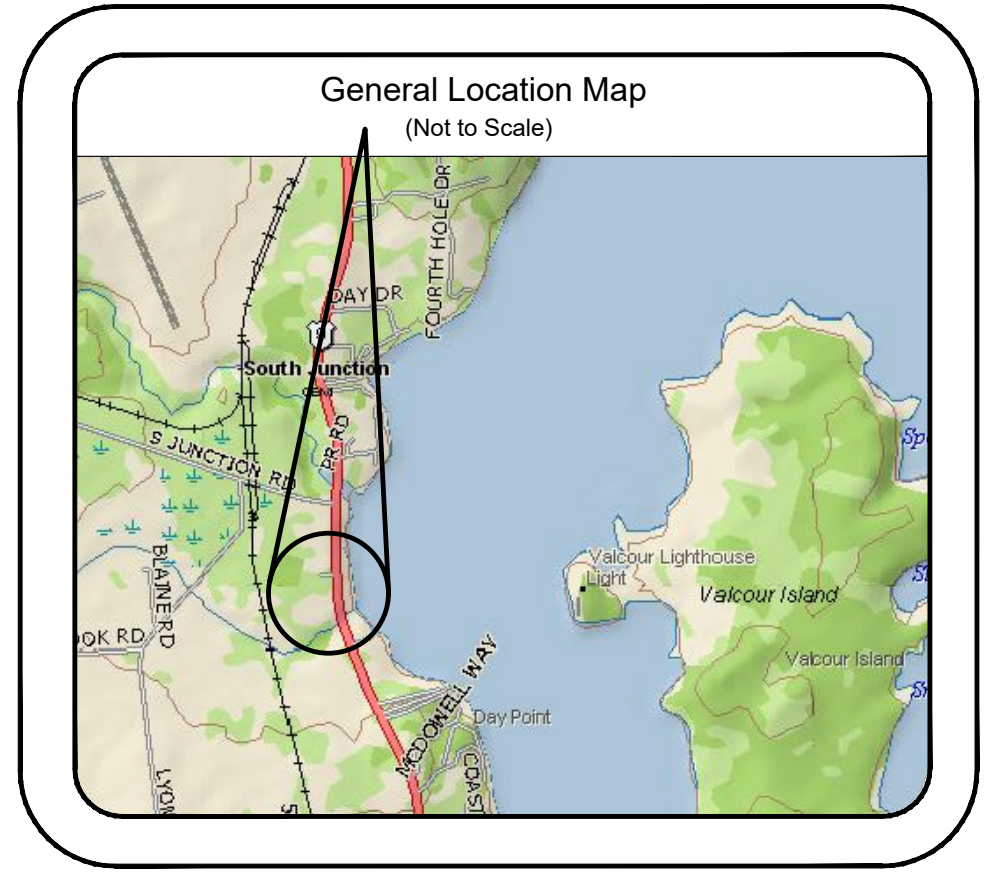
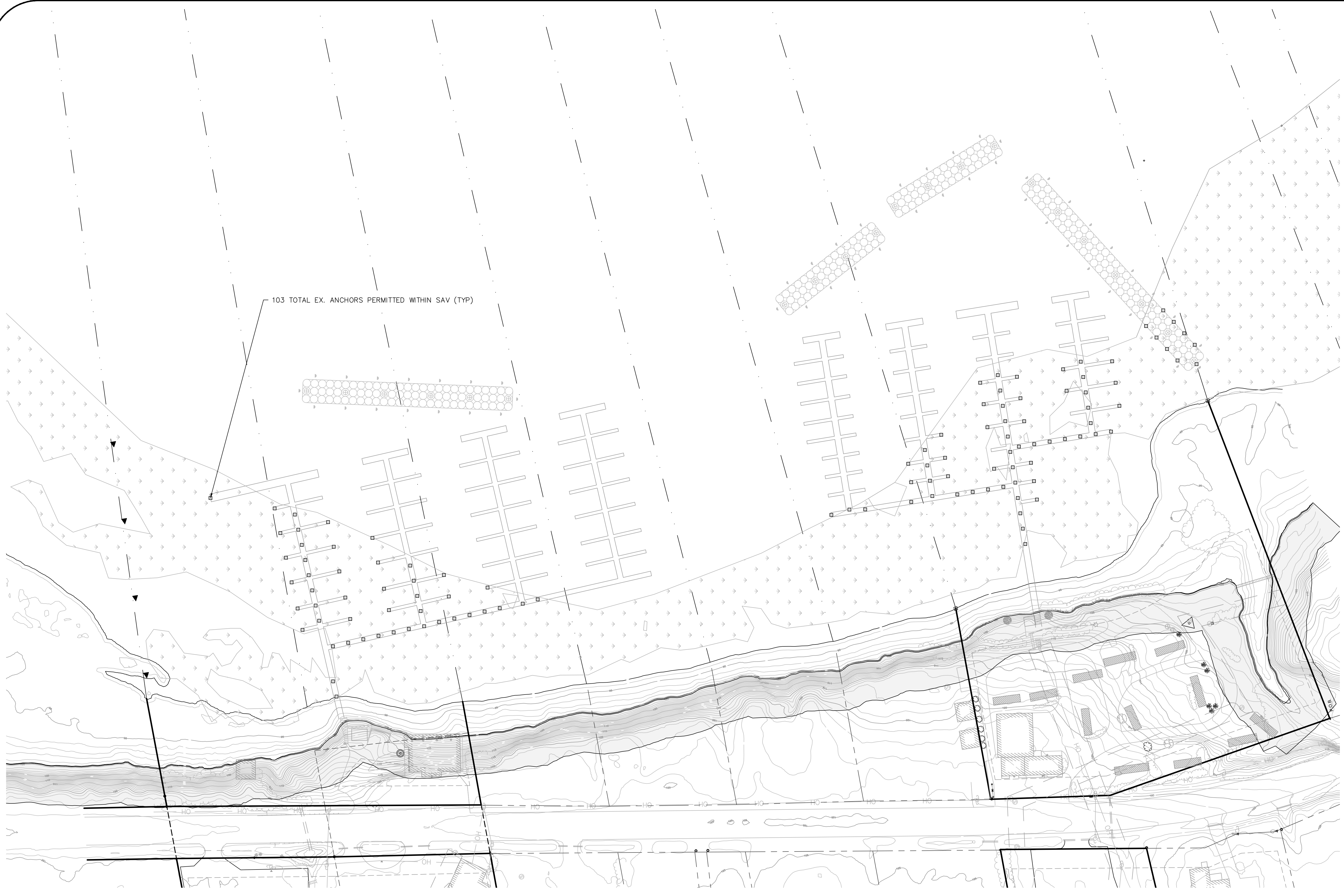
RMS
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 R M S P C . C O M

Project Name & Address
 Map prepared for
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 ~ Situate ~
 Stewart's Peru
 Town of Peru
 Clinton County State of New York

Project #	24052	Sheet	Picture Location Exhibit
Date	10/10/2024		EX100
Scale	1" = 60'		
Drawn	TJS	Checked	AJO



Proposed Capacity			
	Olde Valcour	Snug Harbor	Total
Slips	139	148	287
Moorings	32	36	68
Total	171	184	355



Tax Map Reference:
 Section 258 - Block 02 - Lot 2,3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton

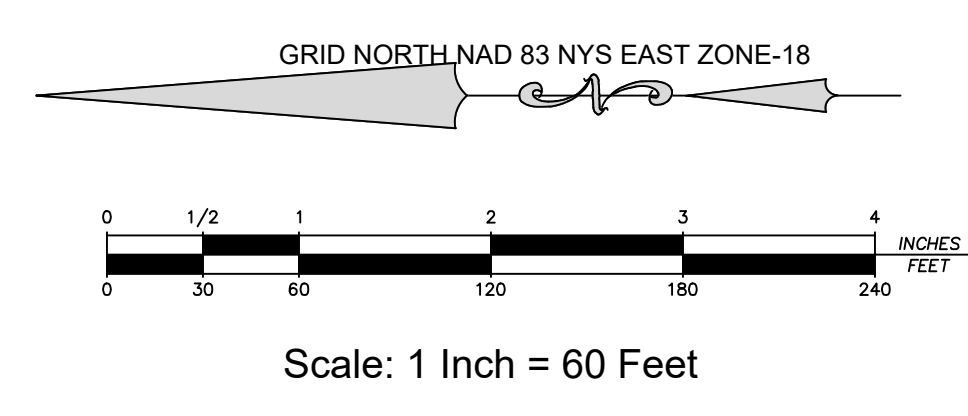
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 - Pr Mooring
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 - Overhead utility line
 - - - Building setback line
 - ⊘ Stone wall
 - Fence
 - ⊞ Edge of woods
 - 📷 Picture Location and Direction

No.	Revision/Issue	Date



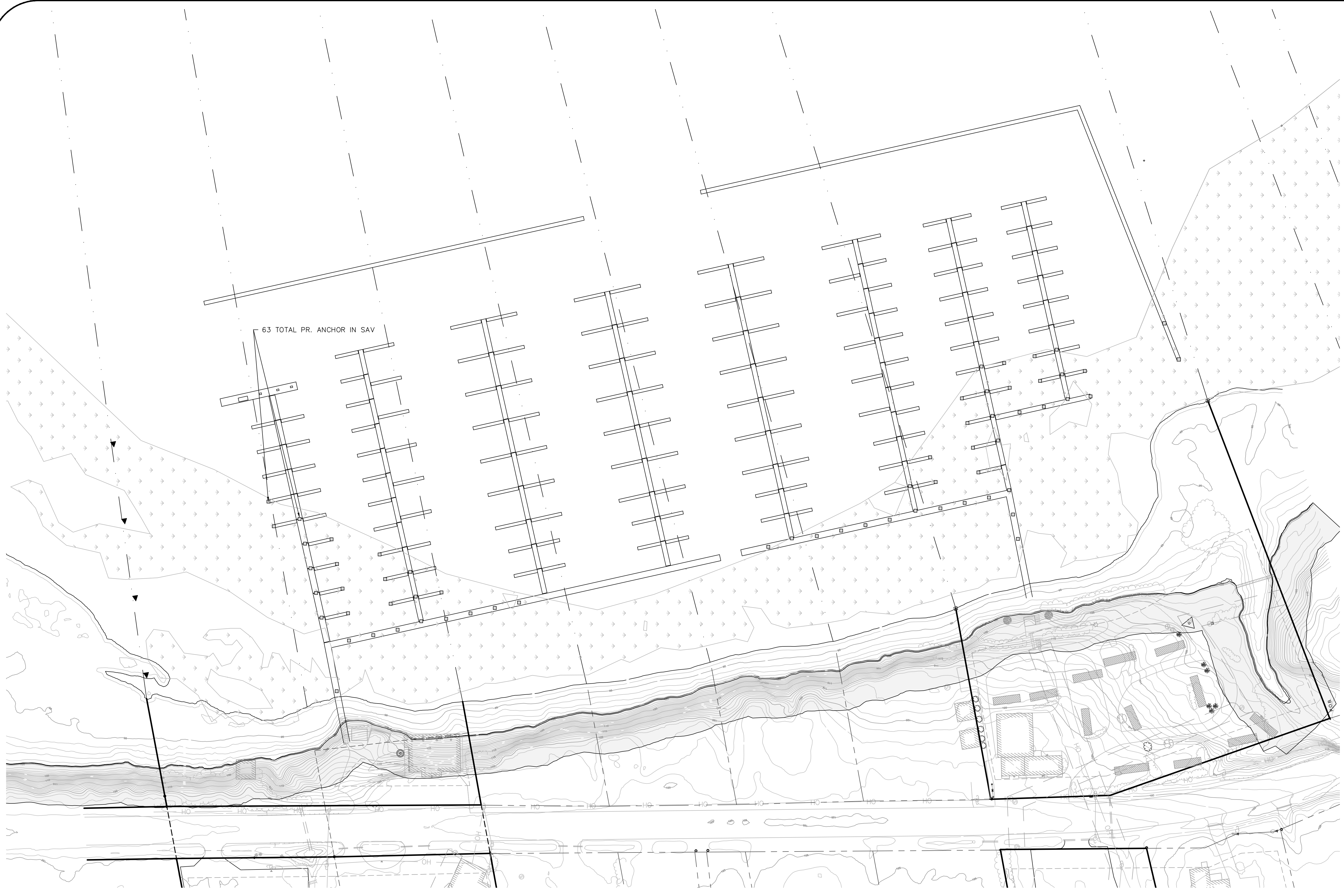
Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 ~ Situate ~
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	24052	Sheet	Existing Anchors in SAV Exhibit
Date	10/10/2024	Scale	EX101
Scale	1" = 60'	Drawn	TJS
Drawn	TJS	Checked	AJO

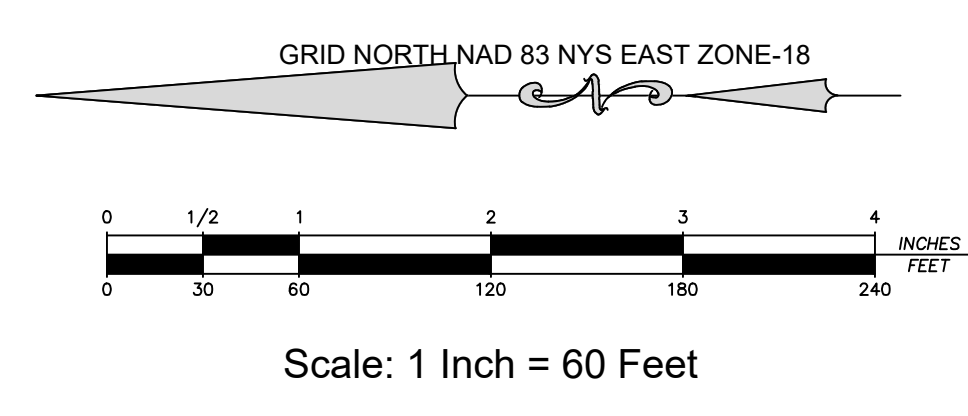


Existing Anchor Blocks in SAV			
	Olde Valcour	Snug Harbor	Total
Anchors (EA)	47	65	112
SAV Coverage (Sq-Ft)	752	1040	1792

NOTES
 1. Each Anchor is 4ft x 4ft



63 TOTAL PR. ANCHOR IN SAV

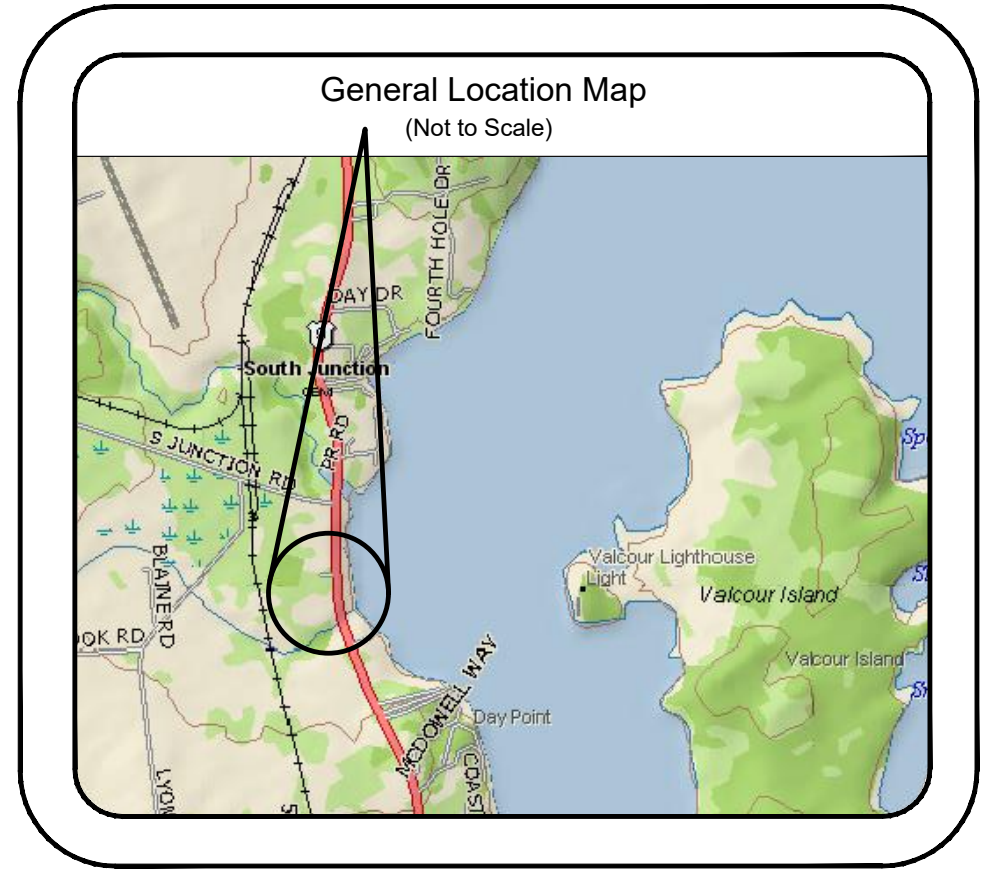


Existing Anchor Blocks in SAV			
	Olde Valcour	Snug Harbor	Total
Anchors (EA)	47	65	112
SAV Coverage (Sq-Ft)	752	1040	1792

Proposed Anchor Blocks in SAV			
	Olde Valcour	Snug Harbor	Total
Anchors (EA)	26	37	63
SAV Coverage (Sq-Ft)	416	592	1008

Anchor Blocks in SAV		
	Existing	Proposed
Anchors (EA)	112	63
SAV Coverage (Sq-Ft)	1792	1008

NOTES
1. Each Anchor is 4ft x 4ft



Tax Map Reference:
Section 258 - Block 02 - Lot 2.3
Section 258 - Block 02 - Lot 12
Town of Plattsburgh / County of Clinton

- Legend:**
- 5/8" iron rod w/ RMS survey cap (to be set)
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Project Name & Address
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~ Situate ~
Stewart's Patent
Town of Peru
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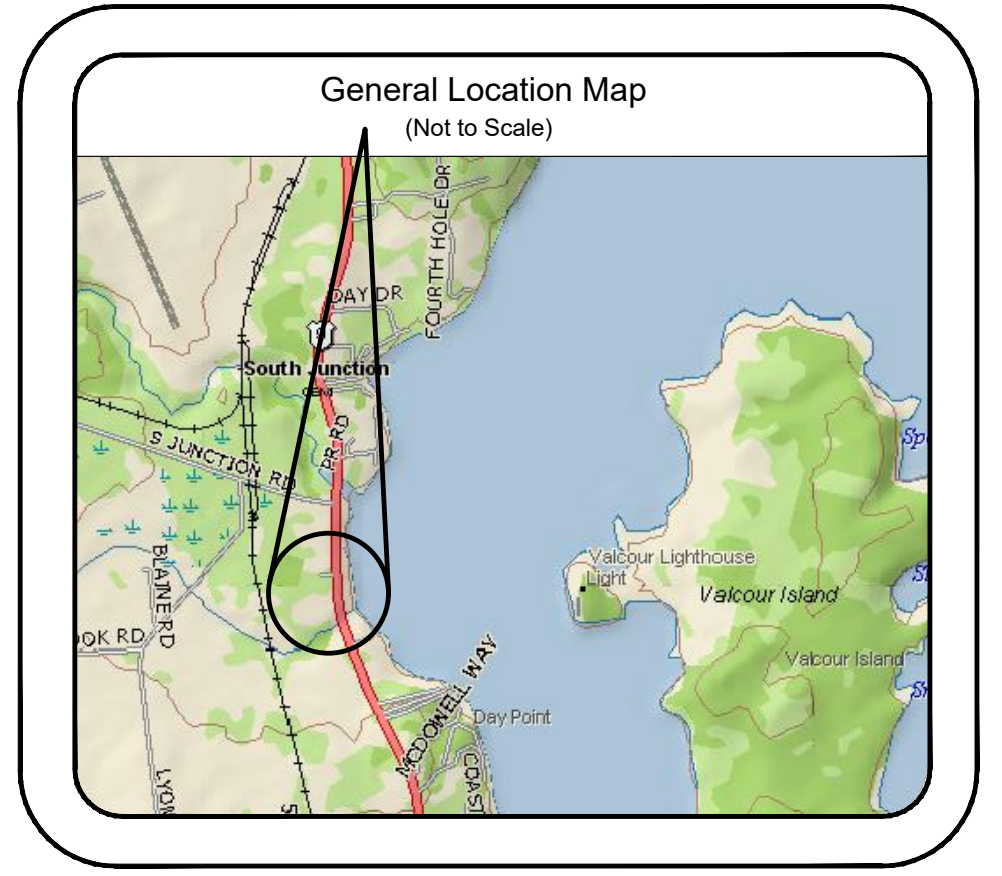
Project #	Sheet
24052	Proposed Anchors in SAV Exhibit
Date	10/10/2024
Scale	1" = 60'
Drawn	TJS
Checked	AJO
EX102	

Moor #	LAT	LONG
1	N044° 37' 31.11"	W073° 26' 40.87"
2	N044° 37' 31.28"	W073° 26' 39.93"
3	N044° 37' 31.45"	W073° 26' 38.99"
4	N044° 37' 31.62"	W073° 26' 38.06"
5	N044° 37' 30.43"	W073° 26' 40.67"
6	N044° 37' 30.60"	W073° 26' 39.73"
7	N044° 37' 30.78"	W073° 26' 38.80"
8	N044° 37' 30.95"	W073° 26' 37.86"
9	N044° 37' 30.27"	W073° 26' 37.66"
10	N044° 37' 30.10"	W073° 26' 38.60"
11	N044° 37' 29.93"	W073° 26' 39.53"
12	N044° 37' 29.76"	W073° 26' 40.47"
13	N044° 37' 29.08"	W073° 26' 40.27"
14	N044° 37' 29.25"	W073° 26' 39.34"
15	N044° 37' 29.42"	W073° 26' 38.40"
16	N044° 37' 29.59"	W073° 26' 37.46"
17	N044° 37' 28.92"	W073° 26' 37.26"
18	N044° 37' 28.74"	W073° 26' 38.20"
19	N044° 37' 28.57"	W073° 26' 39.14"
20	N044° 37' 28.40"	W073° 26' 40.07"

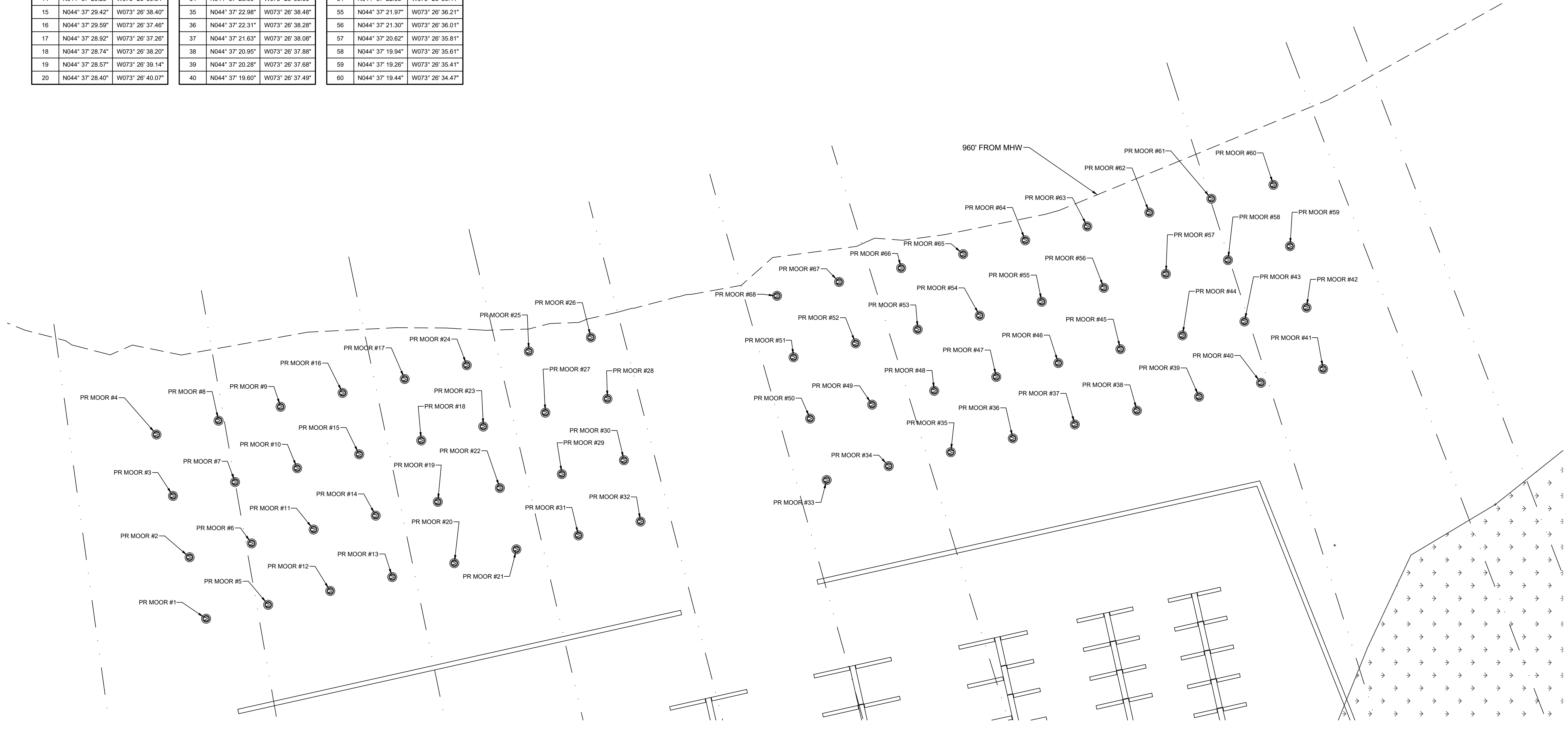
Moor #	LAT	LONG
21	N044° 37' 27.72"	W073° 26' 39.88"
22	N044° 37' 27.90"	W073° 26' 38.94"
23	N044° 37' 28.07"	W073° 26' 38.00"
24	N044° 37' 28.24"	W073° 26' 37.06"
25	N044° 37' 27.56"	W073° 26' 36.86"
26	N044° 37' 26.88"	W073° 26' 36.66"
27	N044° 37' 27.39"	W073° 26' 37.80"
28	N044° 37' 26.71"	W073° 26' 37.60"
29	N044° 37' 27.22"	W073° 26' 38.74"
30	N044° 37' 26.54"	W073° 26' 38.54"
31	N044° 37' 27.05"	W073° 26' 39.68"
32	N044° 37' 26.37"	W073° 26' 39.48"
33	N044° 37' 24.34"	W073° 26' 38.88"
34	N044° 37' 23.66"	W073° 26' 38.68"
35	N044° 37' 22.98"	W073° 26' 38.48"
36	N044° 37' 22.31"	W073° 26' 38.28"
37	N044° 37' 21.63"	W073° 26' 38.08"
38	N044° 37' 20.95"	W073° 26' 37.88"
39	N044° 37' 20.28"	W073° 26' 37.68"
40	N044° 37' 19.60"	W073° 26' 37.49"

Moor #	LAT	LONG
41	N044° 37' 18.92"	W073° 26' 37.29"
42	N044° 37' 19.09"	W073° 26' 36.35"
43	N044° 37' 19.77"	W073° 26' 36.55"
44	N044° 37' 20.45"	W073° 26' 36.75"
45	N044° 37' 21.12"	W073° 26' 36.95"
46	N044° 37' 21.80"	W073° 26' 37.14"
47	N044° 37' 22.48"	W073° 26' 37.34"
48	N044° 37' 23.16"	W073° 26' 37.54"
49	N044° 37' 23.83"	W073° 26' 37.74"
50	N044° 37' 24.51"	W073° 26' 37.94"
51	N044° 37' 24.68"	W073° 26' 37.00"
52	N044° 37' 24.00"	W073° 26' 38.80"
53	N044° 37' 23.33"	W073° 26' 38.60"
54	N044° 37' 22.65"	W073° 26' 38.41"
55	N044° 37' 21.97"	W073° 26' 38.21"
56	N044° 37' 21.30"	W073° 26' 38.01"
57	N044° 37' 20.62"	W073° 26' 38.81"
58	N044° 37' 19.94"	W073° 26' 35.61"
59	N044° 37' 19.26"	W073° 26' 35.41"
60	N044° 37' 19.44"	W073° 26' 34.47"

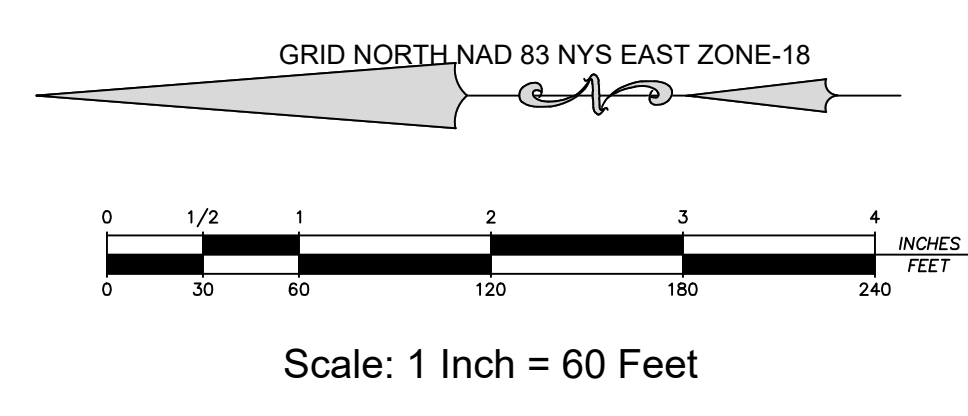
Moor #	LAT	LONG
61	N044° 37' 20.11"	W073° 26' 34.67"
62	N044° 37' 20.79"	W073° 26' 34.87"
63	N044° 37' 21.47"	W073° 26' 35.07"
64	N044° 37' 22.14"	W073° 26' 35.27"
65	N044° 37' 22.82"	W073° 26' 35.47"
66	N044° 37' 23.50"	W073° 26' 35.67"
67	N044° 37' 24.18"	W073° 26' 35.87"
68	N044° 37' 24.85"	W073° 26' 36.06"



Tax Map Reference:
 Section 258 - Block 02 - Lot 2,3
 Section 258 - Block 02 - Lot 12
 Town of Plattsburgh / County of Clinton



- Legend:**
- 5/8" iron rod w/ RMS survey cap (to be set)
 - Found property evidence (as described)
 - Computed corner
 - ⊠ Fire hydrant
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	Olde Valcour	Snug Harbor	Total
Slips	148	154	302
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Total	180	190	370

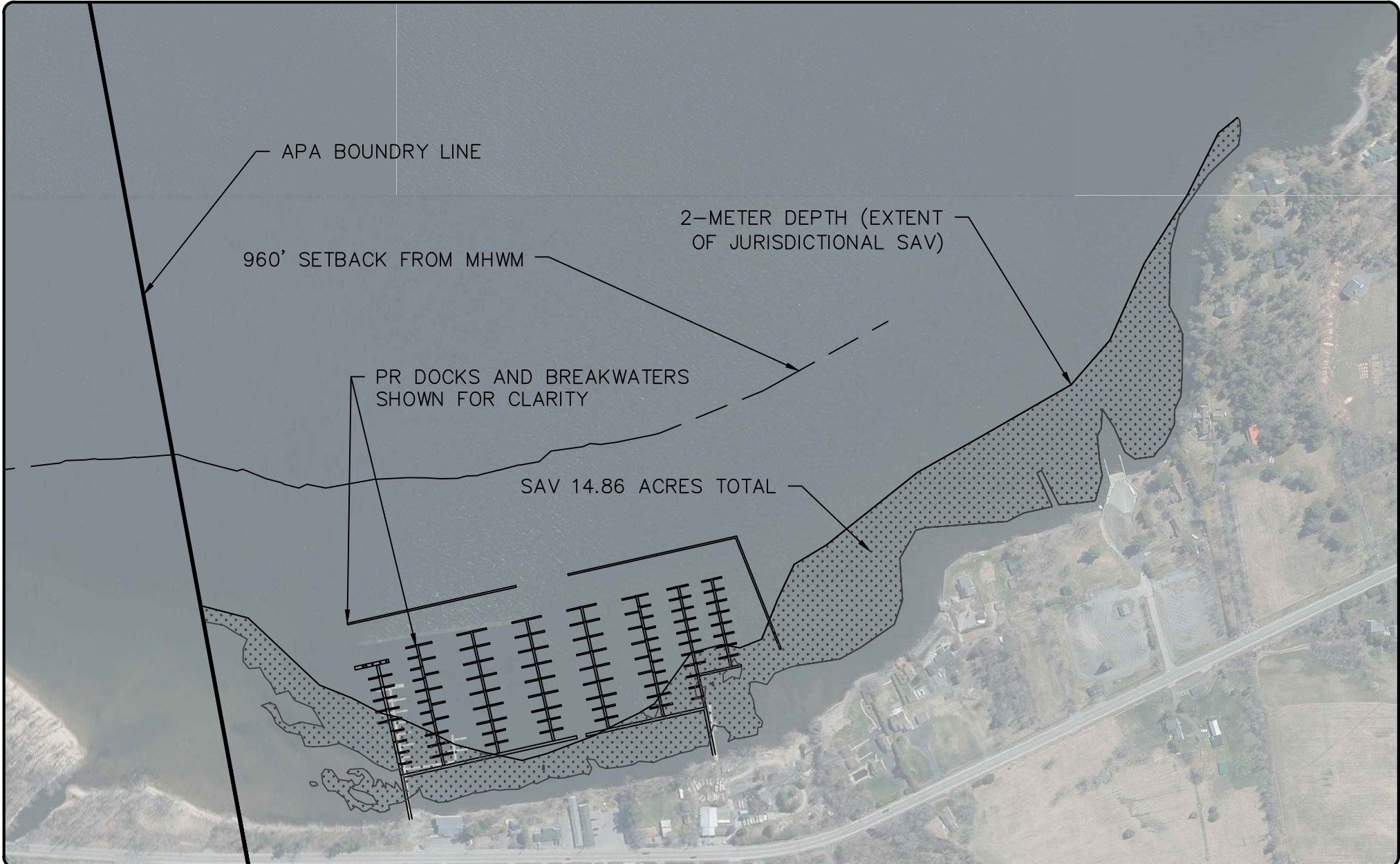
NOTES:
 1. One (1) boat per slip/mooring

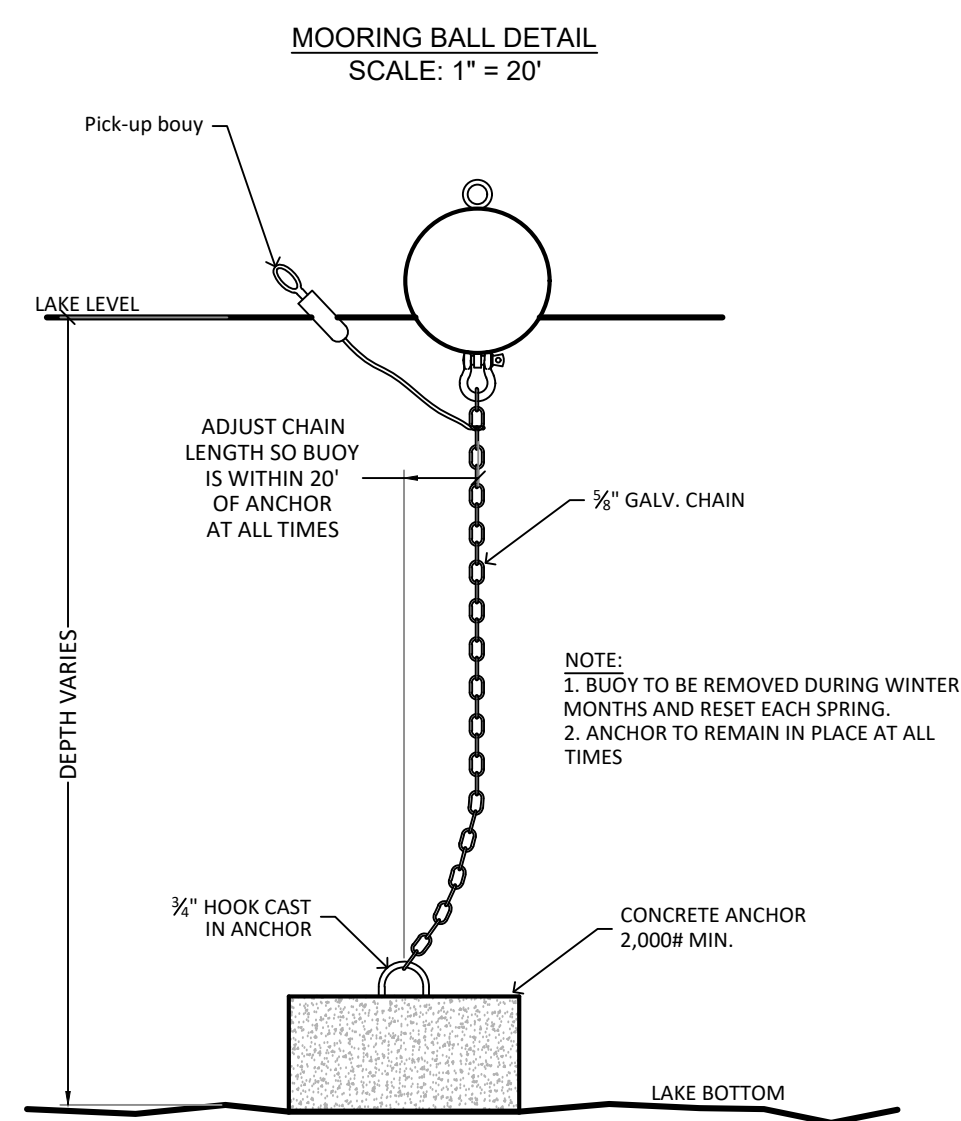
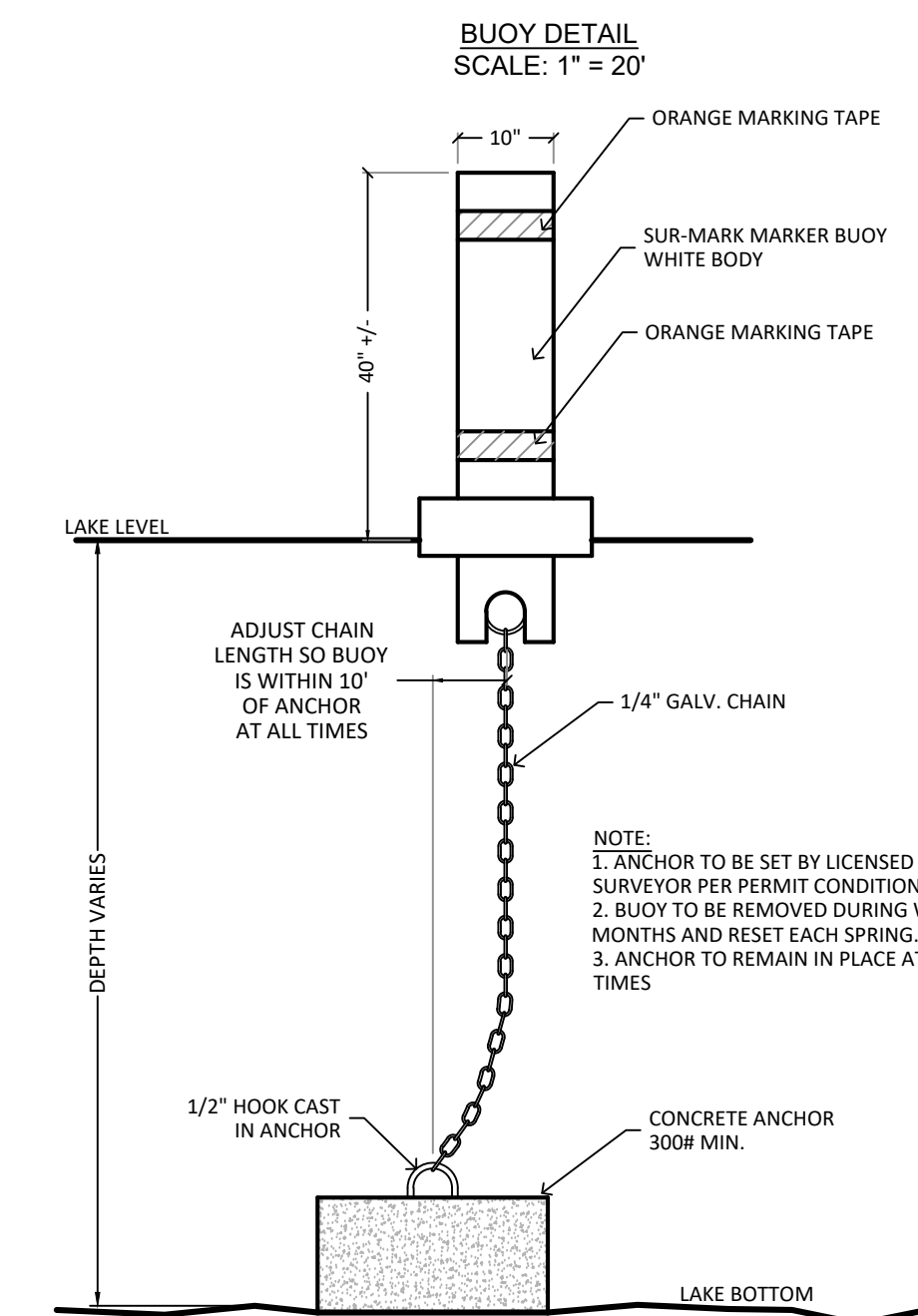
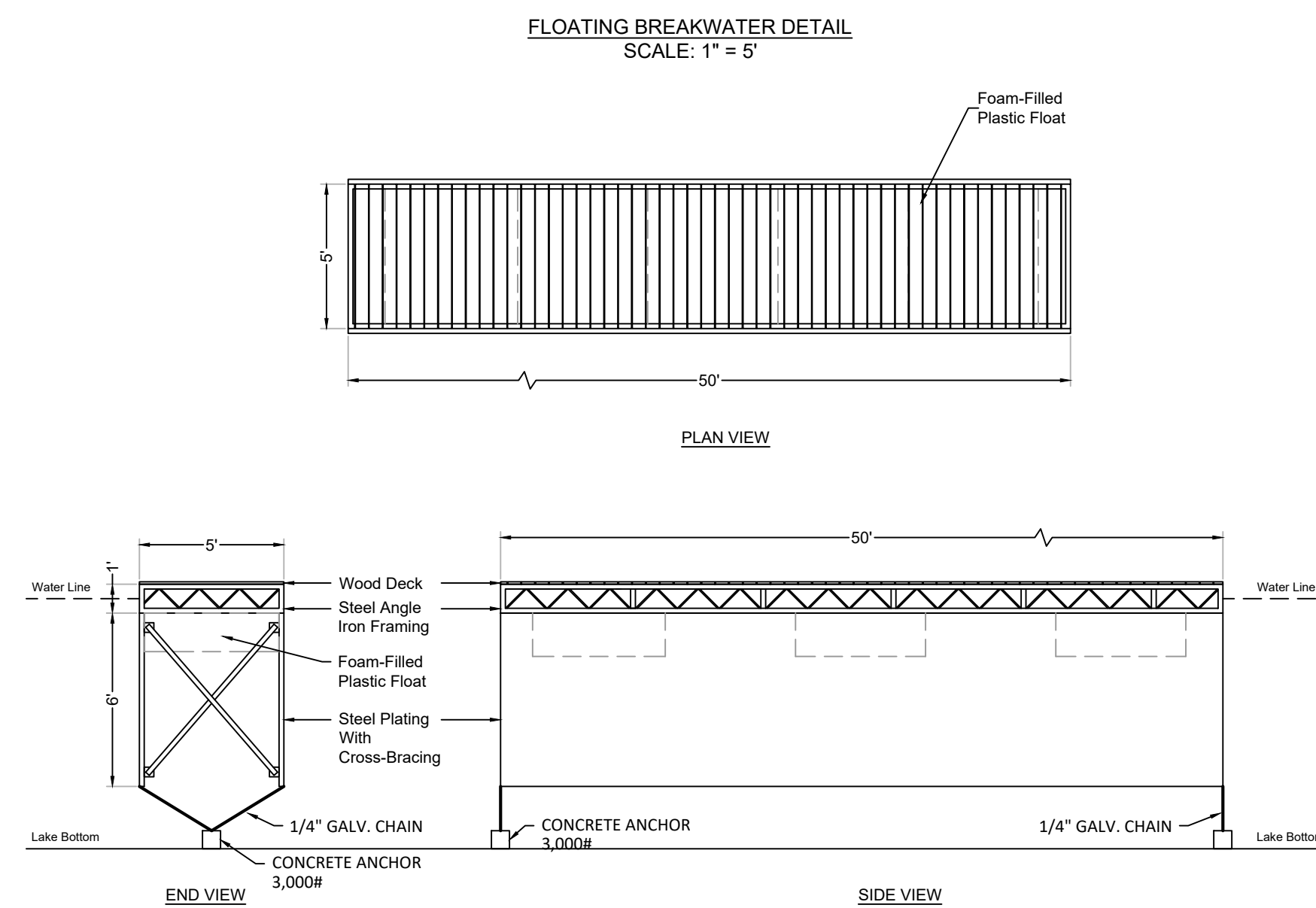
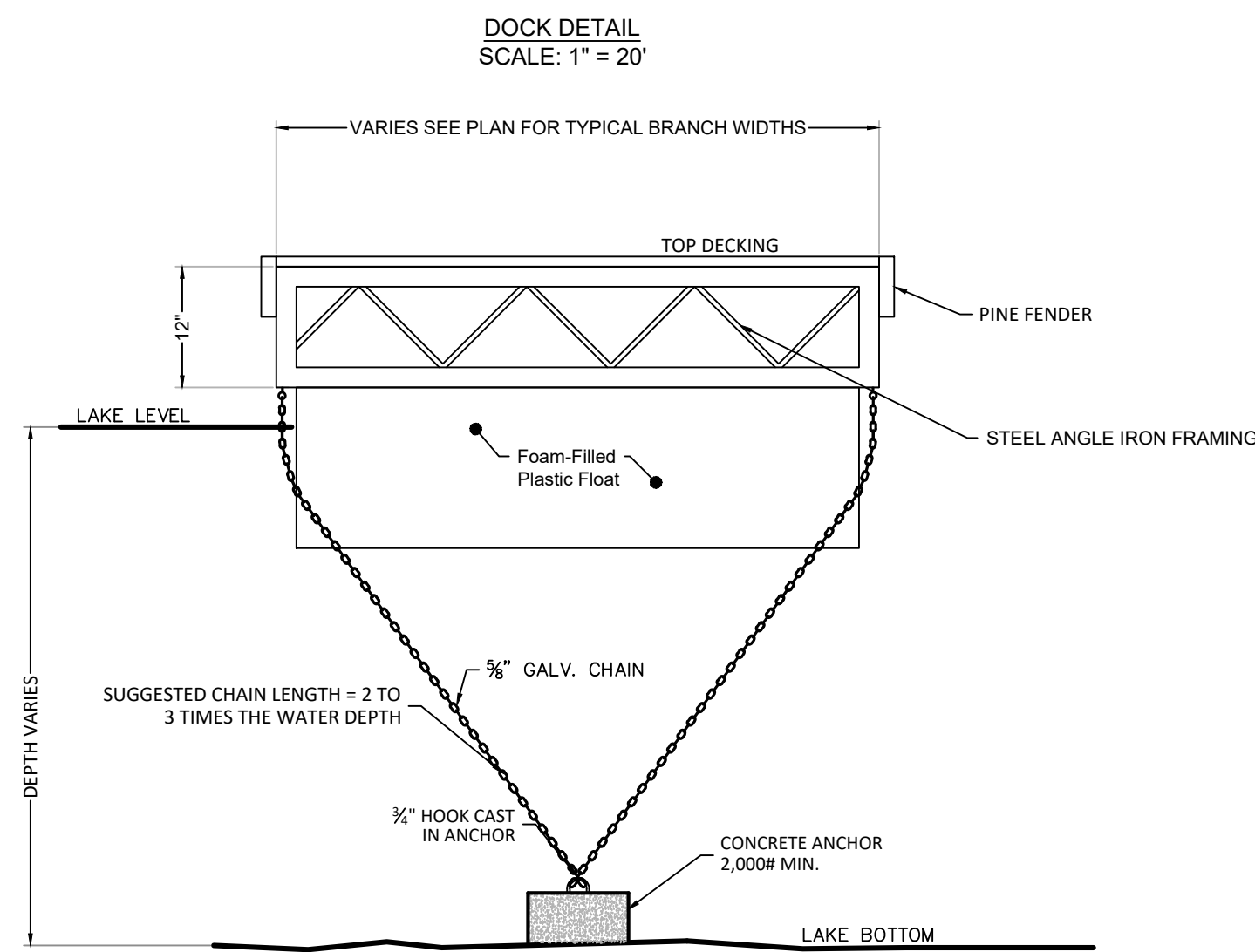
No.	Revision/Issue	Date



Project Name & Address
 Map prepared for
Olde Valcour & Snug Harbor Marina
 ~ Situate ~
 Stewart's Patent
 Town of Peru
 Clinton County State of New York

Project #	Sheet
24052	Moorings Exhibit
Date	10/10/2024
Scale	1" = 60'
Drawn	TJS
Checked	AJO
EX103	





No.	Revision/Issue	Date

RMS
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R M S P C . C O M

Project Name & Address
Map prepared for
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Town of Peru
Clinton County State of New York

Project #	24052	Sheet	DETAILS
Date	10/10/2024	Scale	D100
Drawn	LSC	Checked	AJO

Adirondack Park Agency
RECEIVED
Date: October 11, 2024

September 13th, 2024

New York State Department of Environmental Conservation
Regional Permit Administrator
PO Box 296
1115 NYS Route 86
Ray Brook, NY 12977-0296

NYS Office of General Services
Bureau of Land Management
39th Floor, Corning Tower
Empire State Plaza
Albany, NY 12242-0001

US Army Corps of Engineers New York District
CENAN-R-Permit-App@usace.army.mil

Re: Olde Valcour and Snug Harbor Marinas Joint Application Revision

Dear Permitting Committee:

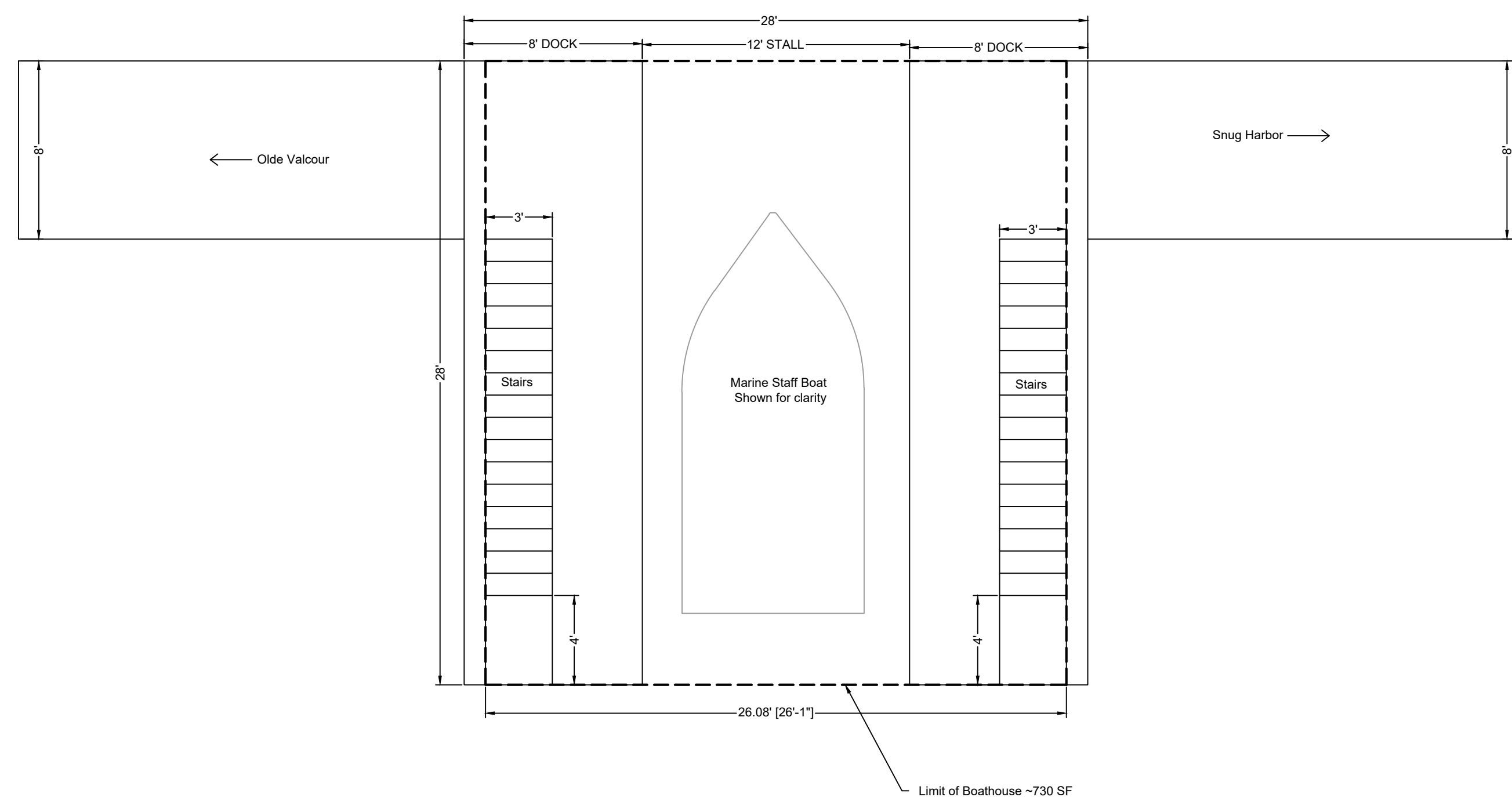
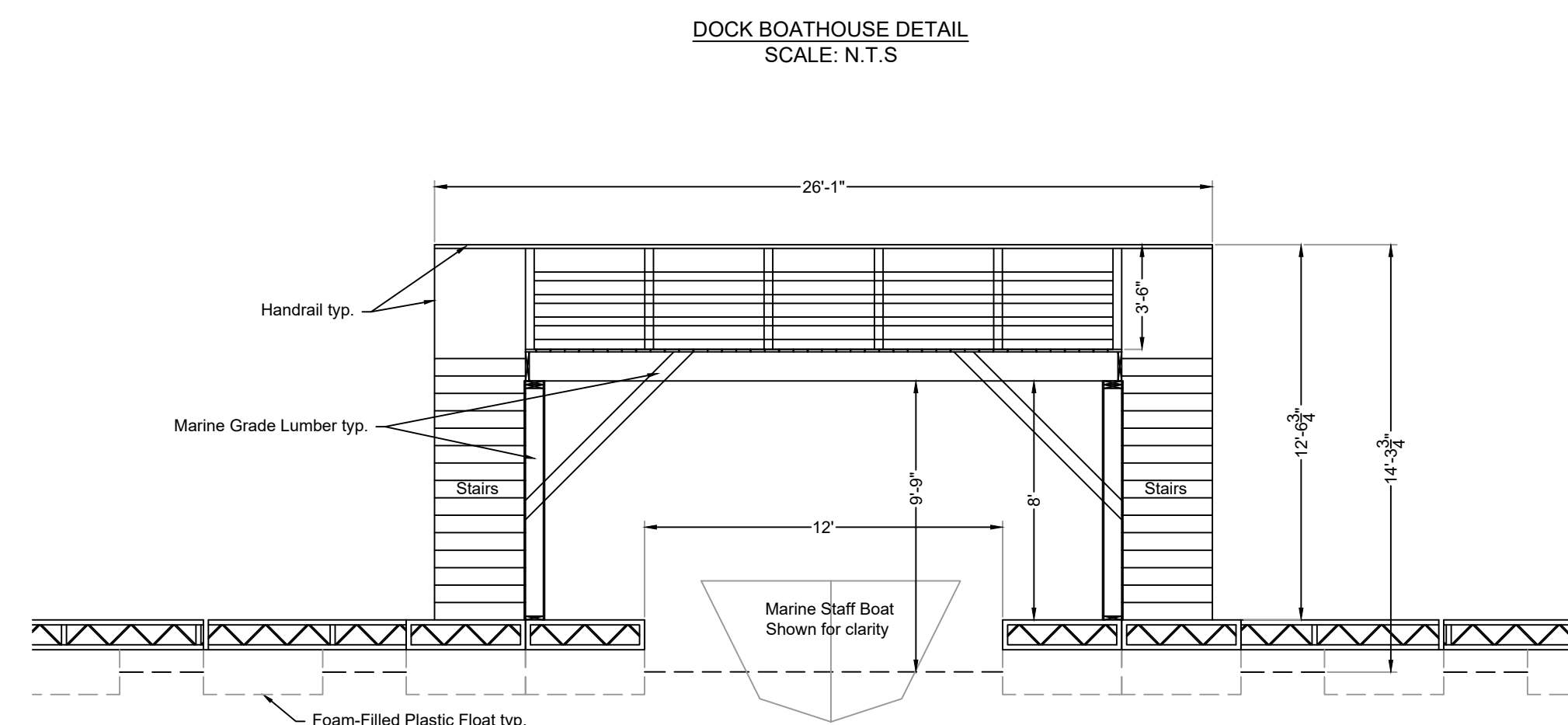
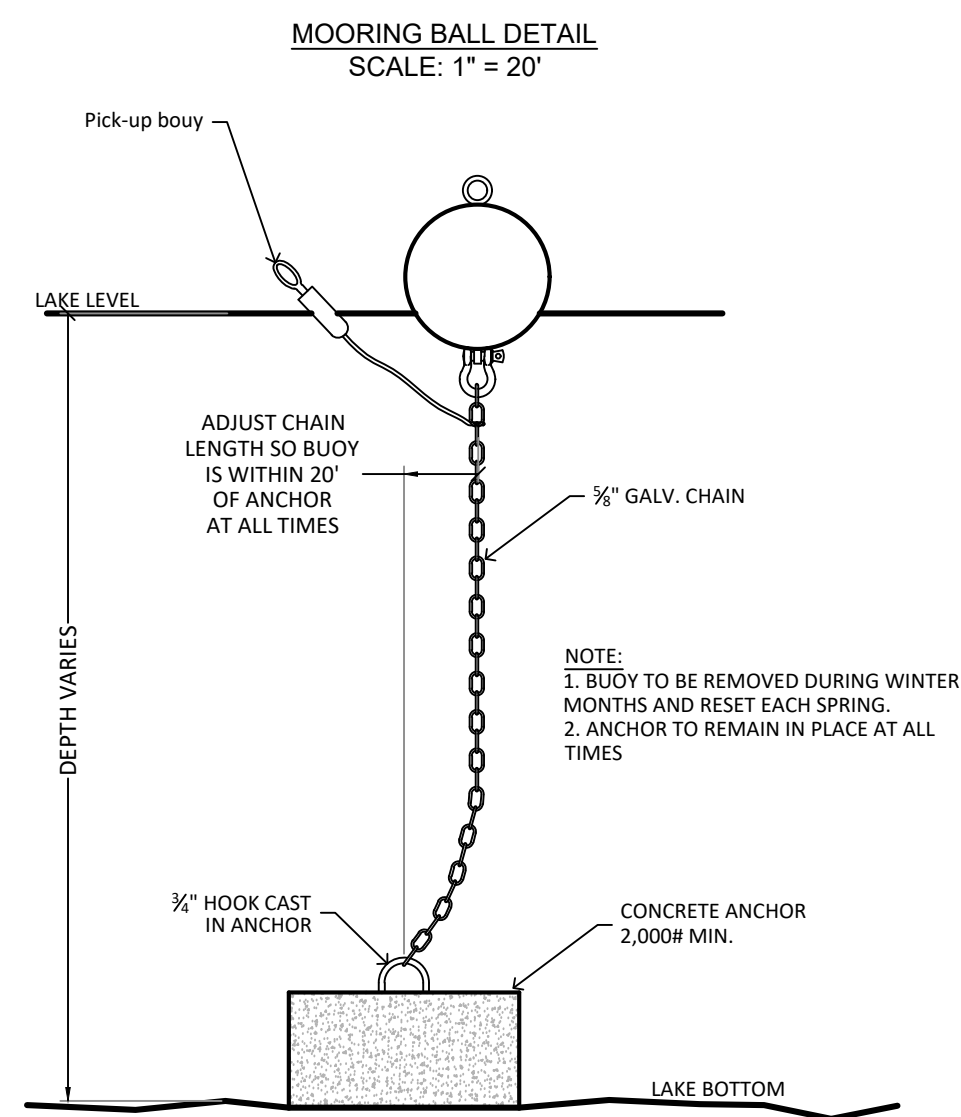
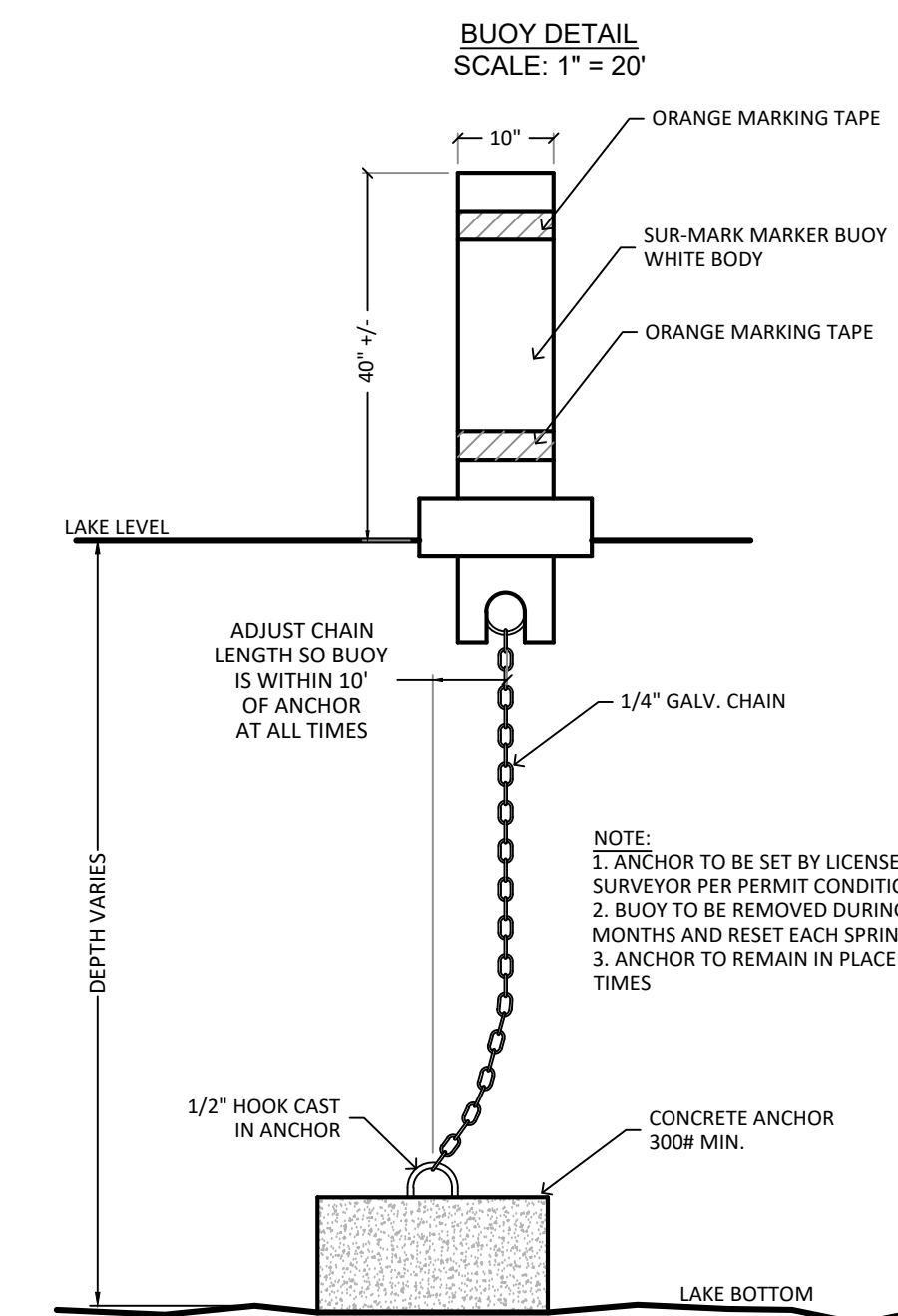
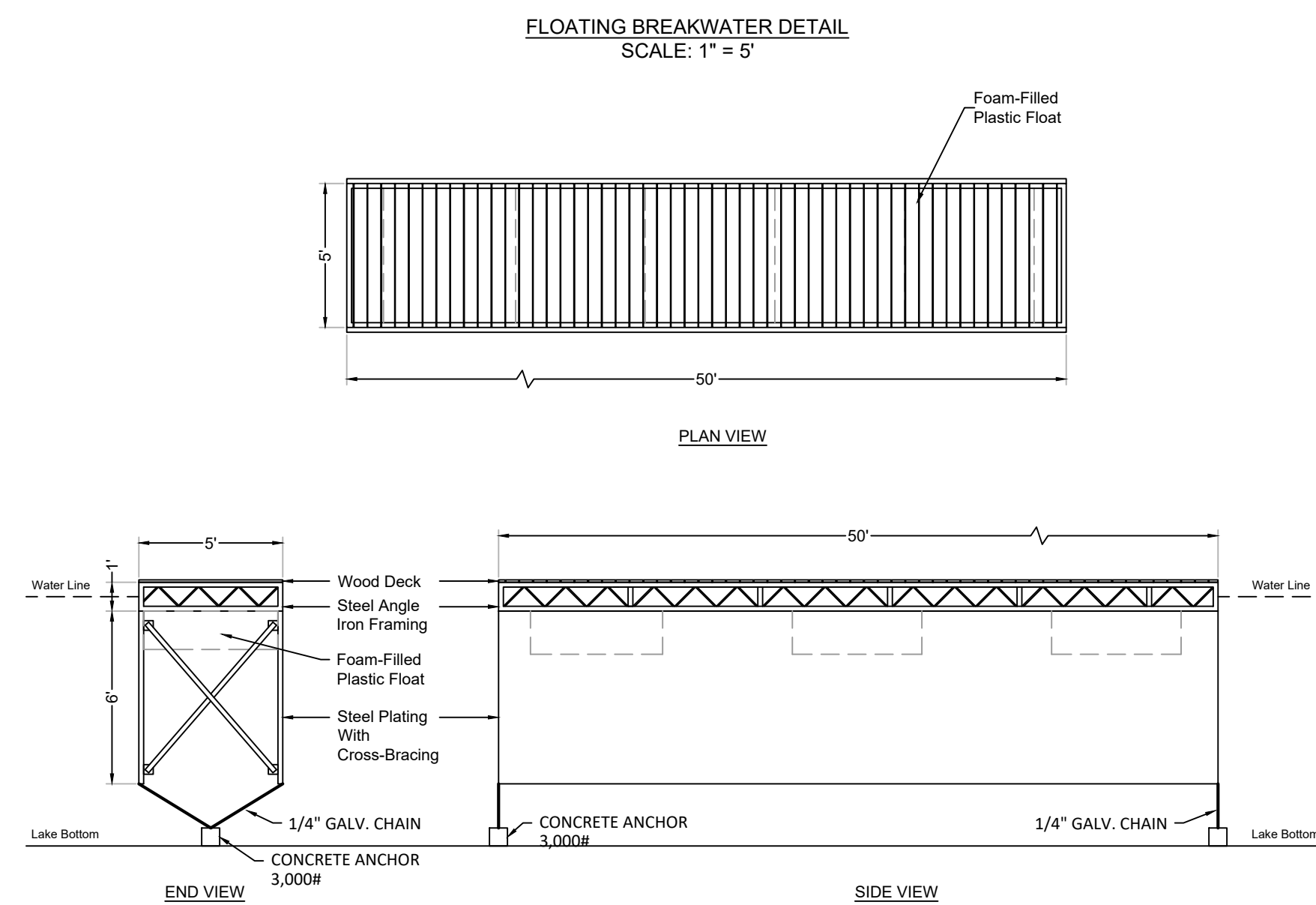
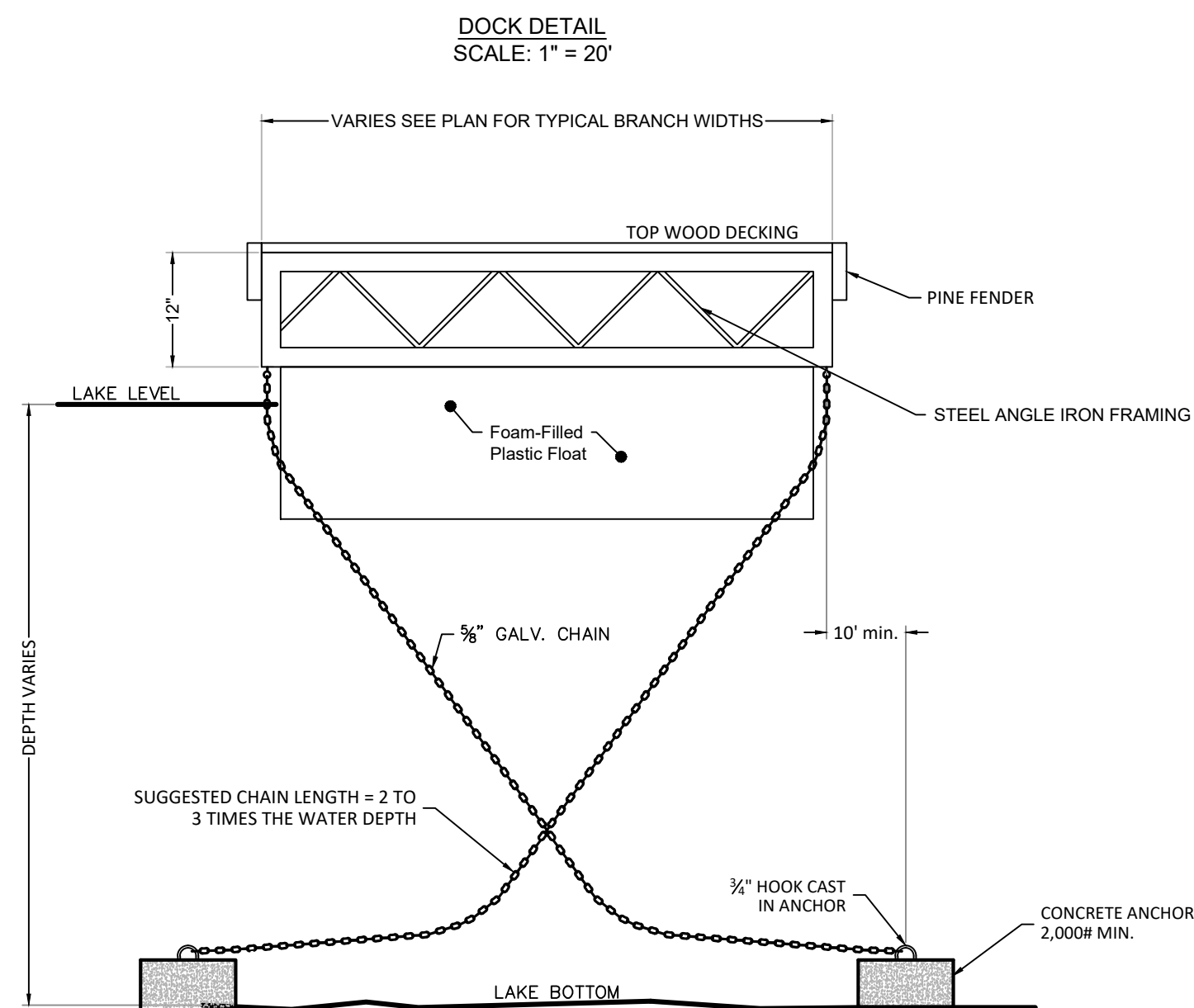
Enclosed you will find detail sheet D100 to supplement the joint application revised plans sent September 13, 2024.

If you have any further questions or require additional information, please do not hesitate to contact our office.

Respectfully submitted,



Thomas J. Sexton
Robert M Sutherland, PC



No.	Revision/Issue	Date

RMS
ROBERT M. SUTHERLAND P.C.
ENGINEERS - PLANNERS - SURVEYORS
SOIL & MATERIAL TESTING

11 MACDONOUGH STREET, PLATTSBURGH, NY 12901
518.561.6145 (PH) 518.561.2496 (FX)
R M S P C P C O M

Project Name & Address
Map prepared for
Olde Valcour & Snug Harbor Marina
~ Situate ~
Stewart's Patent
Town of Peru
Clinton County State of New York

Project #	24052	Sheet	DETAILS
Date	09/13/2024	Scale	D100
Drawn	LSC	Checked	AJO



From: [Aaron J. Ovios](#)
To: [Petith, Stephanie L \(APA\)](#)
Cc: [Magee, Corrie \(APA\)](#); kyleb@ferries.com
Subject: RE: P2024-0152 1st NIPA
Date: Wednesday, July 10, 2024 8:19:20 AM

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Stephanie

We are working on the response to the review letter, but wanted to let you know that our wetland biologist will have the site delineated and be present for the 7/26 inspection date.

Thank you

Aaron

AARON J. OVIDS, P.E.
PRESIDENT

RMS

ROBERT M. SUTHERLAND P.C.
11 MACDONOUGH STREET,
PLATTSBURGH, NY 12901
518.561.6145(PH)
518.561.2496 (FX)
RMSPC.COM

From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Friday, June 21, 2024 2:22 PM
To: Aaron J. Ovios <aj.ovios@rmspc.com>
Cc: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>; kyleb@ferries.com
Subject: P2024-0152 1st NIPA

Dear Mr. Ovios:

Please reply to this e-mail to indicate that the attached documents have been received by you, Aaron Ovios. By replying to indicate receipt, you consent to delivery of the attached documents by e-mail in lieu of certified mail.

Thank you,

Stephanie L. Petith

Administrative Assistant 1

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov

www.apa.ny.gov

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From: [Magee, Corrie \(APA\)](#)
To: [Kyle Bostwick](#); AJ.OVIOS@RMSPC.COM
Subject: RE: response letter to neighbors
Date: Monday, August 19, 2024 8:02:00 AM

Good morning, Kyle.

I will send your response letter to both folks today. And thank you on the deadline extension.

Corrie

From: Kyle Bostwick <kyleB@ferries.com>
Sent: Monday, August 19, 2024 7:45 AM
To: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>; AJ.OVIOS@RMSPC.COM
Subject: RE: response letter to neighbors

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Corrie, I think that you should send our response to the folks that sent them to you. As far as the date extension is concerned, we will accommodate your request to move this date to the 4th of Sept.

Thanks

Kyle Bostwick

Marina Manager

Ferry Dock Marina

www.ferrydockmarina.com

p: (802) 864-9804

e: kyleb@ferries.com



From: Magee, Corrie (APA) [<mailto:Corrie.Magee@apa.ny.gov>]
Sent: Friday, August 16, 2024 11:46 AM
To: Kyle Bostwick; AJ.OVIOS@RMSPC.COM
Subject: RE: response letter to neighbors

Thanks, Kyle. I'll save this to the project file.

Is this something you've also sent to the neighbors, or that you would like me to send to them?

Also, the Agency's 15-day review deadline for your recent 2nd NIPA submission falls on Thurs, Aug. 29. I am on vacation that week, and the following Monday is Labor Day. Would you all be willing to extend our response deadline to Wed, Sept. 4?

Thanks,
Corrie

From: Kyle Bostwick <kyleB@ferries.com>

Sent: Thursday, August 15, 2024 3:26 PM

To: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>; AJ.OVIOS@RMSPC.COM

Subject: response letter to neighbors

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon Corrie,

Please find our response to the two neighboring concerns you forwarded earlier.

Please do not hesitate to reach out with any questions,
thanks

Kyle Bostwick

Marina Manager

Ferry Dock Marina

www.ferrydockmarina.com

p: (802) 864-9804

e: kyleb@ferries.com





NOTICE OF INCOMPLETE PERMIT APPLICATION
APA Project No.: 2024-0152

Project Sponsor: Kyle Bostwick Valcour Island Marina 1 King Street Dock Burlington, VT 05401	Authorized Representative: Aaron Ovios, PE Robert M. Sutherland, PC 11 MacDonough Street Plattsburgh, NY 12901
---	---

Date Permit Application Received: June 11, 2024

Type of Project: Existing marina boat dock & breakwater reconfiguration

Location of Project: Town of Peru. Clinton County

Land Use Area: Moderate Intensity Use

Tax Map Nos.: 258.-2-12, 13.1, 13.3, 13.4, 2.1, 2.2, 2.3

Dear Aaron Ovios, PE:

Thank you for your permit application, received by the Agency on June 11, 2024. The application provided important information on the proposed project. As listed below, initial evaluation by Agency staff indicates that additional information is necessary to review the project and complete the application.

Please submit your response to this notice by e-mail to corrie.magee@apa.ny.gov and reference Project Number 2024-0152 in the subject line.

As discussed with Agency staff, a site visit is required to review the proposal and before the application can be determined complete. A site visit is currently scheduled for July 26, 2024 in the afternoon to evaluate wetlands and aquatic resources. Please provide a boat and operator for this site visit.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on the proposed project will begin.

The proposal may not be undertaken until a permit has been issued by the Agency. "Undertake" means any commencement of a material disturbance of land preparatory to the proposed project, including but not limited to road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots.

If you have any questions regarding this Notice of Incomplete Permit Application or the project review process, please contact Corrie Magee.

June 21, 2024
Date

/s/ Devan F. Korn
Devan F. Korn
Environmental Program Specialist 2 (EPS2)

Attachment: List of Requested Information

REQUESTED INFORMATION
APA Project No. 2024-0152

**Please submit your response to this notice by e-mail to corrie.magee@apa.ny.gov
All application submissions should be in PDF or similar format and be legible.
Electronic copies of plans must be fully scalable.**

1. Please clarify if an aquatic consultant will have completed an assessment of wetlands and aquatic resources related to the proposal prior to the July 26, 2024 site visit, as requested in the Agency's attached pre-application letter dated May 6, 2024. Please note that Agency verification of these resources as inventoried by an aquatic consultant must occur during the summer growing season and additional questions may be forthcoming following the site visit.
2. Please note that, as proposed, the replacement of the gas dock structures would require a variance from the Agency's shoreline restrictions. Agency Permit 94-379 authorized 10-foot wide dock structures, and since docks are measured in width, the proposed 24-foot-wide replacement docks would require a variance. In addition, the increase in covered dock structures by 256 square feet would also require a variance. The height of the existing and proposed replacement covered dock structures is unknown, so it is un-clear as to whether a height variance would also be required as proposed. Please evaluate alternatives for the un-covered and covered gas dock structures that would not require an Agency variance from the shoreline restrictions.
3. Please provide additional justification for the increased number of boat slips and describe what size boats are proposed to be accommodated by all boat slips on site. Please also provide a revised site plan that shows the existing and expanded boat count plan.
4. Please provide site plans and/or a description that shows that the replacement docks and structures will be installed using best management practices to minimize temporary impacts to water quality during construction and installation. Please confirm that dredging is not proposed. In addition, the proposal involves work within a navigable waterway. To provide for a coordinated review, please submit an application to NYSDEC and copy the Agency on any comments, approvals, or correspondence.
5. Will the proposed floating docks be removed in the winter, or remain in place utilizing ice bubblers? If ice bubblers are already being utilized on site, will additional ice bubblers be required for the proposed increase in dock area?
6. Please revise the site plans to clearly indicate the mean high water mark of Lake Champlain and the 50-foot shoreline setback from mean high water. Also, there are several arrow call-outs shown on the plans that do not appear to correspond with a line or other reference.
7. The narrative indicates that the existing marina facilities are served by public sewer. Please provide written confirmation from the Town of Peru that the public sewer system has capacity to accommodate the increase in boat patrons.

8. The application materials provide detailed operating hours. Are these hours consistent with the current operating hours of the various facilities on the project site, or is there any expansion of operating hours proposed?
9. Please described the indoor and/or outdoor boat storage on site and whether or not it has the capacity to accommodate 24 additional boats.
10. The application narrative states that there is no proposed increase in parking for the proposed expansion. Please clarify where the proposed 24 additional boat patrons will park during summer peak hours of operation, with a proposed total of 302 boat slips/moorings and continuation of existing services (such as the restaurant, etc.).
11. The project site is located within an archeological buffer on available mapping from the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) and contains structures greater than 50 years old. A consultation with OPRHP has been initiated by the Agency to determine if the proposal will result in undue adverse impacts to archeological resources or structures eligible or included in the National Register of historic places. The application will remain incomplete until a response from OPRHP has been received. Please note, additional information may be requested if required by OPRHP.
12. There appear to be numerous existing structures located entirely within or partially within the 50-foot shoreline setback area. Please confirm that no replacement structures above the mean high water mark and within the 50-foot shoreline setback will result in any of the following:
 - The location of the structure closer to the mean high water mark;
 - An increase in height;
 - An increase in footprint; or
 - An increase in width.

Enc: A2024-0037 EPS Letter
Shoreline Restrictions Flyer



SECOND NOTICE OF INCOMPLETE PERMIT APPLICATION
APA Project No. 2024-0152

Table with 2 columns: Project Sponsor (Kyle Bostwick, Valcour Island Marina) and Authorized Representative (Aaron Ovios, Robert M. Sutherland).

Date Permit Application Received: June 11, 2024
Type of Project: existing marina boat dock expansion & breakwater re-configuration
Location of Project: Town of Peru, Clinton County
Land Use Area: Moderate Intensity Use
Tax Map Nos.: 258.-2-12, 13.1, 13.3, 13.4, 2.1, 2.2, 2.3

Dear Aaron Ovios, PE:

Thank you for the recent submission in relation to APA Project No. 2024-0152, received by the Agency on July 25, 2024 and for meeting with Agency staff on site on July 26, 2024.

Based upon staff review of your proposal and the information submitted in response to the Agency's June 21, 2024 NIPA, the following questions must be addressed in order to review your application.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on your proposed project will begin.

The proposal may not be undertaken until a permit has been issued by the Agency. "Undertake" means any commencement of a material disturbance of land preparatory to the proposed project...

If you have any questions regarding this Notice or the project review process, please contact Environmental Program Specialist 1 (EPS1) Corrie Magee.

August 9, 2024
Date

/s/ Devan F. Korn
Devan F. Korn
Environmental Program Specialist 2 (EPS2)

Attachment: List of Requested Information

REQUESTED INFORMATION
APA Project No. 2024-0152

**Please submit your response to this notice by e-mail to corrie.magee@apa.ny.gov
All application submissions should be in PDF or similar format and be legible.
Electronic copies of plans must be fully scalable.**

1. At the July 26, 2024 site visit, the assessment of aquatic resources was on-going. Accordingly, please show the wetland delineation as completed by the aquatic consultant to date, as well as all areas of jurisdictional wetlands within the Lake Champlain portion of the project site on revised project plans. For clarification, areas of submerged aquatic vegetation (SAV) are considered jurisdictional wetlands for Agency purposes if they are located within water depths of 2 meters or less, as measured from the mean low water mark (or from average summer water depths for practical purposes) and the SAV beds are at least 200 square feet in size with 100% substrate coverage of plants or at least 600 square feet in size with at least 33% substrate coverage of plants. Please revise the project plans to depict the 2-meter water depth contour as described above. Please also identify any areas of SAV within 2 meters of water depth that are at least 20 contiguous acres in size that overlap the project site, including any areas that may extend off the project site.
2. Please have the Local Government Notice Form completed, signed by the appropriate town official and submitted to the Agency. The form provided with the application materials was not completed by a town official.
3. The proposal involves the placement of structures on lands owned by the State of New York and under the jurisdiction of the Office of General Services (NYSOGS). Please provide a letter, permit, or other written authorization stating that the NYSOGS will allow construction and maintenance of the proposed structures on these State lands.
4. The proposed dock bridge shown on the site plans, is a 72.2-foot-long structure that is elevated above the other dock sections and is not parallel to the water surface. This structure does not meet the Agency's definition of a dock and would therefore require a variance from the Agency's shoreline restrictions. Please utilize the attached Appendix B to evaluate non-jurisdictional alternatives and revise the proposal so that the dock system does not require an Agency variance.
5. To provide for a coordinated review, please copy the Agency on all correspondence, comments, and approvals from NYS Department of Environmental Conservation, US Army Corps of Engineers, and NYS Office of General Services.
6. Please revise the site plans to show the locations of all existing travel trailers on the project site that currently comprise the existing campground.
7. The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) has responded to the Agency's initial request for consultation. They indicate that the

Aaron Ovios, PE

August 9, 2024

Page 3 of 3

project area is within the Valcour Bay Historic District, which is listed on the National Register of Historic Places. They have reviewed the project narrative and plans and have no concerns with potential impacts to above-ground resources as proposed. However, their archaeology team has requested the following information in order to complete their review. Accordingly, please provide the following to be submitted to OPRHP:

- A narrative describing the type (driving, excavation, grading, etc.) and extent (8-inch driven, length, width and depth) of all ground and lake-bed disturbing impacts; and
- A list of all Agencies involved with the proposed project and the contact information for their reviewers.

If you have questions regarding this item, please contact OPRHP's Josalyn Ferguson at (518) 268-2166.

Enc: Local Government Notice Form
Appendix B



THIRD NOTICE OF INCOMPLETE PERMIT APPLICATION
APA Project No. 2024-0152

Project Sponsor: Kyle Bostwick Valcour Island Marina 1 King Street Dock Burlington, VT 05401	Authorized Representative: Aaron Ovios, PE Robert M. Sutherland, PC 11 MacDonough Street Plattsburgh, NY 12901
---	---

Date Permit Application Received: June 11, 2024

Type of Project: existing marina boat dock expansion & breakwater re-configuration

Location of Project: Town of Peru, Clinton County

Land Use Area: Moderate Intensity Use

Tax Map Nos.: 258.-2-12, 13.1, 13.3, 13.4, 2.1, 2.2, 2.3

Dear Aaron Ovios, PE:

Thank you for the recent submission in relation to APA Project No. 2024-0152, received by the Agency on August 14, 2024. The submission provided important information in response to the Agency’s August 9, 2024 Second Notice of Incomplete Permit Application (Second NIPA).

Based upon staff review of your proposal and the information submitted in response to the Agency’s Second NIPA, the following questions must be addressed in order to review your application. Also, as outlined below, some of the information requested in the Second NIPA was not submitted and is required to review the application.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on your proposed project will begin. The proposal may not be undertaken until a permit has been issued by the Agency.

“Undertake” means any commencement of a material disturbance of land preparatory to the proposed project, including but not limited to road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots.

If you have any questions regarding this Notice or the project review process, please contact Environmental Program Specialist 1 (EPS1) **Corrie Magee**.

September 4, 2024

/s/ John M. Burth
John M. Burth
Environmental Program Specialist 3 (EPS3)

Attachment: List of Requested Information

REQUESTED INFORMATION
APA Project No. 2024-0152

**Please submit your response to this notice by e-mail to corrie.magee@apa.ny.gov
All application submissions should be in PDF or similar format and be legible.
Electronic copies of plans must be fully scalable.**

1. The submerged aquatic vegetation (SAV) mapping, prepared by B. Laing Associates and received by the Agency on August 14, 2024, depicts the SAV with a polygon that is open-ended on the southern end of the project site. Please clarify if this is the southern extent of SAV. If the SAV extends further to the south, it will need to be shown on revised project plans, updated wetland impact figures, and an overall size (in acres) of the SAV bed within the Adirondack Park will need to be provided.
2. The conclusion that the proposed dock re-configuration and expansion will have less of an impact on submerged wetlands than the current permitted plan appears to only account for the square footage associated with the floating docks. Please provide figures, in square feet, for the amount of wetland impact associated with concrete anchor blocks (as well as any other structures placed on the lake bottom in wetlands) for both the currently permitted plan and for the proposed plan.
3. The plan view drawing of the proposed boathouse shows an access dock section on the right side of the structure, but not on the left side. Please confirm that the proposed boathouse would include an access dock on the left side of the structure. As measured in Bluebeam, the right portion of parallel dock that includes the stairway landing area, as measured from the exterior of the boathouse wall to the outer edge of the dock, is 9 feet 1 inch in width. Please revise the plan view drawing of the boathouse (and other site plans as necessary) to include parallel docks on both sides of the proposed boathouse that are a maximum of 8 feet in width.
4. The Second NIPA response included the NYSOGS lease for currently permitted conditions, which expires on September 26, 2024. As requested in the Second NIPA, please provide a letter, permit, or other written authorization stating that the NYSOGS will allow construction and maintenance of the proposed and expanded structures on these State lands, including the proposed boathouse.
5. The Second NIPA response included the Joint Application submitted to NYS Department of Environmental Conservation (NYSDEC), NYS Office of General Services (NYSOGS) and the US Army Corps of Engineers. That application included the dock bridge proposal, which is no longer proposed. Please provide confirmation that the Joint Application being reviewed by the Agencies includes the currently-proposed boathouse.

Aaron Ovios, PE
September 4, 2024
Page 3 of 3

Please continue to provide for a coordinated review by copying the Agency on all correspondence, comments, and approvals from NYSDEC, NYSOGS, and the US Army Corps of Engineers.

6. The NYS Historic Preservation Office (SHPO) has accepted the additional information provided on August 14, 2024 in response to their request. However, they have not yet issued a determination of their findings. The Agency application will remain incomplete until the SHPO determination is received.

Cc: Katy Sweet, NYSDEC
Joselyn Ferguson, SHPO
Ralph Hill, NYSOGS



FOURTH NOTICE OF INCOMPLETE PERMIT APPLICATION
APA Project No. 2024-0152

Project Sponsor: Kyle Bostwick Valcour Island Marina 1 King Street Dock Burlington, VT 05401	Authorized Representative: Aaron Ovios, PE Robert M. Sutherland, PC 11 MacDonough Street Plattsburgh, NY 12901
---	---

Date Permit Application Received: June 11, 2024
Type of Project: existing marina boat dock expansion & breakwater reconfiguration
Location of Project: Town of Peru, Clinton County
 Land Use Area: Moderate Intensity Use
 Tax Map Nos.: 258.-2-12, 13.1, 13.3, 13.4, 2.1, 2.2, 2.3

Dear Aaron Ovios, PE:

Thank you for the recent submission in relation to APA Project No. 2024-0152, received by the Agency on October 11, 2024. The submission provided important information in response to the Agency’s September 4, 2024 Third Notice of Incomplete Permit Application (NIPA).

The proposal involves the placement of structures on lands owned by the State of New York and managed by the Office of General Services (OGS). As requested in the Second and Third NIPAs, please provide a letter, permit, or other written authorization stating that OGS will allow construction and maintenance of the proposed structures on these state lands. A signature from OGS, on behalf of the State of New York as landowner, is required for a complete application.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on your proposed project will begin.

The proposal may not be undertaken until a permit has been issued by the Agency. “Undertake” means any commencement of a material disturbance of land preparatory to the proposed project, including but not limited to road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots.

If you have any questions regarding this Notice or the project review process, please contact Environmental Program Specialist 1 (EPS1) **Corrie Magee**.

October 25, 2024
Date

/s/ Devan F. Korn
Devan F. Korn
Environmental Program Specialist 2 (EPS2)

Cc: Katy Sweet, NYSDEC
Ralph Hill, NYSOGS



September 24, 2024

Aaron Ovios, PE
Robert M. Sutherland, PC
11 MacDonough Street
Plattsburgh, NY 12901

**Re: APA Project 2024-0152
Town of Peru, Clinton County
Land Use Area: Moderate Intensity Use
Tax Map Nos.: 258.-2-12, 13.1, 13.3, 13.4, 2.1, 2.2, 2.3**

Dear Aaron Ovios, PE:

Thank you for the recent submission in relation to APA Project No. 2024-0152, received on September 13, 2024. The submission provided important information in response to the Agency's September 4, 2024 Third Notice of Incomplete Permit Application (NIPA). As a result, Item 3 of the Third NIPA is satisfied. In addition, the NYS Historic Preservation Office (SHPO) provided a determination on September 4, 2024 that the proposed project would not have an adverse impact on historic resources. As a result, Item 6 of the Third NIPA is also satisfied.

The remaining information required by the Agency's Third NIPA is still required to review the application. A copy is enclosed for your convenience. You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on the proposed project will begin.

If you have any questions regarding this letter or the project review process, please contact me at (518) 891-4050.

Sincerely,

/s/ Corrie Magee

Corrie Magee
Environmental Program Specialist 1 (EPS1)

Attachment: September 4, 2024 Third NIPA

cc: Kyle Bostwick
Katy Sweet, NYSDEC
Ralph Hill, NYSOGS

From: [Magee, Corrie \(APA\)](#)
To: [Aaron J. Ovios](#)
Cc: [Hill, Ralph W \(OGS\)](#); [Sweet, Kathryn B \(DEC\)](#)
Subject: RE: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response
Date: Tuesday, November 26, 2024 1:43:00 PM
Attachments: [OGS-Letter-PreviouslyPermittedConditions.pdf](#)
[P2024-0152-OPRHP-NoImpactLetter.pdf](#)

Thanks, Aaron.

All the APA needs is another similar letter to the attached, that pertains to OGS review of the proposed expansion that DEC and APA are also reviewing.

It looks like OGS will be requesting documentation of the consultation/determination by OPRHP. I've attached that to this email, too, so you have it handy when the time comes.

Thanks,
Corrie

From: Aaron J. Ovios <aj.ovios@rmspc.com>
Sent: Friday, November 22, 2024 2:24 PM
To: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>
Subject: RE: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response

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Corrie,

We had a talk with OGS, and they are good with the project and have asked us to submit the proposed plan as they will move forward with that rather than doing it twice.

That being said, they are still a little confused on the requirement to sign the application as they said they have never done that before.

Not sure if you can reach out to Ralph and see what we can do to resolve this.

Thanks

Aaron

AARON J. OVIOS, P.E.
PRESIDENT

RMS

ROBERT M. SUTHERLAND P.C.
11 MACDONOUGH STREET,
PLATTSBURGH, NY 12901
518.561.6145(PH)
518.561.2496 (FX)
RMSPC.COM

From: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>
Sent: Friday, November 22, 2024 10:42 AM
To: Aaron J. Ovios <aj.ovios@rmspc.com>
Subject: FW: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response

From: Hill, Ralph W (OGS) <Ralph.Hill@ogs.ny.gov>
Sent: Friday, November 22, 2024 9:27 AM
To: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>
Subject: RE: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response

Here you go Corrie. Have a good weekend.

Ralph W. Hill, PLS
Real Estate Officer 1

Office of General Services | Division of Real Estate | State Asset and Land Management
40th Floor, Corning Tower, ESP, Albany, NY 12242
518-474-2195 | ralph.hill@ogs.ny.gov
www.ogs.ny.gov

From: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>
Sent: Tuesday, October 22, 2024 12:00 PM
To: Hill, Ralph W (OGS) <Ralph.Hill@ogs.ny.gov>
Subject: FW: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response

Hi Ralph,

Attached is that example letter I mentioned on our call.

Thanks!
Corrie

From: TJ Sexton <tj.sexton@rmspc.com>

Sent: Friday, October 11, 2024 10:46 AM

To: dec.sm.DEP.R5 <DEP.R5@dec.ny.gov>; OGS.sm.Land Under Water <OGS.sm.LandUnderWater@ogs.ny.gov>; CENAN-R-Permit-App@usace.army.mil

Cc: Magee, Corrie (APA) <Corrie.Magee@apa.ny.gov>; Sweet, Kathryn B (DEC) <Kathryn.Sweet@dec.ny.gov>; Gillman, Meredith S (DEC) <Meredith.Gillman@dec.ny.gov>; Neely, Melissa A (DEC) <melissa.neely@dec.ny.gov>; Kane, Patrick M (DEC) <patrick.kane@dec.ny.gov>; Dustin.A.Dorr@usace.army.mil; Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>; Hill, Ralph W (OGS) <Ralph.Hill@ogs.ny.gov>; AJ.OVIOS@RMSPC.COM

Subject: Snug Harbor and Olde Valcour Marinas - APA #2024-0152 3rd NIPA & DEC #5-0940-00011/00005 NOIA Response

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi All,

Attached you will find our response letter to the subject matters referenced above along with Revised Project Plans. Physical copies have been mailed to the respective agencies, as necessary (NYSOGS & NYSDEC). If you have any questions, please do not hesitate to contact our office.

Thank you,

THOMAS J. SEXTON
CIVIL ENGINEER

RMS

Robert M. Sutherland P.C.
11 MACDONOUGH STREET,
PLATTSBURGH, NY 12901
518.561.6145 (PH)
518.561.2496 (FX)
RMSPC.COM



November 22, 2024

Corrie Magee
NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Katy Sweet
New York State Department of Environmental Conservation
1115 NYS Route 86, Ray Brook, NY 12977

Re: Snug Harbor/Olde Valcour Marina
Applicant: Lake Chaplain Transportation Company
Waterbody: Lake Champlain
Town of Peru, County of Clinton

Our office has reviewed the application of Lake Champlain Transportation Company for the Snug Harbor and Olde Valcour Marinas.

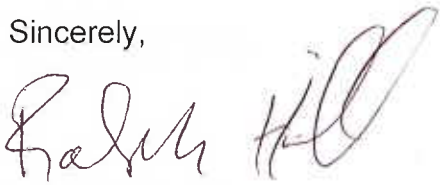
We have no concerns with the application and layout of the marinas.

We will ask the applicant to provide the following two items to complete our review.

- Applicant Action: Provide OGS a copy of your consultation with OPRHP.
- Applicant Action: Specify on plan drawings the location and dimension of the ADA accessible slips. Also provide a profile drawing identifying all associated grade transitions and dimensions between land and the designated slips such that ADA requirements are met.

Should you have any questions, please do not hesitate to contact this office at (518) 474-2195.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph Hill". The signature is written in dark ink and is positioned above the printed name.

Ralph Hill, PLS

Real Estate Officer 1

State Asset & Land Management



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner *Pro Tempore*

September 4, 2024

Corrie Magee
New York State Adirondack Park Agency
PO Box 99
1133 State Route 86
Ray Brook, NY 12977

Re: USACE
Valcour Island Marina Dock and Breakwater Reconfigurations (No On-Shore Impacts)
State Route 9 (Tax Parcel 258.-2-2.1, 2.2, 2.3, 12, 13.1,13.3 and 13.4), Town of Peru,
Clinton County, NY
24PR05840
P2024-0152

Dear Corrie Magee:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

The NYSHPO has reviewed the provided documents and information. We note that the proposed project's Area of Potential Effects (APE) is located within the Valcour Bay National Register Listed Building District (90NR00171). Based on our review, it is the opinion of the NYSHPO that this undertaking will have no adverse effects on properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places

If you have any questions, I can be reached at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Josalyn".

Josalyn Ferguson, Ph.D.
Scientist – Archaeology

via email only

Clinton County Legislature

Clinton County Government Center
137 Margaret Street, Suite 208
Plattsburgh, New York 12901
(518) 565-4600 - Phone
(518) 565-4616 - Fax

June 13, 2024



RECEIVED
ADIRONDACK PARK AGENCY

JUN 17 2024

Mark R. Henry
Chairperson
Legislative Area 3

Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Robert E. Hall
Deputy Chairperson
Legislative Area 10

Re: Letter of Support – Lake Champlain Transportation's Revitalization Project for Snug Harbor Marina

Patty A. Waldron
Democratic Leader
Legislative Area 6

Dear Adirondack Park Agency:

Rob B. Timmons
Republican Leader
Legislative Area 7

On behalf of the entire Clinton County Legislature, I am pleased to provide this letter of support for Lake Champlain Transportation's (LCT) proposed acquisition and revitalization of Snug Harbor Marina located at 4013 Route 9, Plattsburgh, New York. The transformation of this site into a premier commemorative waterfront park promises enduring positive impacts on our community. The historical significance of naval battles on Lake Champlain, coupled with the park's provision of free public access to the waterfront, improved railway crossing safety and a distinguished venue for public gatherings and military tributes, will undoubtedly elevate the community's overall quality of life for residents and visitors alike.

Calvin T. Castine
Legislative Area 1

Francis J. Peryea
Legislative Area 2

As Chairman of the Legislature and a dedicated advocate for our community, I believe LCT's involvement will bring much-needed improvements to this marina, which has sadly suffered from neglect over the years. LCT, with its extensive experience operating the ferry company on Lake Champlain for over 50 years, has demonstrated a commitment to environmental stewardship and regulatory compliance. The proposed enhancements by LCT are crucial for improving safety for boaters and ensuring the sustainability of the area Snug Harbor occupies. LCT's planned upgrades will undoubtedly enhance the boating experience and contribute positively to the local community.

David G. Bezio
Legislative Area 4

Kevin J. Randall
Legislative Area 5

Wendell K. Hughes
Legislative Area 8

Please consider this letter as our endorsement of LCT's renovation plans for Snug Harbor Marina. We urge the Adirondack Park Agency to support this initiative, as it reflects our shared objective of preserving and enhancing the natural beauty and recreational opportunities in Lake Champlain and the Adirondack Park.

Joshua A. Kretser
Legislative Area 9

Staff

Michael E. Zurlo
County Administrator

Clinton County looks forward to collaborating with LCT as a partner for many decades to come. We are hopeful that the Adirondack Park Agency will give this request their full consideration. Thank you in advance and should you have any questions, please contact me at (518) 565-4600.

Kim M. Kinblom
Deputy County Administrator

Jacqueline M. Kelleher
County Attorney

Gary L. Favro
Assistant County Attorney

Sincerely,

Mark R. Henry
Chairperson, Clinton County Legislature

MRH/eml

JUN 14 2024

DENNIS D. CURTIN
22 Spitfire Drive
Plattsburgh, New York 12901

June 11, 2024

NYS Adirondack Park Agency
P.O. Box 99
1133 NYS 86
Ray Brook, New York 12877

Re: *Valcour Marina, Peru, New York*
Application of Lake Champlain Transportation

Dear Sir/Madam:

I am writing in support of the application of Lake Champlain Transportation (“LCT”) to reconfigure, modernize, and make needed safety improvements to the Valcour Marina in Peru, New York.

A. Background

I am a lifelong resident of Plattsburgh/Peru, and a recently retired attorney. During my years of private practice, I worked on a large number of commercial and industrial real estate projects. I also was a long-time County Attorney for the County of Clinton, and the Town Attorney for the Town of Peru. I practiced before many planning boards and zoning boards of appeal, and often served as special counsel to the Planning Board and Zoning Board of Appeals for the Town of North Elba. I am an avid boater and first started visiting Bill’s Sports Shop (now Valcour Marina) back in the 1960s. I have kept my boat at the Valcour Marina for the past several years and I am very familiar with the marina and its storied history.

B. Basis of Support of LCT Application

The Valcour Marina is one of the oldest marinas on the western shores of Lake Champlain and is situated on an ideal location – on the broad lake just across from Valcour Island, with sweeping views of the Green Mountains. Unfortunately, little capital was invested over the past decades, leading to deferred maintenance, an outdated and inefficient dock and mooring system, and safety concerns. The Valcour Marina requires the large capital investment proposed by LCT to modernize the docks and mooring field and make the marina safe for boaters and their boats.

Some of the required improvements proposed by LCT include:

1. Modern Dock System

Replacing the outdated 1980's wooden docks with a modern metal dock system. As Lake Champlain's ferry operator, and with marina operation experience gained from two other marinas owned and operated on Lake Champlain, LCT has the capital, equipment, and experience to manufacture, install, and maintain the proposed new dock system and breakwaters.

2. Efficient, Modern Dock Layout

LCT's proposal to redesign the dock layout to make it more efficient and safe, which will also result in a modest (<5%) expansion. The expansion will be an environmental benefit, as each boat on a slip equates to one less boat being repeatedly put in and out at a boat launch with the risk of the introduction of invasive species into Lake Champlain.

3. New Breakwater System for Boater Safety

The proposed realignment, replacement, and modernization of the breakwaters will provide additional wind protection and wave remediation for the much-required safety of boaters and boats. Strong prevailing winds and waves from the south build up the broad lake and present dangerous conditions with the current breakwater system. Also, LCT is proposing modern breakwaters and removing the existing tire breakwaters, which are an environmental concern and an eyesore.

4. "Dock Bridge" for Safety

The dock "bridge" connecting the north and south dock systems will provide invaluable safety to boaters and boats, as LCT staff will be able to quickly come to the aid of boats and boaters. Under the current configuration, the north and south docks are not connected, so to get from one dock system to the next, staff have to climb a flight of stairs, walk to Route 9, traverse Route 9, and then walk down to another set of stairs to get to the other dock system. This is a major safety concern, as it takes much longer to get from one dock system to the other, and after leaving the dock and traversing Route 9, staff lose sight of the boaters and boats in need of assistance.

5. Reduction of Slips of Mooring Field to Increase Safety of Moored Boats


LCT proposes eliminating the moorings which lie in the pathway taken by boaters to enter and leave the marina. By clearing this path of moorings, the safety of boats and boaters entering and leaving the marina will be materially increased by the removal of these moorings.

6. Environmental Stewardship, Regulation Compliance, and Safety

LCT operates the ferry system and two marinas on Lake Champlain and has a long history of environmental stewardship, regulatory compliance, and safety.

In summary, the above-mentioned improvements and safety measures proposed by LCT will materially improve Valcour Marina and the experience of boaters, and I emphatically support LCT's application.

Sincerely,



Dennis D. Curtin

From: [Lynch, Ariel D. \(APA\)](#)
To: [Petith, Stephanie L. \(APA\)](#)
Cc: [Magee, Corrie \(APA\)](#); [Korn, Devan F. \(APA\)](#); [Burth, John M. \(APA\)](#); [Plante, David \(APA\)](#)
Subject: FW: Proposed Expansion of the Application of Snug Harbor and Olde Valcour Marinas
Date: Thursday, November 14, 2024 11:28:04 AM
Attachments: [Outlook-Irjlasim.png](#)
[Letter to NYS APA re Opposition to Proposed Expansion 11-14-24.pdf](#)

Hi Steph,

Please save the attached comment letter to the R-drive file for P2024-0152. It arrived via the JIF mailbox and was forwarded to APASubmissions.

Thanks,
Ariel

Ariel Lynch (she/her/hers)
Environmental Program Specialist 3

Adirondack Park Agency
P.O. Box 99
1133 State Route 86
Ray Brook, NY 12977

(518) 891-4050 | ariel.lynch@apa.ny.gov
www.apa.ny.gov

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From: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>
Sent: Thursday, November 14, 2024 10:30 AM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; Korn, Devan F (APA) <Devan.Korn@apa.ny.gov>; Lynch, Ariel D (APA) <Ariel.Lynch@apa.ny.gov>; Plante, David (APA) <David.Plante@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: FW: Proposed Expansion of the Application of Snug Harbor and Olde Valcour Marinas

From: apa.sm.Jurisdictional_Inquiry_Forms <Jurisdictional_Inquiry_Forms@apa.ny.gov>
Sent: Thursday, November 14, 2024 10:29:44 AM (UTC-05:00) Eastern Time (US & Canada)
To: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>
Subject: FW: Proposed Expansion of the Application of Snug Harbor and Olde Valcour Marinas

This email and attached letter appears to be related to Project 2024-0152. If so,

please add to file as appropriate. Thanks. emily

From: Teresa Saurey <tsaurey@staffordowens.com>
Sent: Thursday, November 14, 2024 10:08 AM
To: apa.sm.Jurisdictional_Inquiry_Forms <Jurisdictional_Inquiry_Forms@apa.ny.gov>
Cc: Tom Murnane <tmurnane@staffordowens.com>; topper661999@aol.com
Subject: Proposed Expansion of the Application of Snug Harbor and Olde Valcour Marinas

You don't often get email from tsaurey@staffordowens.com. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning:

Pursuant to the request of Thomas M. Murnane, Esq., please find the attached correspondence dated November 14, 2024.

Thank you,

Teresa Saurey

Legal Assistant



One Cumberland Avenue

Post Office Box 2947

Plattsburgh, New York 12901

☎ (518) 561-4400

📠 (518) 561-4848

✉ tsaurey@staffordowens.com

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STAFFORD • OWENS
MURNANE • KELLEHER • MILLER • MEYER & ZEDICK, PLLC
Attorneys & Counselors at Law

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Plattsburgh, NY 12901
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staffordowens.com

MEMBERS

William L. Owens
Thomas M. Murnane
Jacqueline M. Kelleher
Jessica L. Miller
Justin R. Meyer
Brendan P. Owens
Meghan E. Zedick

November 14, 2024

VIA E-MAIL AND BY REGULAR MAIL

NYS Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, New York 12977
APAJIF@apa.ny.gov

**RE: Proposed Expansion of the Application of Snug Harbor and Olde
Valcour Marinas**

Dear Sirs/Madams:

Please be advised that the undersigned represents Lighthouse Apartments, LLC with respect to the Application of Snug Harbor and Olde Valcour Marinas for an expansion of the existing APA Permits on the subject properties.

We oppose any expansion of the previously approved APA permits. Lake Champlain Transportation is currently applying for a substantial increase in the size of the marina properties, which will be a significant detriment to the value of my client's property as well as a detriment to the surrounding area.

In addition, the application of Lake Champlain Transportation would also restrict the access to my client's property from Lake Champlain.

My client understood the content of the original APA Permits that affected its property, which were APA Permits 87-416 and 94-379. The language in these Permits made it clear that they did not allow expansion as is currently sought.

The Adirondack Park Agency needs to consider the effect the new proposal would have on the surrounding area, as currently there exists insufficient parking, access, and property to support this expansion.

Accordingly, please note our opposition to this application and please provide any further information directly to my attention.

Ronald B. Stafford
(1935-2005)



STAFFORD • OWENS

MURNANE • KELLEHER • MILLER • MEYER & ZEDICK, PLLC

Attorneys & Counselors at Law

Page 2

Should you have any questions with respect to this letter, please do not hesitate to contact the undersigned.

Thanking you for your kind consideration, I remain

Respectfully yours,

STAFFORD, OWENS, MURNANE, KELLEHER,
MILLER, MEYER & ZEDICK, PLLC

By: Thomas M. Murnane, Esq.

TMM/tds

cc: Mr. Corey Trombley

From: Greg Johnson <gregory.johnson6@yahoo.com>
Sent: Monday, September 23, 2024 6:48 PM
To: apa.sm.Jurisdictional_Inquiry_Forms
Subject: Lake Rights - Neighbor at Valcour Island Marina (Former Snug Harbor Marina)
Attachments: APA Permits - 3990 US 9.pdf

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello there,

I am writing to inquire about my "right of way" access out to the lake. I am the property owner at 3990 Route 9 (tax map: 258-2-11) and I understand that the new marina operators are applying for a permit to expand the marina and connect it in the middle, where it was not connected before.


I am concerned about my future access out to the lake on a pontoon boat on a boat lift or "Sea legs". I am also concerned of portaging and small vessels being able to access my beach and leave from the same beach. If the marina is connected in the middle with one dock it will appear to strip these rights of access from me.

I am not writing to protest the expansion. On the contrary, I actually signed letters of support for the project in the spring. I am also employed by the marina, and lease from them to conduct a motor boat rental business. I simply want to do my diligence and understand my rights and not be stripped of any lake access rights to come and go.

Please shed some light on this situation for me as I do not want to lose my right of way to the lake. I have also expressed my concerns with my boss at Lake Champlain Transportation and he told me we can try to work out a solution. In the meantime, I was advised by a legal profession to reach out to your agency.

Thank you for your help, and please find the associated permits attached.

Greg
518-578-1874

 <p>NEW YORK STATE Adirondack parkagency</p> <p>P.O. Box 99 · Ray Brook, New York 12977 · (518) 891-4050</p>	<p>APA Project Permit 87-416A & 94-379A</p>
	<p>Date Issued: April 1, 2003</p>
<p>In the Matter of the Application of</p> <p>JAMES D. CARTER AND VALCOUR HARBOUR L.L.C.</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>To the County Clerk: This permit must be recorded on or before June 2, 2003. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. James D. Carter2. Valcour Harbour, L.L.C.

SUMMARY AND AUTHORIZATION

James D. Carter and Valcour Harbour, L.L.C. (Josephine and Gary Faler, principals) are granted an amended permit, on conditions, authorizing the subdivision of lands of two previously authorized marinas in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Peru, Clinton County.

The amended project may not be undertaken until this amended permit is recorded in the Clinton County Clerk's Office. This amended permit shall expire unless so recorded on or before June 2, 2003 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

The amended project shall not be further undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The jurisdictional bases are explained in Permits 87-416 and 94-379.

PROJECT DESCRIPTION AS PROPOSED

The projects as originally approved are described in Permits 87-416 and 94-379. All references in this permit to Tax Parcels are to lands in the Town of Peru, Clinton County (copy attached).

James D. Carter and Valcour Harbour, L.L.C. seek an after-the-fact permit for the transfer together of Tax Parcel Nos. 258-2-12, 13.1, 13.3 to Valcour Harbour, L.L.C. (currently owned by Falser and operating under the name of "Snug Harbor"), and the separate sale of Tax Parcel Nos. 258-2-9 (southerly one-half), 11 and 14. They also request that all the riparian rights for off-shore docks and moorings associated with all parcels cited in this paragraph be transferred to Snug Harbor Marina, along with the right to seek licenses for use of the lands under water for all such parcels. All parcels cited constitute the project site for Project 87-416.

James D. Carter and Valcour Harbour, L.L.C. also seek an after-the-fact permit for the lease or transfer together of Tax Parcel Nos. 258-2-2.1, 2.2 and 2.3 to Valcour Harbour, L.L.C., or to another entity to operate the Olde Valcour Marina (currently leased by the Falers), and the separate sale of Tax Parcel Nos. 258-2-4, 5 and 9 (northerly one-half). They also request that all the riparian rights for off-shore docks and moorings associated with all parcels cited in this paragraph be transferred to the future owner of Olde Valcour Marina, along with the right to seek licenses for use of the lands under water for all such parcels. All parcels cited constitute the project site for Project 94-379.

Tax Parcel 258-2-9 will be sold as one parcel and not divided into two.

In addition, James D. Carter and Valcour Harbour, L.L.C. also request that one dock space and one mooring associated with Snug Harbor Marina be transferred to the adjacent parcel Tax Parcel 258-2-14, to be utilized by the new owner within his off-shore area.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE AMENDED PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. All conditions in Permit 87-416 and 94-379 remain in full force and effect unless specifically amended herein.
2. The amended project shall be undertaken as described in the request for an amended permit and the Project Description as Proposed herein, and in compliance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
3. This permit is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and all the approved maps and plans referred to herein shall be furnished by the applicant(s) to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. All deeds conveying Tax Parcel Nos. 258-2-9, 11, 12, 13.1 and 14 shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 87-416 issued August 11, 1998 and Permit 87-416A issued April 1, 2003, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees." All deeds conveying Tax Parcel Nos. 258-2-2.1, 2.2, 2.3, 4, 5 and 9 shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 94-379 issued August 11, 1998 and Permit 94-379A issued April 1, 2003, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.
5. James D. Carter may sell Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14 separately from the Snug Harbor Marina parcels (Tax Parcel Nos. 258-2-12, 13.1 and 13.3) and the Olde Valcour Marina

parcels (Tax Parcel Nos. 258-2-2.3, 2.1 and 2.2) subject to the terms and conditions of this permit and Permits 87-416 and 94-379.

6. The deeds to Tax Parcel 258-2-4, 5, 9 and 11 must each have a deed covenant which states:

"All the riparian rights to moorings and docks associated with this parcel have previously been transferred to either the Snug Harbor Marina and/or Olde Valcour Marina. These marinas reserve the rights to install docks and moorings pursuant to the terms and conditions of APA Permits 87-416 and 94-379. This conveyance specifically excludes any rights to moorings and docks which might otherwise be associated with this parcel, and no docks may be constructed nor moorings installed by any subsequent owner of this parcel unless the owners of the marina property agree to transfer any such rights, and only upon further application to and approval by the APA and any other government agency having jurisdiction over such transfer. This covenant shall run with, and touch and concern the land and shall be enforceable by the Olde Valcour and Snug Harbor Marinas, the State of New York, and the Adirondack Park Agency."

7. The deed to Tax Parcel 258-2-4 must also contain a deed covenant which states:

"Pursuant to Adirondack Park Agency Permit 94-379A and 87-416A, this parcel may be used for one, two-story single family dwelling and two, one-bedroom apartments. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building 'rights', to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permits 94-379, 87-416 or 91-378."

8. The deed to Tax Parcel 258-2-5 must also contain a deed covenant which states:

"Pursuant to Adirondack Park Agency Permit 94-379A and 87-416A, this parcel may be used for eight single room efficiency apartments located in two, single-story structures. These structures may not be expanded from their current size or the

use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building 'rights', to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permits 94-379, 87-416 or 91-378."

9. The deed to Tax Parcel 258-2-9 must also contain a deed covenant which states:

"Pursuant to Adirondack Park Agency Permit 94-379A and 87-416A, this parcel may be used for nine apartments located in two, single-story structures. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than two principal building 'rights', to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permits 94-379, 87-416 or 91-378."

10. The deed to Tax Parcel 258-2-11 must also contain a deed covenant which states:

"Pursuant to Adirondack Park Agency Permit 94-379A and 87-416A, this parcel may be used for one, single story single family dwelling, two apartments located in one single story structure, and four cabins. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than five principal building 'rights', to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permits 94-379, 87-416 or 91-378."

11. The deed to Tax Parcel 258-2-14 must contain a deed covenant which states:

"Pursuant to Adirondack Park Agency Permit 94-379A and 87-416A, this parcel may be used for one, two-story single family dwelling and three cabins. These structures may not be expanded from their current size or the use changed without a permit from the Adirondack Park Agency. The property is granted no more than four principal building 'rights', to which the landowner will have to conform if any current use is proposed for change or expansion unless an Adirondack Park Agency Map amendment is granted. This restriction shall run with, touch and concern the land and shall be enforceable by the Adirondack Park Agency, the State of New York, the Town of Peru and any landowners owning a parcel subject to Adirondack Park Agency Permits 94-379, 87-416 or 91-378."

12. The deed to Tax Parcel 258-2-14 must contain a deed covenant which states:

"All riparian rights to moorings and docks associated with this parcel have previously been transferred to the Snug Harbor Marina, except that the owners of this parcel may maintain one dock with berthing space for one boat only, and one mooring. Other moorings owned and operated by the Snug Harbor Marina will be located in the off-shore of this parcel, pursuant to the terms and conditions of Adirondack Park Agency Permit 87-416. The owners of the marina property may agree to transfer any such rights to the owners of this parcel, but only upon further application and approval by the Adirondack Park Agency and any other government agency having jurisdiction over any such transfer. This covenant shall run with, touch and concern the land, and shall be enforceable by the Snug Harbor Marina, the State of New York and the Adirondack Park Agency."

13. Before installation of the dock and mooring, or any subsequent changes to them, the owner of Tax Parcel 258-2-14 shall submit a plan for the new dock and mooring to the Agency for approval by the Agency in the form of a letter of approval.
14. Condition 5 of Agency Permit 87-416 is amended as follows: Snug Harbor Marina may have a total of 124 boats on docks and a total of 52 boats on moorings, for a combined total of 176 boats at this marina. Before April 30, 2003, the owners of Snug Harbor Marina shall submit a plan to the Agency which demonstrates which dock space and mooring shall be removed from the marina use, pursuant to this permit which transfers those rights to Tax Parcel 258-1-14.
15. This permit allows the separate sale of each of Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14 separate from the Snug Harbor and Olde Valcour Marinas. Any expansion or change in use from the current uses on any of these parcels shall require Agency review

and approval in the form of a new permit. In any case, the shoreline setback and cutting requirements of Executive Law §806 must be adhered to.

16. No docks may be constructed upon, and no moorings installed in the off-shore of Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14 by the owners of these parcels, except that the owner of lot 14 may have one dock and one mooring subject to the terms of this permit. Such rights have been transferred to the adjacent marinas by this permit. The marinas' rights to use the off-shore of Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14 for docks and moorings are subject to Agency Permits 87-416, 94-379, this permit, and any other permits or licenses required by law.

FINDINGS OF FACT

Findings of Fact 1 through 46 in Permit 87-416 and Findings of Fact 1 through 43 in Permit 94-379 remain in effect unless specifically amended herein.

44. James D. Carter was once the owner of two marinas, Olde Valcour and Snug Harbor Marinas, the expansions of which were authorized after-the-fact in Permits 87-416 and 94-379, issued August 11, 1998. On the day Permit 87-416 was issued, unbeknownst to the Agency, a portion of the property referenced in that permit had already been transferred to Valcour Harbour, L.L.C. Valcour Harbour, L.L.C. is owned and operated by Josephine and Gary Faler. However, Permit 87-416 was in fact recorded in the names of James D. Carter and Valcour Harbour, L.L.C. in Book 13 of Misc. Records page 317 on August 19, 1998.
45. By letter dated May 30, 2002 from William A. Hurst, Esq. for Josephine and Gary Faler, the Faler's reported the status of compliance of Snug Harbor Marina with Permit 87-416. The Faler's also provided documentation which indicates that the littoral rights associated with Tax Parcel Nos. 258-2-9 (southerly one-half), 11, 12, 13.1 and 14 were conveyed to Valcour Harbour, L.L.C. Mr. Carter, by his attorney William Favreau, agrees that the littoral rights for those parcels were transferred to Valcour Harbour, L.L.C.

The May 30, 2002 letter from William A. Hurst, Esq. also reports on the status of compliance with Permit 94-379 for Olde Valcour Marina. Valcour Harbour, L.L.C. leases Tax Parcel Nos. 258-2-2.1, 2.2 and 2.3, which are a portion of the project site for

Olde Valcour Marina, pursuant to a 10-year lease entered into on July 15, 1995. The Falers also hold an option to purchase Olde Valcour Marina.

46. By letter dated November 5, 2002, the Agency notified Mr. Favreau that the transfer or lease of only a portion of the project site for Permits 87-416 and 94-379 appear to constitute violations of the permits. The two marinas authorized in those permits specifically utilized the off-shore areas of all the tax parcels cited in those permits as part of the project site. The permit specified that such parcels could not be sold separately without a permit amendment. By consent of the Agency Associate Counsel and Deputy Director of Regulatory Programs, the subdivision violations are resolved with issuance of this permit.
47. By letter dated November 27, 2002, Mark J. Rogers, Esq., attorney for the potential buyers of Tax Parcel 14, sought answers to various legal questions regarding the prospective sale of Tax Parcel 14, riparian rights to be associated with Tax Parcel 14, and affect of the lack of other governmental approvals for the Snug Harbour Marina.
48. On December 18, 2002, William A. Favreau, Esq., representing James D. Carter, submitted a draft request for amendments to Permits 87-416 and 94-379. On December 20, 2002, the Agency responded to that letter, advising as to additional information needed for such a request to be processed.
49. By letter dated December 30, 2002 from William A. Hurst, the Falers agreed to a request for permit amendments, sought specific findings and conditions, and consented to the transfer of one dock space and one mooring space from Snug Harbour Marina to Tax Parcel 14. Mr. Favreau submitted Mr. Carter's final request for amended permits by correspondence dated January 7, 2003, with attachments. This submission answers most of the questions posed in the Agency's December 20, 2003 letter.
50. Mr. Favreau submitted information with respect to the history of the use of Tax Parcel Nos. 258-2-4, 5, 9, 11 & 14 in his January 7, 2003 submission, along with a map not to-scale (attached) which depicts the structures and dimensions of those structures currently located on those parcels. Mr. Favreau asserts, without any documentation, that with the exception of the three single family dwellings, all these structures had become long-term rental apartments or efficiencies prior to August 1, 1973.
51. Agency staff sought to verify the history of the use of the structures and spoke to long-term neighbors, a prior owner of Olde Valcour Marina, Town officials and the New York State

Department of Health. What became clear is that these properties had been seasonal motels (some with one single family dwelling on-site) and/or seasonal rental cottages as of August 1, 1973. In 1981-82, the town sewer district was extended to these properties, making winter and long-term use possible. While some units may have been rented longer term prior to 1981-82, none were converted to long-term rentals prior to August 1, 1973. Mr. Carter did much of the upgrading of the structures to their current condition, and purchased them all after 1991, with the exception of Tax Parcel Nos. 11 and 14, which were purchased around 1985.

52. The following represents the Agency conclusions with regard to each parcel.

- a) Tax Parcel 258-2-4 now consists of one (1) 40' x 40' two-story pre-existing single family residential dwelling and one (1) 18' x 60' one-story pre-existing motel structure, now consisting of two (2) one-bedroom apartment dwellings. The property had two (2) additional cabins which were demolished in the early 1990's. The 18' x 60' structure once contained four (4) one-room efficiency apartments (later converted to the two (2) one-bedroom apartments). Based on the best information available, the parcel may have had 3.4 principal buildings on the property as of 1973. Two of those principal buildings were demolished and the use abandoned. There are currently three principal buildings in use. For the future, the Agency will allow this parcel a total of two principal building "rights".
- b) Tax Parcel 258-2-5 consists of one (1) 15' x 240' single story pre-existing motel structure, now converted to five single room efficiency apartments, and one (1) 20' x 120' single story preexisting motel structure, now converted to three single room efficiency apartments. As of 1973, the parcel may have had 0.8 principal buildings on the site. There are currently eight principal buildings in use. For the future, the Agency will allow this parcel a total of two principal building "rights".
- c) Tax Parcel 258-2-9 consists of one (1) 24' x 200' single story pre-existing motel structure, now converted to four apartments and one (1) 26' x 240' single story pre-existing motel structure, now converted to five apartments. As of 1973, the parcel may have had 0.9 principal buildings on the site. There are currently nine principal buildings in use. For the future, the Agency will allow this parcel a total of two principal building "rights."

- d) Tax Parcel 258-2-11 consists of one (1) 15' x 60' single story pre-existing motel structure, now converted to two apartments, one (1) 40' x 40' single story pre-existing single family dwelling and four (4) individual 15' x 30' cabins. As of 1973, the parcel may have had 5.2 principal buildings on the site. There are currently seven principal buildings in use. For the future, the Agency will allow this parcel a total of five principal building "rights."
- e) Tax Parcel 258-2-14 is the subject of a survey map prepared by Robert M. Sutherland dated September 18, 2002, a portion of which is attached to Mr. Favreau's January 7, 2003 submission. The survey map indicates that there is currently on the parcel a single family dwelling and three rental cottages, two about 625 square feet in size and one about 480 square feet. As of 1973, the parcel may have had six principal buildings on site. Two principal buildings were demolished and the use abandoned. There are currently four principal buildings in use. For the future, the Agency will grant this parcel a total of four principal building "rights."

53. The conversion of motels to multiple family or single family dwelling use after August 1, 1973 required a permit from this Agency, never obtained. For four of the parcels, the current uses violate the applicable overall intensity guidelines for the parcels. For various reasons, including the size and location of the converted units, and the fact that they are served by public sewer, the Agency's Associate Counsel and Deputy Director of Regulatory Programs have agreed to resolve these apparent violations by issuance of this permit with the following restrictions:

The currently existing structures may continue to be used as they are currently used, and may be repaired and/or replaced in kind in the same locations. However, these structures may not be expanded or the uses changed without an Agency permit.

54. The requested amendments do not change the already permitted Marina uses, except for the transfer of one dock and one mooring space from Snug Harbor Marina to the adjacent parcel to the south. The amendments also do not request any change from the currently existing uses on Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14. The amendments allow the separate sale of the marinas from the intervening parcels, with the marinas exclusively retaining the off-shore riparian rights for docks and moorings. The loss of these riparian rights will not create any adverse impacts,

provided any subsequent potential buyers of Tax Parcel Nos. 258-2-4, 5, 9, 11 and 14 know prior to signing a contract for sale and prior to closing that such rights no longer exist on behalf of these parcels.

55. The requested amendments do not involve a material change in the applicable law, environmental conditions or technology since the issuance of Permits 87-416 and 94-379 pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in §809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

From: Greg Johnson <gregory.johnson6@yahoo.com>
Sent: Monday, September 23, 2024 7:39 PM
To: apa.sm.Jurisdictional_Inquiry_Forms
Subject: Re: The Adirondack Park Agency is in receipt of your JIF submission and will contact you if we need anything further.

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

I would also appreciate our discretion with this matter, and keeping this inquiry between ourselves.

Thank you.

Greg (tax map: 258-2-11)

On Monday, September 23, 2024 at 06:49:05 PM EDT, apa.sm.Jurisdictional_Inquiry_Forms <jurisdictional_inquiry_forms@apa.ny.gov> wrote:

The Adirondack Park Agency is in receipt of your JIF submission and will contact you if we need anything further.

Please note that response time is averaging 3-4 weeks due to the volume of requests we are receiving. If you do not receive a response from the Agency within this time frame please review your email's spam (junk) folder.

Please be advised that many email systems may automatically filter .gov emails to junk mail. Please alter your email settings to accept emails ending in @apa.ny.gov or frequently check your spam (junk) email folder.

Your patience is appreciated.

Plattsburgh, Wednesday June 6, 2024

Adirondack Park Agency

Re:
Lake Champlain Transportation Company
1 King Street Dock
Burlington, VT 05401-5293

To the attention of Corrie Magee..

Dear Sirs, my name is Jean-Francois Leveille, I am the direct neighbor on the other side of Silver Stream. I contacted Lake Champlain Transportation through their Manager Mr. Eric Pabst on, Saturday May 11, 2024 on an ongoing problem you may not have been made aware.

We the direct neighbors (see list below) are well aware of it, along with the other direct neighbors to the Campground and Marina that have been suffering of the complete basic disrespect from the Campers at the Snug Harbor Marina.

- Shelly & Lanay Ginis 518-310-0210
- JF Leveille & Joy Stahl 518-310-3962
- Tom & Peggy Tucker 518-572-0828
- Sean & Jeanne Barber 518-563-6754
- Beth Spoor 518-834-7608
- John & Sandy McKervey 212-860-4109

As for us, JF Leveille & Joy Stahl the problem is twofold, NOISE and environment, which I have pictures that explains it better and which I will get to later I describe the NOISE issue the best I can. I would not be sorry to bother the old administration about it matter of fact my Lawyer was to proceed since there was no line of communication with the old administration.

I contact you because for the past 9 Years I have been embarrassed not being able to have a conversation with friends by our pool.

Heron Ledge Cottages has lost long term summer tenants that keep renting elsewhere now. I can name one and you can call him, it's Attorney Mark Schneider that has his office on Court St. in Town. He stayed at Heron Ledge all summer until he had enough, walked over to ask in a civilized tone of voice to lower the music at 1AM !! and was fist threaten, as they so often do if not always (they're on Moonshine) so here goes one more tenant that never came back, I wish he would have agreed to testified but his specialty is in Disability and Social Security, which is exactly the profiles of your future Campers, so Mark doesn't want to lose future potential customers. You can talk to Beth Spoor that had to refund Honeymooners that left at 2AM, couldn't take the music not more. Heron Ledge had to reimbursed them and apologize. Heron Ledge has lost many "Flying Doctors and Nurses" that have to wake up at 4AM while those

campers wake up the next day with a smile on their face, not remembering much, having next to no awareness the damage they cause. Another neighbor (Jeanne Barber) came back from Heart Surgery, and again, one of those great nights (as the Campers see it) till like 2AM ! What else is new, Jeanne shut the windows, turn the A/C, turn the TV at this point of "might as well, I'm not going to sleep again AND THE WALL WERE RATLING !

Over the Top Inconsideration ! Bravo !!! What a Great Weekend Again for the Campers.

One of Heron Ledge Cottage (Cottage 403) has its balcony right over the Lake. Like every weekend you have this same guy on the same Pontoon, with the same Dog that keeps barking, none stop ! while they Listen to Loud Music so the tenants just end up going inside ! Speak to John & Sandy McKervey for one, they rented this cottage. I never bothered those Campers, they have all the rights in the world to enjoy the Lake as we all do, I have always (and I am careful using this word, "always") I have always been respectful of the Campers but regardless, every camping seasons, and especially on weekends, they go on till 1AM, and they bust the Peru DB Max Noise Regulation by like 5 times ! Those have been ruining my/our summers since I bought Heron Ledge Cottages January 20th, 2015. I can't have a conversation with my wife or guests without getting close to them. My wife and I are kind of happy when we plan something out of town on weekends, but, no more, I need a conversation with someone civilized and educated or I will have no choice but to get my lawyer involved and am sorry to be that direct since I have all the hope for this new administration to succeed, but understand my position. I no longer will accept any loss because of disturbance of any kind from the Campsite or the Marina. Would I or any neighbor create any disturbance to their business or personal residence we would immediately correct our behaviors.

As I like to say, to be tough and mean does not impress or frighten me.

What impresses me is, kindness, respect and intelligence.

So far, all I had, was the most basic, simplistic replies, which makes me wonder how this new Administration could change the complete disrespect and/or application of the noise regulations. Same campers, Same thing, may be 1 or 2 months they'll behave then, they'll drink their Moonshines and all there we go again.

Let's be CLEAR here, NO MORE on my side, I need the Help of the Adirondack Park Agency here.

So you know, I have had discussions with the Campers, if sober, they seem like descent people, but once Liquored up, they turn into complete Trailer Trash, the neighbors and I have tried the nice way, the hard way AND WE Never Bothered them, SO don't be surprised if they play Virgin Mary and don't understand how can the neighbors be so upset !? They must be over reacting, We don't make noise like that that's not true etc...Like the saying goes; "When you step on someone foot, you have no pain, so you don't get it why this stranger pushes you in the Subway".

Just to be clear, kids making noise, I get it, sudden laughing etc... I get it, we get it, we the direct neighbors don't expect a Monastery setting. But this is so far off the chart of acceptable or descent where we cannot enjoy the summer seasons.

Here are some of the notes I still have since I lost Data when I transferred data to my new phone.

PERU POLICE:

- Just spoke to Sergeant Bertrand at 518-565-4300 and he says the campground and myself are in the town of Peru and there is a 2011 law that states: “between 10 PM and 6 AM during the week and 11 PM ->6AM on the weekend they can’t make noise that prevent people from sleeping” of course constructions, lawnmower etc.. excluded and that no guarantee but between 10 minutes and an hour, they could be over if we call them. Sergeant Bertrand said that because there is a law they can issue a Fine for the first offence and then it escalates from there Sergeant Bertrand just said.,...JF. (180701)
- Spoke with Deputy Corey and he said we can talk to them but we don’t Police City bylaws you have to talk to the Peru Zoning Officer. (180707 11:01PM)

NY TROOPERS PLATTSBURGH BARACK:

State Police (Black Cars) that services Heron Ledge Cottages Cell:518-563-3761

Trooper Liberty said:

- Attorney Mark Schneider of Plattsburgh must call re the physical threat to him that happened Saturday the 30th of June where they made noise till 2AM.
- Said must call when the noise is actually happening and they will show up in 20 min appx (180701)

<https://www.shawlocal.com/news-tribune/2022/07/14/riverfront-bar-and-grill-in-peru-noise-complaint-resolved-parties-say/>

•I tried talking to John Summers (the Owner, or part owner, or at least the Head of CHAMPLAIN BOAT WORKS), *all he did is ignore me, tune me out.* There is no discussion possible PLUS John Summers told me never to call him again ! I guess he doesn't like being disturbed at 1AM like we (*the direct neighbors*) have to endure. So the only way *from here on is the legal way.*

Change of subject; **Environment.**

Champlain Boat Works kept filling and piling on Silver Stream where the side of Heron Ledge Cottages keeps eroding EVERY YEAR, like two trees fell again because the ground has been washed away from under. It's very visible, Champlain Boat Works was like me before, now, you're way up PLUS, you can see all the asphalt and concrete slabs that has been thrown into your side of Silver Stream. That is what I have witnessed in the last 10 years. Jeanne & Sean Barber have witnessed a small pond connected to Silver Stream that has been filled where tires are now kept in the winter.

As a conclusion, my take is, whatever you do, it's going to tame the Campers for a while, and normal will come back in no time. I sadly don't believe you will change those long time Campers.

Let's be clear, in no way am I trying to run their business, just trying to stop the beyond loud noise, and have the Campers, respect quite time as in any other normal Campsites in NY.

The way I see it, their success will be my success and vice versa.

I can be reached at Heron Ledge 518-310-3962 or Cell/Txt: 518-552-3692. JF Leveille.

August 29, 2024

Ms. Corrie Magee
NYS Adirondack Park Agency
PO Box 99
1133 NYS 86
Ray Brook, NY 12877

Re: Valcour Island Marina Manger Kyle Bostwick's letter dated August 15, 2024 (attached)

Dear Ms. Magee:

I am the owner of Heron Ledge Cottages adjacent to the southern end of what is proposed to be a newly renovated marina in Peru, NY. It is my understanding that the Lake Champlain Transportation company (LCT) has purchased the old marina(s) north of my property and my primary concern is whether or not management will change for the better. In the past, under the management of John Summers there have been several problems affecting me and my tenants. These usually have been related to unruly partying day and night, loud bands and or music well past 1 am, unruly guests, uncontrolled barking dogs and various other rude activities. I have complained to Mr. Summers, as well as the local and state police to no avail.

I am pleased that LCT will be replacing the wake breaking walls made of old tires and barrels and they will be removing the dumped cinder blocks along Silver Stream. I am also pleased at the outreach by Mr. Dennis Curtin to assure me that new management will strictly enforce Quiet Hours and restrict raucous behavior once the marina is completed.

Since the LCT took over management of the camping/marina property on May 30, 2024 there has been only one incident involving loud music reported by my long-term tenant John McKervey and this was a short burst of deep base ghetto music lasting about an hour and a half from approximately 6:30 to 8:00 am about 5 or 6 weeks ago after Mr. Curtin had spoken to Mr. McKervey about Snug Harbor activities.

And this leads me to the crux of my dilemma. I need personal assurance that LCT will live up to its Good Neighbor promises and specifically need the contact information of the individual I will be dealing with on a 24-7 basis in case an issue arises. If this individual has yet to be determined I would appreciate immediate notification when this becomes available so we can meet and pave the way to a harmonious future.

I am primarily concerned that the tenants who have been disrespectful and negligent in the past might still persist into the future. One incident comes to mind when a few years ago one of my tenants, a local attorney was so annoyed by the late-night rock n roll band that he went over to complain in person and was summarily told to get lost or they would beat the sh** out of him. They continued partying past 2 am, the police never responded and he never returned as a tenant!

With the potential for more than 300 boats along a quarter mile strip of lake front I'm disappointed that Mr. Bostwick seems to think I should have expected rowdy behavior when I purchased property next to a marina ten years ago. I am quite familiar with marina life around the world and in general, boaters are respectful of their neighbors and the quiet hours required in a dense population. Mr. Bostwick should NOT be trying to blame me for their boorish behavior and he should stop calling me Leveille and instead refer to me as Mr. Leveille.

Mr. Bostwick goes on to accuse me of being "libelous and offensive" when referring to the current campers as Moonshining Trailer Trash. Let me expand: On one particular occasion after complaining to John Summers who just laughed at me and after being ignored by the Peru Police Department, I thought I would go over and try the friendly approach. Although I wasn't threatened with a beating as was my past tenant, I was offered a selection of "Moonshine" some distilled once others two or three times. This is not what I would call a respectful camper/boater community and I'm concerned the same group behavior will persist next summer and eventually when the new marina is completed.

To conclude: During my 10 years of ownership, I have held two late evening events at Heron Ledge. I communicated with all immediate neighbors either in person or via 8 x 11" flyers stating both the hours and my contact information.

Furthermore, I understand that kids playing during the day and the occasional dog barking is normal as well as the incessant beeping of dock moving equipment, but we are living next to a Marina, not a NIGHT CLUB!

Please accept my response to Mr. Bostwick's comments and let's move forward towards a Peaceful and Profitable relationship.

Very Truly Yours,

JF. Leveille
3962 State Route 9
Plattsburgh, NY 12901
Cell/Txt 24/7: 518-552-3692

Home Phone number at 3962 State Route 9: 518-310-3962.

cc: Dennis Curtin

WELCOME TO
THE DECK

GOOD FRIENDS
GOOD TIMES

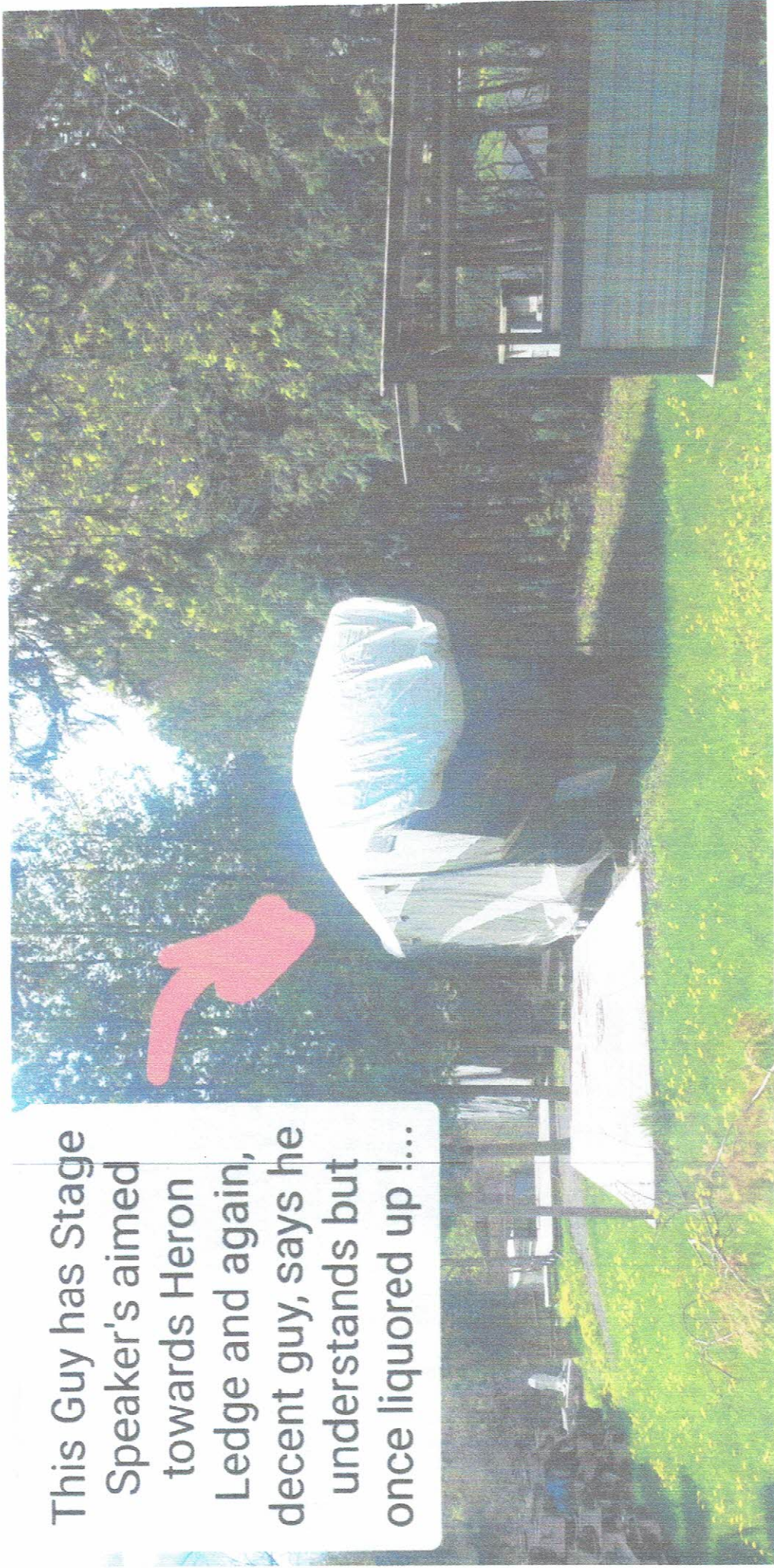


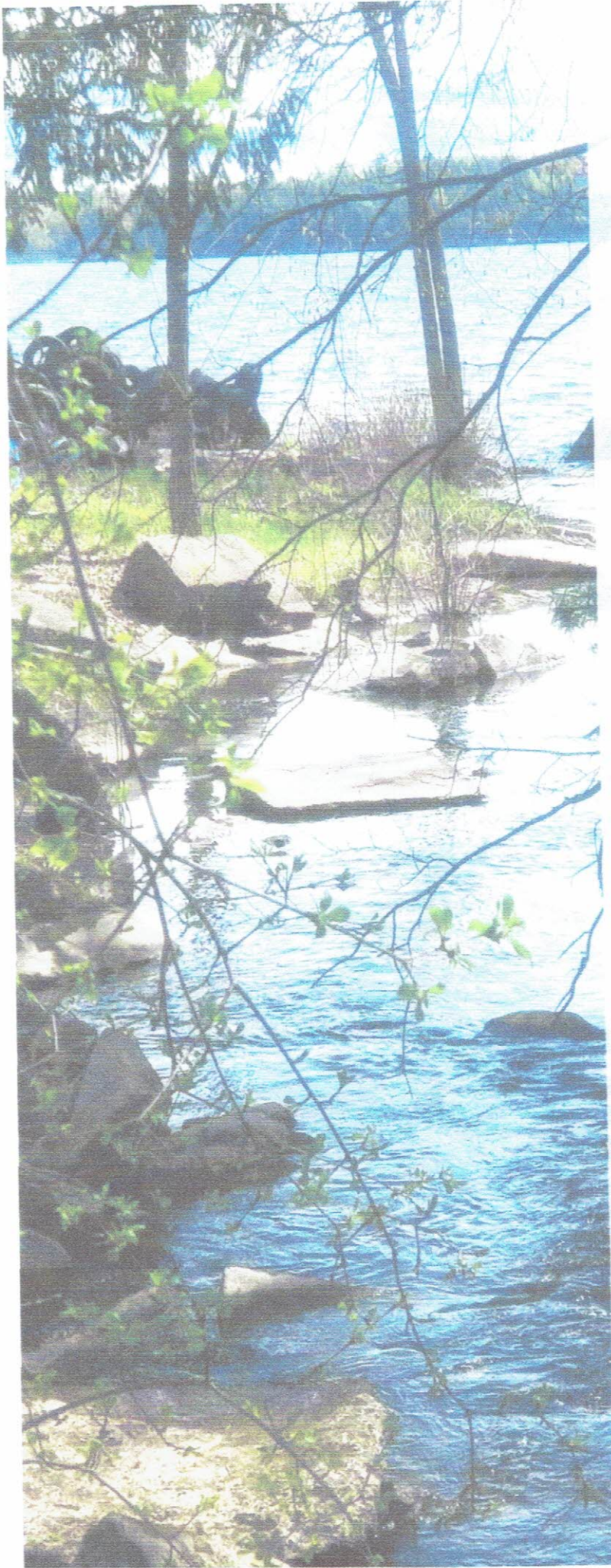
FRANK & TARA
WHERE THE NEIGHBORS LISTEN TO GOOD
MUSIC WHETHER THEY WANT TO OR NOT.

Nothing wrong with
Drinking Socially, but
for the last 10 years
they proved they
can't do that.



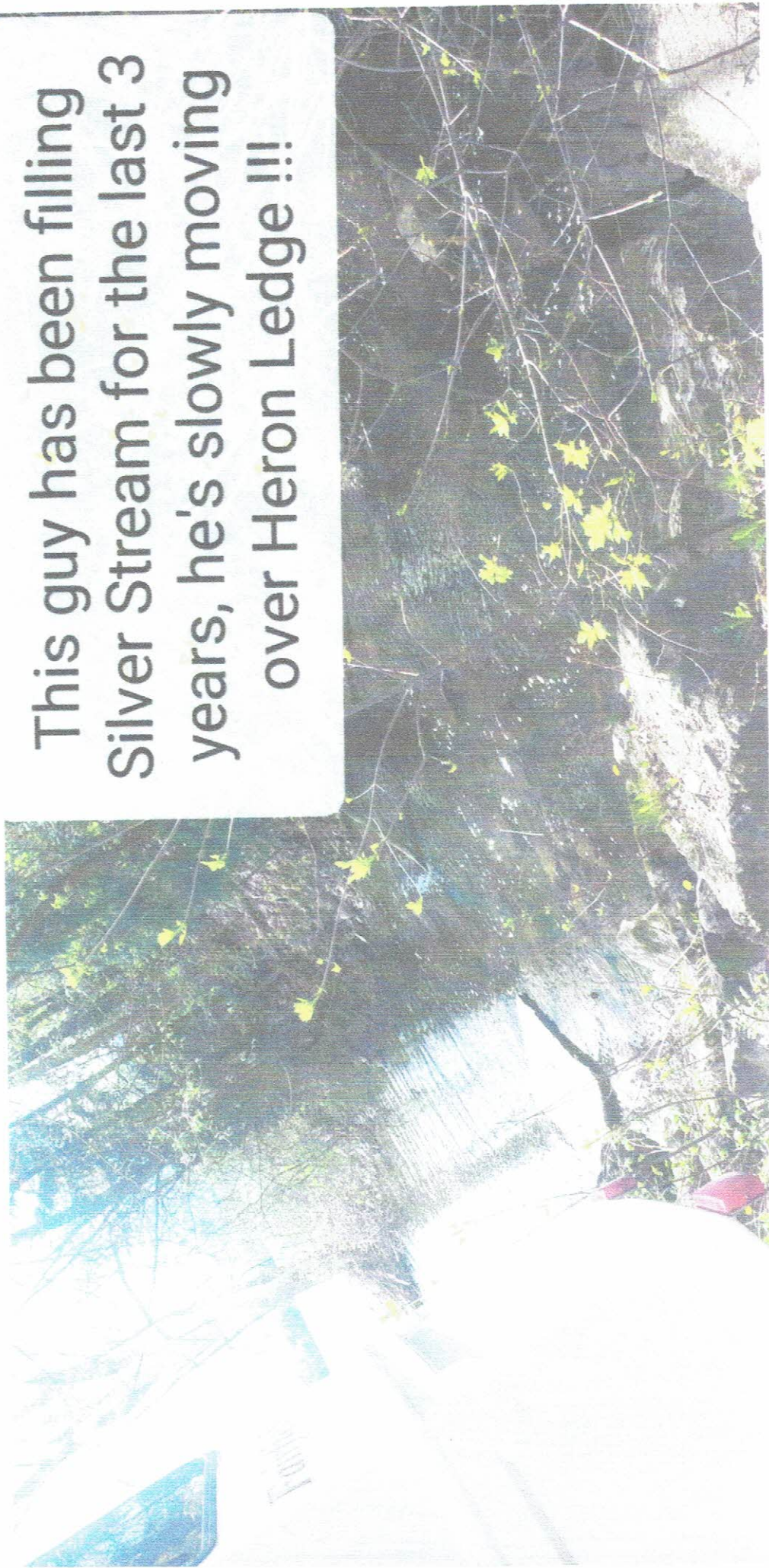
This Guy has Stage
Speaker's aimed
towards Heron
Ledge and again,
decent guy, says he
understands but
once liquored up !...

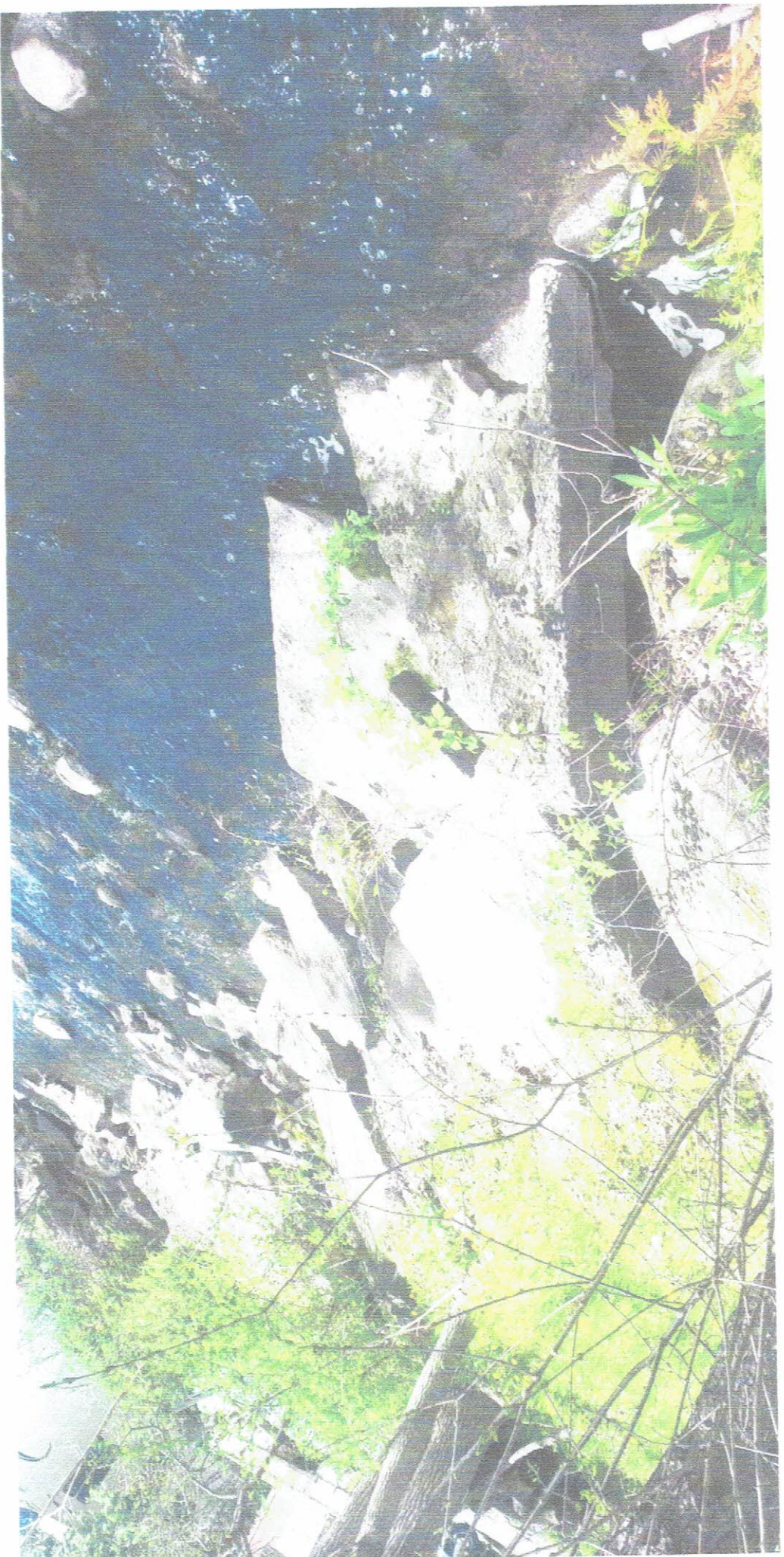




This filling is eroding the shore of Heron Ledge Cottages. And a separate file is ready for David Plante of the ADK Agency. I don't want them here, but I have no choice unless you people grasp the gravity of this situation. *UNLIKE THE PREVIOUS MANAGEMENT

**This guy has been filling
Silver Stream for the last 3
years, he's slowly moving
over Heron Ledge !!!**

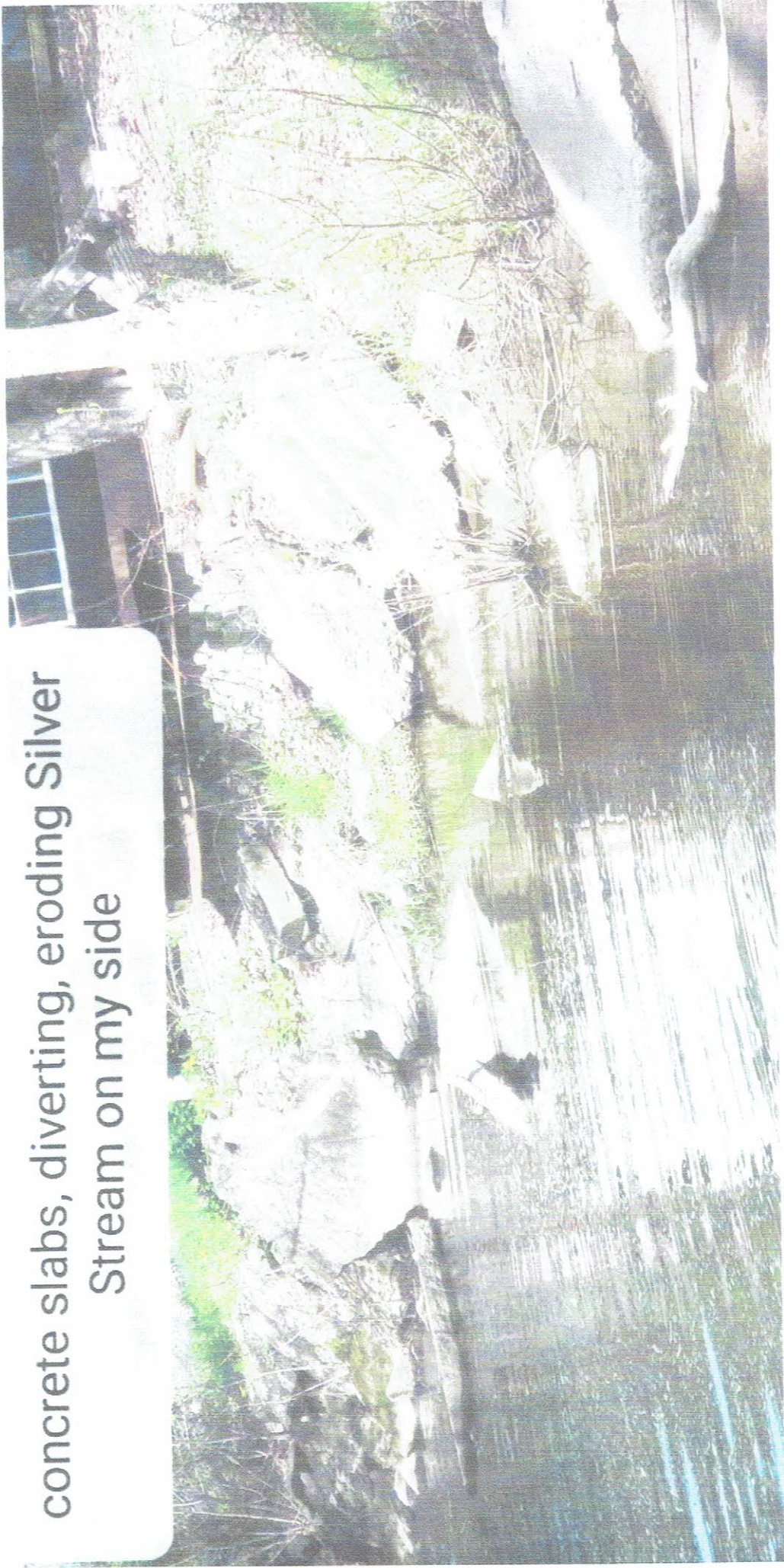


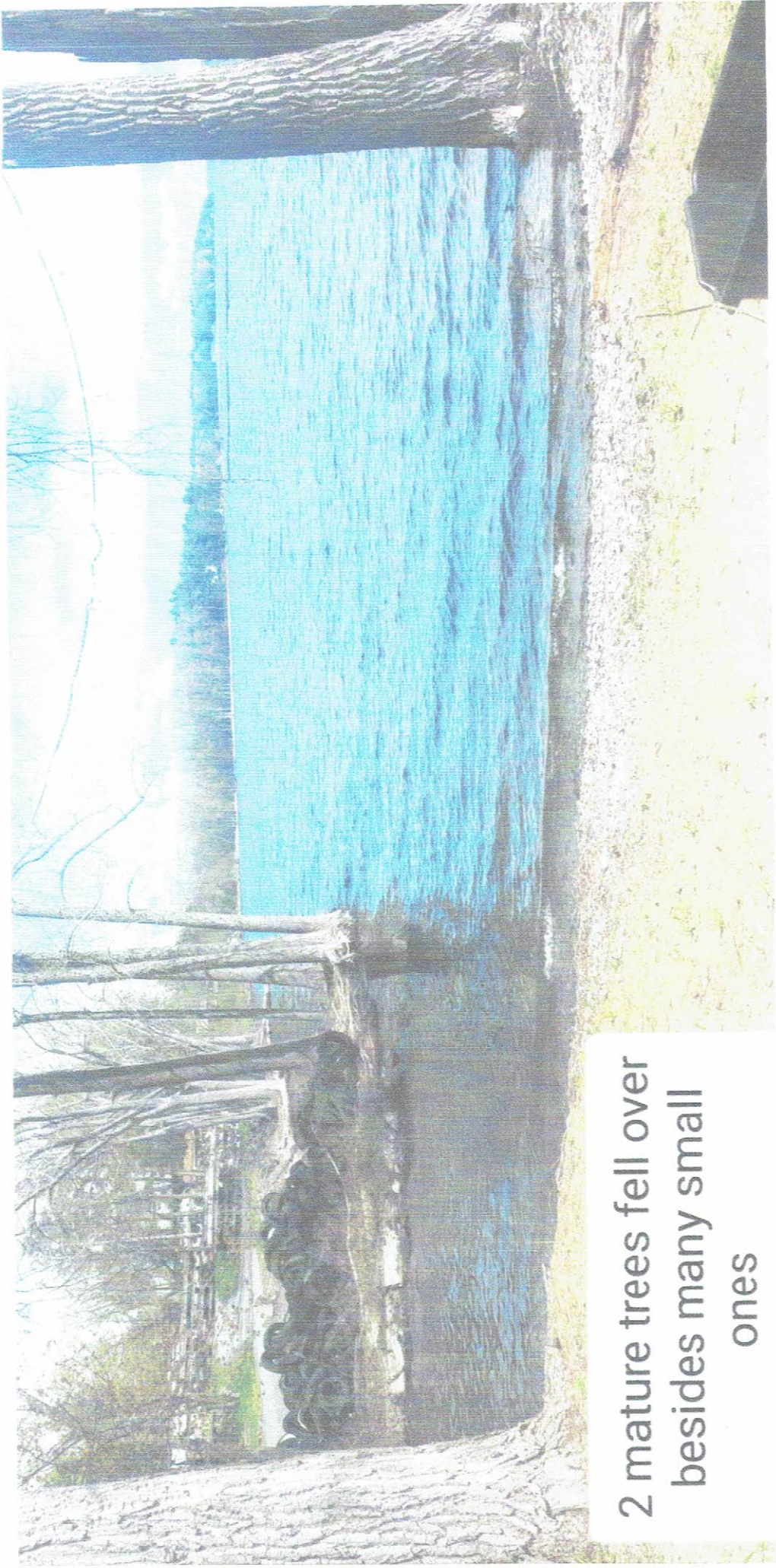


one of many
concrete slabs



concrete slabs, diverting, eroding Silver
Stream on my side





2 mature trees fell over
besides many small
ones

**TOWN OF PERU
NOISE ORDINANCE #1 of 2011**

SECTION 1. TITLE

Town of Peru Noise Ordinance #1 of 2011

SECTION 2. PURPOSE

The purpose of this ordinance is preserve the public health, peace, welfare and good order by suppressing the making, creation, unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use and which are detrimental to the environment.

It is recognized that people have the right to an environment free from excessive noise that may jeopardize their safety or welfare or degrade the quality of life. This ordinance is enacted to protect, preserve and promote the health, safety, welfare or not degrade the quality of life for the citizens of the Town of Peru through the reduction, control, and prevention of excessive noise.

SECTION 3. UNREASONABLE NOISE

- A. It shall be a violation of this Section to intentionally make unreasonable noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of another person.
- B. The following factors may be considered in determining whether the noise is unreasonable at the time and under the circumstances it is made:
 - 1) The volume, intensity and duration of the noise.
 - 2) Whether the noise is normally associated with the permitted uses of property in the zoning district where the noise is created.
 - 3) The ambient or background noise in the area where noise is created.
 - 4) The time of day the noise occurs.
 - 5) Whether the noise occurs at a time when residents in the vicinity are likely to be sleeping which shall be presumed to be between the hours of 10 PM and 6 AM Sunday through Thursday; Friday and Saturday, 11 PM and 6AM.
 - 6) Whether the noise occurs in the vicinity of a school, court, house of worship, public library, hospital or nursing home and disturbs persons using or residing in such facilities.
 - 7) Whether the person making or responsible for the noise might reasonably expect that the noise would be plainly audible to a person outside the boundaries of the property or the dwelling where the noise is created.
 - 8) Whether the person making the noise, or the owner or occupant of the property or dwelling where the noise occurs, has received prior complaints or notice about noise from the property or dwelling and how he has responded.
 - 9) Whether there are reasonable measures the person making the noise could have taken to make the noise not unreasonable.

SECTION 4. CERTAIN ACTS DECLARED TO BE VIOLATIONS

It shall be a violation of this Section to:

- A. Operate, play or permit the operation or playing of any radio, television, phonograph, tape recorder, sound amplifier, musical instrument or similar device which produces, reproduces or amplifies sound.
 - 1) In a residential district if the sound is plainly audible at the boundary of the property on which the sound is produced.
 - 2) In a dwelling unit in a multiple family dwelling at a volume where the sound is plainly audible in other dwellings in the building.
 - 3) In a commercial district if the sound is plainly audible at a distance of fifty (50) feet from the boundary of the property on which the sound is produced.
 - 4) In a motor vehicle on a public right-of-way or public space in such a manner that sound is plainly audible at a distance of fifty (50) feet from the source of sound
- B. Yell, shout, hoot, whistle or sing on any public place within residential districts of the Town of Peru so as to annoy or disturb the peace, quiet, comfort or repose of a reasonable person of normal sensitivity.
- C. Operate machinery or equipment in a residential dwelling or garage that makes noise that is plainly audible at the boundary of the property or, in an adjoining dwelling unit of a multi-family dwelling, except that, noise made in connection with repairs or improvements to the dwelling unit which are made between the hours of 6AM and 9PM shall not constitute a violation of this section.
- D. Operate any tools or equipment used in construction, drilling, excavation, or demolition work between the hours of 9PM and 6AM the following day, except emergency work.
- E. Operate a motor vehicle on public streets which is not equipped with a muffler or other device which effectively prevents the discharge of loud or explosive noises.
- F. Operate a motor vehicle on public streets in such a manner that the tires of the vehicle emit unnecessary noise.
- G. Noise caused by a domestic animal's barking, howling, whining, screeching, that continues for more than 15 minutes and which is plainly audible at the boundary of the property, or in a dwelling unit in a multi family dwelling.
- H. Noise caused by loading or unloading equipment, material or supplies for deliveries to properties within residential districts between the hours of 9PM and 6AM that is plainly audible at the boundary of a nearby residential property.

SECTION 5. EXEMPTIONS

This Section shall not apply to noise emitted by or related to:

- A. Church bells, horns and sirens of trains and authorized emergency vehicles;
- B. Parades, concerts or other community gatherings.
 - C. Non-commercial public speaking and public assembly activities conducted in any public place.
 - D. The use of domestic power tools for property repair or improvements, lawnmowers and other lawn maintenance tools between 7AM and 9PM.
 - E. The use of snow removal equipment at any time for snow removal purposes.
 - F. The use of vehicles for agricultural purposes at any time.

SECTION 6. PENALTIES FOR OFFENSES

Any person violating any provision of this Section shall have committed an offense and shall be subject to a fine of not less than two hundred and fifty dollars (\$250). Persons committing a subsequent offense within twelve (12) months of the date of a prior conviction shall be subject to a fine of five hundred dollars (\$500). A separate offense shall be deemed committed on each day during which a violation occurs or continues.

SECTION 7. MANNER OF ENFORCEMENT

This Section may be enforced by any New York State, Clinton County peace officer or any code inspector employed in the Town of Peru.

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To: [APA Regulatory Programs Comments](#)
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Date: Wednesday, June 26, 2024 12:56:48 PM
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