



## Adirondack Park Agency

SHERMAN CRAIG  
Chairman

TERRY MARTINO  
Executive Director

### VIA CERTIFIED MAIL

January 13, 2017

Leroy K. Snow  
3093 Broad St.  
Port Henry, NY 12974

**RE: Agency Enforcement File E2016-0006  
Tax Map Parcel 97.17-2-1.000  
Town of Moriah, Essex County**

Dear Mr. Snow:

Enclosed is a Notice of Apparent Violation and supporting documents regarding your alleged junkyard violation on tax map parcel 97.17-2-1.000 in the Town of Moriah, Essex County. This matter is now scheduled before the Enforcement Committee at the Adirondack Park Agency meeting on March 9, 2017. Agency staff will contact you to confirm the time the Enforcement Committee will convene on this case once the meeting agenda is finalized.

Agency staff remain open to settlement of this alleged violation at any time prior to March 9, 2017. If you wish to resolve this matter with staff, please contact Senior Attorney Jennifer Hubbard.

Sincerely,

A handwritten signature in blue ink that reads "Terry Martino".

Terry Martino  
Executive Director

**STATE OF NEW YORK: ADIRONDACK PARK AGENCY**

-----X  
In the matter of the apparent  
violation of Executive Law § 809

by:

**Leroy K. Snow**

**NOTICE OF APPARENT VIOLATION  
AND REQUEST FOR ENFORCEMENT  
COMMITTEE DETERMINATION**

Agency File #E2016-0006

Respondent, on lands situated in  
the Town of Moriah, Essex County  
Tax Map Parcel 97.17-2-1.000  
Adirondack Park Agency Land Use Area: Moderate Intensity Use  
-----X

**PLEASE TAKE NOTICE THAT** pursuant to 9 NYCRR Part 581, the Enforcement Committee shall be convened at the offices of the Adirondack Park Agency (hereinafter "Agency") on Route 86 in Ray Brook, Essex County, State of New York, on March 9, 2017, to consider the apparent violations by you of Executive Law § 809 as more specifically described in the allegations of fact and law set forth below.

**PLEASE ALSO TAKE NOTICE THAT** you have 30 days from the date of this Notice of Apparent Violation and Request for Enforcement Committee Determination (hereinafter "NAV") to provide a written response to each of the numbered allegations and the requested relief set forth in this NAV. Any affirmative defenses, including exemptions from permit requirements, must be raised in your response. Affidavits and exhibits, as well as written legal argument, should be provided in support of your response. Failure to respond within the 30-day period may result in the Enforcement Committee accepting as true the allegations of fact and law made in this NAV.

**PLEASE ALSO TAKE NOTICE THAT** the Enforcement Committee will consider this matter based on a record consisting of relevant testimony, exhibits, and legal argument. If there are no material facts in dispute, the Committee may issue a determination pursuant to 9 NYCRR § 581-2.6(d) based on the NAV, your response, affidavits, exhibits, and argument in support thereof. A hearing may be scheduled concerning any disputed material facts and will follow the relevant procedural requirements provided by 9 NYCRR Subpart 581-4.

**PLEASE ALSO TAKE NOTICE THAT** you are invited to appear and make a statement before the Enforcement Committee either in person, by authorized representative so long as you also appear, or by legal counsel. All Enforcement Committee meetings,

except for Enforcement Committee deliberations, are open to the public.

**PLEASE ALSO TAKE NOTICE THAT**, whether or not you appear, the Enforcement Committee will convene at the designated time and place, and that your non-attendance shall not prevent the Enforcement Committee from finding the apparent violations alleged herein or from deciding upon an appropriate disposition of this matter.

### **Statutory and Regulatory Framework**

#### **Factual Allegations**

1. Tax Map Parcel 97.17-2-1.000 ("Lot 1") is an approximately 1-acre parcel located on Moderate Intensity Use lands in the Town of Moriah, Essex County, on Broad Street.
2. Lot 1 is improved by a pre-existing auto repair garage and auto dealership, a lawful commercial use for Agency purposes.
3. Respondent is the current owner of Lot 1, as described in a deed recorded in Book 1594, Page 307 in the Essex County Clerk's Office.
4. Agency investigation reveals that, between 2010 and 2015, Respondent established a junkyard consisting of over 60 vehicles, used tires, and other automotive parts on Lot 1.
5. Agency staff confirmed the violation by field visit on May 27, 2016.
6. No permit was obtained from the Agency prior to the establishment of this junkyard.

#### **First Apparent Violation**

7. Pursuant to Section 802(26) of the Adirondack Park Agency Act, a junkyard is defined as "any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.
8. Pursuant to Section 809(2) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any junkyard on Moderate Intensity Use lands in the Adirondack Park.
9. Respondent violated Section 809(2) of the Adirondack Park Agency Act by establishing a junkyard on Lot 1 in the Town of Moriah, Essex County, without an

Agency permit.

**Relief Sought**

Agency staff respectfully request that the Enforcement Committee issue a determination finding the alleged violation of Executive Law § 809(2) and order the following relief:

- (1) Require that Respondent immediately cease adding materials to the junkyard on Lot 1.
- (2) Require that, by April 14, 2017, Respondent shall submit a plan to the Agency for review and approval for removal of the materials associated with the junkyard on Lot 1.

Require that, by August 1, 2017, Respondent shall lawfully dispose of all materials removed from Lot 1 pursuant to the approved plan, and shall provide written documentation to the Agency, c/o Environmental Program Specialist Fritz Aldinger, of the lawful disposal of these materials.

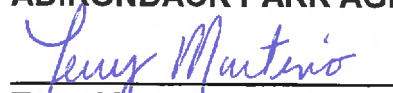
Require that, by August 1, 2017, Respondent shall notify Agency Environmental Program Specialist Fritz Aldinger upon completion of the work so that a compliance inspection may be undertaken.

- (3) Pursuant to Executive Law § 813, Respondent may be assessed a civil penalty of up to the statutory maximum of \$500 per day for each day the violation has continued in an amount to be determined by the Enforcement Committee; and
- (4) Such other and further relief as the Enforcement Committee may deem just and proper.

**DATED:** Ray Brook, New York  
January 13, 2017

**ADIRONDACK PARK AGENCY**

**BY:**

  
Terry Martino  
Executive Director

**STATE OF NEW YORK: ADIRONDACK PARK AGENCY**

-----X  
In the matter of the apparent  
violation of Executive Law § 809  
by:

Agency File E2016-0006

**Leroy K. Snow**

Respondent.

-----X  
**MEMORANDUM OF LAW IN SUPPORT OF AGENCY STAFF'S  
NOTICE OF APPARENT VIOLATION AND REQUEST FOR  
ENFORCEMENT COMMITTEE DETERMINATION**

Respectfully submitted by:

Jennifer Hubbard, Senior Attorney  
Adirondack Park Agency Staff

January 13, 2017

## **PRELIMINARY STATEMENT**

This administrative enforcement proceeding is brought by Adirondack Park Agency ("Agency") staff to enforce Executive Law § 809 against Leroy K. Snow ("Respondent"). Respondent has established a junkyard without first obtaining an Agency permit on property in the Town of Moriah, Essex County (the "subject property" or "Lot 1").

Agency staff request a determination by the Enforcement Committee pursuant to 9 NYCRR § 581-2.6(d) that the apparent violation alleged in the Notice of Apparent Violation and Request for Enforcement Committee Determination (the "NAV") has occurred and is occurring. Agency staff further request that the Enforcement Committee determine appropriate injunctive relief and penalties against Respondent as provided by 9 NYCRR § 581-2.6(d).

## **FACTS**

Respondent owns tax map parcel 97.17-2-1.000 ("Lot 1"), which is an approximately 1-acre parcel located in the Town of Moriah, Essex County, on Broad Street. Affidavit of Fritz Aldinger, III dated January 13, 2017, ("Aldinger"), ¶ 4. The subject property is located on lands classified Moderate Intensity Use by the official Adirondack Park Land Use and Development Plan Map. *Id.*, Exhibit A of Aldinger Affidavit.

Between 2010 and 2015, Respondent began accumulating over 60 vehicles, used tires, and other automotive parts on Lot 1. Aldinger, ¶ 8. Respondent did not seek or obtain a permit from the Agency prior to the establishment of a junkyard on the subject property. *Id.* ¶ 10. Agency staff and Respondent have been unable to reach a settlement agreement.

## **ARGUMENT**

### ***Procedural Basis***

This enforcement proceeding is brought pursuant to 9 NYCRR Subpart 581-2. As provided by 9 NYCRR § 581-2.6(b), Agency staff has initiated this proceeding by serving a NAV on Respondent. Respondent has 30 days to serve his Response on Agency staff pursuant to 9 NYCRR § 581-2.6(c). Agency staff request a determination by the Enforcement Committee in this matter pursuant to 9 NYCRR § 581-2.6(d).

### ***Respondent's Violation***

A "commercial use" is defined, in part, in § 802(17) of the Adirondack Park Agency Act as "any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale..." The Act separately defines "junkyard" as "any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material." Agency investigation reveals that Lot 1 is the site of a preexisting auto repair garage and auto dealership, a lawful commercial use. Aldinger ¶ 5. Agency investigation also reveals that between 2010

and 2015, Respondent began accumulating over 60 vehicles, used tires, and other automotive parts on Lot 1. Agency investigation further reveals that Respondent is using the subject property to dismantle the used motor vehicles for parts and selling the remainder of the vehicle for scrap metal. *Id.* ¶¶ 8 and 9. Pursuant to Executive Law § 809, a permit is required prior to the establishment of a junkyard on Moderate Intensity Use lands in the Adirondack Park. Because Respondent failed to obtain a permit from the Agency prior to establishing a junkyard on Lot 1, Respondent has violated and is continuing to violate Executive Law § 809.

### **RELIEF SOUGHT**

#### ***Remediation***

For remediation of this continuing violation, Agency staff seek a determination from the Enforcement Committee requiring Respondent to immediately cease adding materials to the junkyard on Lot 1. Respondent shall also submit a plan to the Agency for review and approval for the removal of the materials associated with the junkyard on Lot 1 by April 14, 2017, and Respondent shall lawfully dispose of all materials removed from Lot 1 pursuant to the approved plan by August 1, 2017.

#### ***Penalty***

Agency staff recommend that the Enforcement Committee determine an appropriate penalty in this matter based on consideration of the following relevant factors from the Enforcement Committee's General Penalty Guidelines:

##### **1. Potential Harm and Actual Damage**

This factor focuses on the extent to which the violators' conduct resulted in or could potentially result in harm to the environment or human health. The penalty should be proportional to potential or actual harm.

Respondent has established a junkyard in the Adirondack Park without the necessary Agency permit. Aldinger ¶ 10. In this case, the property is located in a Moderate Intensity land use area which is described as an area that is "primarily residential in nature." Executive Law § 805(d)(1). A 2015 aerial view of the property depicts numerous cars on the lot, and along Broad Street. Exhibit C. The visual impacts from the junkyard are significant and detract from the residential character of the adjoining and nearby land uses. Exhibit D. In addition, there is no vegetation screening the junkyard from off-site. Exhibit E.

##### **2. Cooperation**

The cooperation of violators in remedying a violation and the self-reporting of a violation may be mitigating factors in determining an appropriate penalty. In this case, Agency staff discovered Respondent's violation when staff responded to a complaint that Respondent had established a junkyard on Lot 1. Aldinger ¶ 6. Respondent has not agreed to sign a settlement resolving the violation with staff. *Id.* ¶¶ 11-13.

### **3. Extent of Compliance Attained Through Resolution**

In this case, full compliance with Executive Law § 809 will be achieved if Respondent is required to remediate his violation based on staff's recommendation. It is appropriate for the Committee to take the costs of remediating the violation into consideration in determining an appropriate penalty.

### **4. Importance to the Regulatory Scheme**

This factor focuses on the importance of the violated requirements in achieving the goal of the underlying statute. The Adirondack Park Agency Act was enacted with the basic purpose of insuring "optimum overall conservation, protections, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park." Executive Law § 801. To implement the basic purpose of the APA Act, any person who wishes to undertake any of the "Class B regional projects" identified by the Act must first obtain an Agency permit. Executive Law § 809(2)(a).<sup>1</sup>

Prior to issuing a permit for a Class B regional project on Moderate Intensity Use lands within the Adirondack Park, the Agency must, in addition to reviewing the permit application in accordance with the policies and standards set forth in the Adirondack Park Agency Act, determine that the project "would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park...taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project." Executive Law § 809(10)(e). In making a determination as to the potential impact of the project upon the resources of the Park, the Agency must also consider those pertinent factors contained in the development considerations provided for in Executive Law § 805(4). The Agency considers visual impacts from a proposed project as part of the determination of whether a proposal will have an undue adverse impact to the Park's scenic, aesthetic or open space resources.

Accordingly, during the permit review process Agency staff evaluates the impacts that a proposed project may have on adjoining and nearby land uses and on the resources of the Adirondack Park. APA Act § 809. The Agency also considers how the development may change the visual character of the site as viewed from adjoining and nearby land uses. Staff analyze whether the impacts from the project are adverse, how significant the impacts are, and to what extent those impacts can be reasonably avoided or mitigated, either by modifications to the project, such as careful design and vegetation management proposals, or through permit conditions.

In this case, Respondent's activities were undertaken without the necessary Agency permit. If Respondent had sought a permit for these activities, Agency staff

---

<sup>1</sup> "Junkyard" is not listed as a primary or secondary use in Moderate Intensity land use areas. Executive Law § 805. If a use is not listed as a primary or secondary compatible use in a Moderate Intensity land use area, it is a Class B regional project by default and requires an Agency permit. Executive Law § 810(2)(b)(17).



would have required plans for review to limit the number of vehicles on the property and to screen the junkyard from off-site.

### **CONCLUSION**

Agency staff request a determination by the Enforcement Committee pursuant to 9 NYCRR § 581-2.6(d) that the apparent violation alleged in the NAV has occurred and is continuing to occur. Agency staff further request that the Committee determine appropriate injunctive relief and penalties against Respondent as authorized by 9 NYCRR § 581-2.6(d) and consistent with the NAV and Agency staff's recommendations.

**STATE OF NEW YORK: ADIRONDACK PARK AGENCY**

-----X  
In the matter of the apparent  
violation of Executive Law § 809  
by:

Agency File E2016-0006

**Leroy K. Snow**


Respondent.

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

**Frederick W. Aldinger, III** being duly sworn, deposes and says:

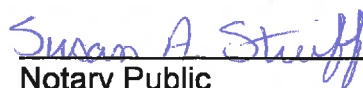
1. I am an Enforcement Officer for the Adirondack Park Agency (the "APA"), an executive agency of the State of New York created pursuant to Executive Law § 803, with offices located in the Town of North Elba, Essex County, New York, and have served in this position since March 26, 2014.
2. As part of my duties, I am responsible for investigating alleged violations of the New York State Adirondack Park Agency Act, the Freshwater Wetlands Act, the Wild, Scenic and Recreational River System Act, and Agency Rules and Regulations in an area that includes the Town of Moriah, Essex County.
3. I am familiar with the file in this case and am the Enforcement Officer who undertook Agency staff's investigation into this matter. I make this affidavit in support of APA staff's request for a determination by the Enforcement Committee.
4. Tax map parcel 97.17-2-1.000 ("Lot 1") is an approximately 1-acre parcel located on Moderate Intensity Use lands in the Town of Moriah, Essex County, on Broad Street. Exhibit A. Respondent is the current owner of Lot 1, as described in a deed recorded in Book 1594, Page 307 in the Essex County Clerk's Office. Exhibit B.
5. Based on my file review, Lot 1 is improved by a pre-existing auto repair garage and auto dealership, a lawful commercial use for Agency purposes.

6. In 2016, Agency staff opened Enforcement File E2016-0006 in response to allegations that Respondent had established a junkyard on Lot 1 without first obtaining an Agency permit.
7. On May 27, 2016, I visited Lot 1 with Agency Engineer Shaun LaLonde and Agency Wetlands Biologist Mary O'Dell to inspect the site and meet with Respondent Snow to discuss the matter.
8. Agency investigation reveals that between 2010 and 2015, Respondent began accumulating over 60 vehicles, used tires, and other automotive parts on Lot 1.
9. During the May 27, 2016 site visit, Respondent stated that he purchases the motor vehicles at auctions to use for parts, and then sells the remainder of the vehicle for scrap metal.
10. Based on my review of Agency records, Respondent does not have an Agency permit to operate a junkyard on Lot 1.
11. Based on my file review, on June 17, 2016, a cover letter and proposed settlement agreement intended to resolve the apparent junkyard violation on Lot 1 were forwarded by staff to Respondent Snow. The proposed agreement required a plan to remove the materials associated with the junkyard on Lot 1 and reduce the number of unregistered vehicles on the property to 10 or less by July 29, 2016.
12. Based on my file review, on August 18, 2016, an updated cover letter and proposed settlement agreement intended to resolve the apparent junkyard violation on Lot 1 were forwarded by staff to Respondent Snow. The proposed agreement required a plan to remove the materials associated with the junkyard on Lot 1 and reduce the number of unregistered vehicles on the property to 10 or less by September 30, 2016.
13. Based on my file review, the Agency has not received a signed settlement agreement as of this date.

  
Frederick W. Aldinger, III

Sworn to before me this

13<sup>th</sup> Day of January, 2017

  
Notary Public

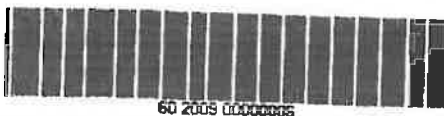
SUSAN A. STREIFF  
Notary Public - State of New York  
Qualified in Franklin County  
No. 01ST6229306  
Commission Expires Oct. 12, 2018

# EXHIBIT A

The map displays a complex land area with various colored zones. A prominent red area covers the upper and central portions, while a yellow area is at the bottom. Blue areas represent water bodies. Numerous points are labeled with coordinates, such as 97 13.4 13.000, 97 13.1 12.000, 97 12.2 14.000, 97 12.2 13.000, 97 12.2 12.000, 97 12.2 11.000, 97 12.2 10.000, 97 12.2 9.000, 97 12.2 8.000, 97 12.2 7.000, 97 12.2 6.000, 97 12.2 5.000, 97 12.2 4.000, 97 12.2 3.000, 97 12.2 2.000, 97 12.2 1.000, 97 12.2 0.000, 97 12.2 -1.000, 97 12.2 -2.000, 97 12.2 -3.000, 97 12.2 -4.000, 97 12.2 -5.000, 97 12.2 -6.000, 97 12.2 -7.000, 97 12.2 -8.000, 97 12.2 -9.000, 97 12.2 -10.000, 97 12.2 -11.000, 97 12.2 -12.000, 97 12.2 -13.000, 97 12.2 -14.000, 97 12.2 -15.000, 97 12.2 -16.000, 97 12.2 -17.000, 97 12.2 -18.000, 97 12.2 -19.000, 97 12.2 -20.000, 97 12.2 -21.000, 97 12.2 -22.000, 97 12.2 -23.000, 97 12.2 -24.000, 97 12.2 -25.000, 97 12.2 -26.000, 97 12.2 -27.000, 97 12.2 -28.000, 97 12.2 -29.000, 97 12.2 -30.000, 97 12.2 -31.000, 97 12.2 -32.000, 97 12.2 -33.000, 97 12.2 -34.000, 97 12.2 -35.000, 97 12.2 -36.000, 97 12.2 -37.000, 97 12.2 -38.000, 97 12.2 -39.000, 97 12.2 -40.000, 97 12.2 -41.000, 97 12.2 -42.000, 97 12.2 -43.000, 97 12.2 -44.000, 97 12.2 -45.000, 97 12.2 -46.000, 97 12.2 -47.000, 97 12.2 -48.000, 97 12.2 -49.000, 97 12.2 -50.000, 97 12.2 -51.000, 97 12.2 -52.000, 97 12.2 -53.000, 97 12.2 -54.000, 97 12.2 -55.000, 97 12.2 -56.000, 97 12.2 -57.000, 97 12.2 -58.000, 97 12.2 -59.000, 97 12.2 -60.000, 97 12.2 -61.000, 97 12.2 -62.000, 97 12.2 -63.000, 97 12.2 -64.000, 97 12.2 -65.000, 97 12.2 -66.000, 97 12.2 -67.000, 97 12.2 -68.000, 97 12.2 -69.000, 97 12.2 -70.000, 97 12.2 -71.000, 97 12.2 -72.000, 97 12.2 -73.000, 97 12.2 -74.000, 97 12.2 -75.000, 97 12.2 -76.000, 97 12.2 -77.000, 97 12.2 -78.000, 97 12.2 -79.000, 97 12.2 -80.000, 97 12.2 -81.000, 97 12.2 -82.000, 97 12.2 -83.000, 97 12.2 -84.000, 97 12.2 -85.000, 97 12.2 -86.000, 97 12.2 -87.000, 97 12.2 -88.000, 97 12.2 -89.000, 97 12.2 -90.000, 97 12.2 -91.000, 97 12.2 -92.000, 97 12.2 -93.000, 97 12.2 -94.000, 97 12.2 -95.000, 97 12.2 -96.000, 97 12.2 -97.000, 97 12.2 -98.000, 97 12.2 -99.000, 97 12.2 -100.000, 97 12.2 -101.000, 97 12.2 -102.000, 97 12.2 -103.000, 97 12.2 -104.000, 97 12.2 -105.000, 97 12.2 -106.000, 97 12.2 -107.000, 97 12.2 -108.000, 97 12.2 -109.000, 97 12.2 -110.000, 97 12.2 -111.000, 97 12.2 -112.000, 97 12.2 -113.000, 97 12.2 -114.000, 97 12.2 -115.000, 97 12.2 -116.000, 97 12.2 -117.000, 97 12.2 -118.000, 97 12.2 -119.000, 97 12.2 -120.000, 97 12.2 -121.000, 97 12.2 -122.000, 97 12.2 -123.000, 97 12.2 -124.000, 97 12.2 -125.000, 97 12.2 -126.000, 97 12.2 -127.000, 97 12.2 -128.000, 97 12.2 -129.000, 97 12.2 -130.000, 97 12.2 -131.000, 97 12.2 -132.000, 97 12.2 -133.000, 97 12.2 -134.000, 97 12.2 -135.000, 97 12.2 -136.000, 97 12.2 -137.000, 97 12.2 -138.000, 97 12.2 -139.000, 97 12.2 -140.000, 97 12.2 -141.000, 97 12.2 -142.000, 97 12.2 -143.000, 97 12.2 -144.000, 97 12.2 -145.000, 97 12.2 -146.000, 97 12.2 -147.000, 97 12.2 -148.000, 97 12.2 -149.000, 97 12.2 -150.000, 97 12.2 -151.000, 97 12.2 -152.000, 97 12.2 -153.000, 97 12.2 -154.000, 97 12.2 -155.000, 97 12.2 -156.000, 97 12.2 -157.000, 97 12.2 -158.000, 97 12.2 -159.000, 97 12.2 -160.000, 97 12.2 -161.000, 97 12.2 -162.000, 97 12.2 -163.000, 97 12.2 -164.000, 97 12.2 -165.000, 97 12.2 -166.000, 97 12.2 -167.000, 97 12.2 -168.000, 97 12.2 -169.000, 97 12.2 -170.000, 97 12.2 -171.000, 97 12.2 -172.000, 97 12.2 -173.000, 97 12.2 -174.000, 97 12.2 -175.000, 97 12.2 -176.000, 97 12.2 -177.000, 97 12.2 -178.000, 97 12.2 -179.000, 97 12.2 -180.000, 97 12.2 -181.000, 97 12.2 -182.000, 97 12.2 -183.000, 97 12.2 -184.000, 97 12.2 -185.000, 97 12.2 -186.000, 97 12.2 -187.000, 97 12.2 -188.000, 97 12.2 -189.000, 97 12.2 -190.000, 97 12.2 -191.000, 97 12.2 -192.000, 97 12.2 -193.000, 97 12.2 -194.000, 97 12.2 -195.000, 97 12.2 -196.000, 97 12.2 -197.000, 97 12.2 -198.000, 97 12.2 -199.000, 97 12.2 -200.000, 97 12.2 -201.000, 97 12.2 -202.000, 97 12.2 -203.000, 97 12.2 -204.000, 97 12.2 -205.000, 97 12.2 -206.000, 97 12.2 -207.000, 97 12.2 -208.000, 97 12.2 -209.000, 97 12.2 -210.000, 97 12.2 -211.000, 97 12.2 -212.000, 97 12.2 -213.000, 97 12.2 -214.000, 97 12.2 -215.000, 97 12.2 -216.000, 97 12.2 -217.000, 97 12.2 -218.000, 97 12.2 -219.000, 97 12.2 -220.000, 97 12.2 -221.000, 97 12.2 -222.000, 97 12.2 -223.000, 97 12.2 -224.000, 97 12.2

**EXHIBIT A**

# EXHIBIT B



Essex County  
Joseph Provoncha  
County Clerk  
Elizabethtown, NEW YORK 12932

Instrument Number: 2009- 00000006

Recorded On: January 02, 2009

As  
Deed

Parties: CARLSON BARBARA S  
To  
SNOW LEROY K

Recorded By: BARBARA S CARLSON

Comment: PURP 097.17-2-1.000

Billable Pages: 4

Num Of Pages: 5

**\*\* Examined and Charged as Follows: \*\***

Deed	60.00	Coversheet	5.00	RP5217 Residential/Agric	75.00
TP584 Affidavit	5.00				
Recording Charge:	145.00				
Transfer Tax	Amount	Consideration Amount	RS#/CS#	Basic	0.00
MORIAH	500.00	125,000.00	925	Local	0.00
				Additional	0.00
				Special Additional	0.00
				Transfer	500.00
Tax Charge:	500.00				

Index \_\_\_\_\_  
Verify \_\_\_\_\_  
Copy/Dis \_\_\_\_\_  
Scan \_\_\_\_\_  
BW

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Essex County, NY

**File Information:**

Document Number: 2009- 00000006

Receipt Number: 57317

Recorded Date/Time: January 02, 2009 10:14:00A

Book-Vol/Pg: Bk-D VI-1594 Pg-307

Cashier / Station: B 12 / Scan Station 1

**Record and Return To:**

LEROY K SNOW  
3093 BROAD STREET  
PORT HENRY NY 12974



*Joseph A. Provoncha*  
Joseph A Provoncha  
Essex County Clerk

EXHIBIT B

**THIS INDENTURE,**

MADE the 2nd day of January 2009,

**BETWEEN BARBARA S. CARLSON**, residing at 51 Harmony Road, Mineville, Essex County, New York 12956, party of the first part, and

**RR: LeROY K. SNOW**, residing at 3093 Broad Street, Port Henry, Essex County, New York 12974, party of the second part:

**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, does hereby grant and release unto the party of the second part, his heirs or successors and assigns forever,

"[A]ll that piece or parcel of land situate in the Town of Moriah, County of Essex and State of New York, being a portion of the same premises described in a deed to Oliver D. Currier from Maytie K. Barber, dated February 9, 1943, and recorded in the Essex County Clerk's Office in Book 233 of Deeds at page 325, located on the northerly side of the county highway leading from Port Henry to Moriah (known as the Plank Road), the portion hereby conveyed being bounded and described as follows:

Beginning at a point in the center of the aforesaid highway leading from Port Henry to Moriah, said point being at the intersection of said highway center line with the east bounds of the right of way of the Lake Champlain and Moriah Railroad and said point of beginning also the southeast corner of the parcel herein described; thence running northerly along said east bounds of lands of the Lake Champlain and Moriah Railroad right of way, a distance of 241 feet, more or less, to a point which bears north 70° 27' west (calculated from true north) from an iron pipe driven into the ground, 17.5 feet northerly from the northwest corner of the garage building standing on the parcel herein described and in line with a northerly projection of the west side of said building; thence south 70° 27' east 28 feet, more or less, to said iron pipe marker; thence continuing the same course, south 70° 27' east 181.60 feet to an iron pipe driven into the ground in the west bounds of lands owned or said to be owned by George and Edith Wilke; thence south 12° 06' west along lands of Wilke and said line extended 187.90 feet to an iron pipe driven into the ground, said pipe being easterly a distance of 126.35 feet from the southeasterly corner of the garage building standing on the parcel herein described and also being westerly a distance of 75.12 feet from the southwesterly corner of the house owned and occupied by Donald and Muriel Currier; thence continuing the same course south 12° 06' west 25 feet, more or less, to the center of the aforesaid highway; thence westerly along the center of said highway a distance of 194 feet, more or less, to the point of beginning, containing 1.05 acres of land, more or less, bounded north by Currier; east by Wilke and Currier; south by the highway and west by the railroad.

Excepting and reserving, however, a road right of way, 15 feet in width, extending from the County highway northerly across the easterly end of the above described parcel, said right of way to be westerly from, and immediately adjacent to, the east bounds of said parcel which right



of way may be used by Louise Bush, her heirs, assigns, successors executors and administrators; by Marion and Lionel Baldwin, their respective heirs, assigns, successors, executors and administrators; by George and Edith Wilke, their respective heirs, assigns, successors, executors and administrators; and by Donald and Muriel Currier, their respective heirs, assigns, successors, executors and administrators.

Subject, however, to the rights of the public in and to that portion of the highway included in the above described parcel.

The reference meridian for the above description is approximate true north, computed at 14° 30' east of the magnetic meridian as observed in October, 1958.

Subject also to easements to lay and maintain water lines serving adjoining properties, as said water lines exist.

Being a portion of the same premises which was devised by Oliver D. Currier to Currier Motors, Inc. by the Codicil to the Last Will and Testament of the said Oliver D. Currier which was recorded in the Essex County Clerk's Office on February 16, 1971, in Book 496 of Deeds at page 196.

Together with all buildings and improvements presently located upon the above described premises."

BEING the same premises conveyed by Currier Motors, Inc. to Gerald F. Carlson and Barbara S. Carlson, party of the first part herein, by deed dated January 3, 1986, and recorded in the Essex County Clerk's Office on January 6, 1986, in Book 847 of Deeds at page 341.

Gerald F. Carlson died a resident of Mineville, Essex County, New York on September 23, 1995.

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 or successors and assigns forever.

AND the party of the first part covenants as follows:

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

SECOND, That the party of the first part will forever WARRANT the title to said premises; and

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 has hereunto set her hand the day and year first above written.

Barbara S. Carlson  
Barbara S. Carlson

STATE OF NEW YORK )  
COUNTY OF ESSEX )

On this 2nd day of January 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared BARBARA S. CARLSON, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which she acted, executed the instrument.

Louis Philip Comeau  
Notary Public

LOUIS PHILIP COMEAU  
Notary Public, State of New York  
No. 4806565  
Qualified in Essex County  
Commission Expires 5/31/10

RECORDED DISTRICT  
1552  
REGISTER NUMBER  
60

NEW YORK STATE  
DEPARTMENT OF HEALTH  
CERTIFICATE  
OF DEATH

STATE FILE NUMBER

0057 1574 PAGE 311

1. NAME: FIRST GERALD	MIDDLE F.	LAST CARLSON	2. SEX: MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	3A. DATE OF DEATH: MONTH DAY YEAR Sept 23 1995	3B. HOUR: 11PM
4A. PLACE OF DEATH: (Check only one) HOSPITAL DOA <input type="checkbox"/> ER <input type="checkbox"/> HOSPITAL OUTPATIENT <input type="checkbox"/> HOSPITAL INPATIENT <input type="checkbox"/> NURSING HOME <input type="checkbox"/> PRIVATE RESIDENCE <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/>			4B. IF FACILITY, DATE ADMITTED: MONTH DAY YEAR Sept 23 1995		
4C. NAME OF FACILITY: (If not facility give address) Community Hospital			4D. LOCALITY: (Check one and specify) CITY OF <input type="checkbox"/> VILLAGE OF <input type="checkbox"/> TOWN OF <input checked="" type="checkbox"/> Elizabethtown Essex		
4F. MEDICAL RECORD NO. NO <input type="checkbox"/> YES <input type="checkbox"/>			4G. WAS DECEDENT TRANSFERRED FROM ANOTHER INSTITUTION? (If yes, specify institution name, city or town, county and state) NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>		
5. DATE OF BIRTH: MONTH DAY YEAR June 10 1995		6. AGE: 61 yrs.		7A. CITY AND STATE OF BIRTH: (Country if not U.S.A.) Mineville, NY	
8. SERVED IN U.S. ARMED FORCES? NO <input type="checkbox"/> YES <input type="checkbox"/> (Specify years)		9. RACE: (Black, White, etc.) White		10. HISPANIC ORIGIN? (If yes, specify) NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>	
11. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 12 College (14 or 5+)		12. SOCIAL SECURITY NUMBER: 121-24-9479			
13. MARITAL STATUS: NEVER MARRIED <input type="checkbox"/> MARRIED OR SEPARATED <input type="checkbox"/> WIDOWED <input type="checkbox"/> DIVORCED <input type="checkbox"/>		14. SURVIVING SPOUSE: (If wife, provide maiden name) Barbara Smith			
15A. USUAL OCCUPATION: (Do not enter retired) Owner		15B. KIND OF BUSINESS OR INDUSTRY: Garage/Auto Parts			
16A. RESIDENCE, STATE: New York		16B. COUNTY: Essex		16C. LOCALITY: (Check one and specify) CITY OF <input type="checkbox"/> VILLAGE OF <input checked="" type="checkbox"/> TOWN OF <input type="checkbox"/> Mineville	
16D. STREET AND NUMBER OF RESIDENCE: 319 Sherman Road		16E. ZIP CODE: 12956		16F. IF CITY OR VILLAGE, IS RESIDENCE WITHIN CITY OR VILLAGE LIMITS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF NO, SPECIFY TOWN: Moriah	
17. NAME OF FATHER: FIRST MI LAST Arthur Carlson		18. MAIDEN NAME OF MOTHER: FIRST MI LAST Violet Dumar			
19A. NAME OF INFORMANT: Barbara Carlson		19B. MAILING ADDRESS: (Include zip code) 319 Sherman Rd. Mineville, NY 12956			
20A. BURIAL, CREMATION, RESIDUAL OR OTHER DISPOSITION: (Specify) Burial		20B. PLACE OF BURIAL, CREMATION, REMOVAL OR OTHER DISPOSITION: Sept 27 1995 Union Cemetery		20C. LOCATION: (City or town and state) Moriah, NY	
21A. NAME AND ADDRESS OF FUNERAL HOME: Harland Funeral Home		21B. PORT HENRY, NY 12974		21C. REGISTRATION NUMBER: 00866	
22A. NAME OF FUNERAL DIRECTOR: John J. Harland		22B. SIGNATURE OF FUNERAL DIRECTOR: <i>John J. Harland</i>		22C. REGISTRATION NUMBER: 02152	
23A. SIGNATURE OF REGISTRAR: <i>Gertrude H. Maxim</i>		23B. DATE SIGNED: MONTH DAY YEAR 9 25 95		23C. DATE SIGNED: MONTH DAY YEAR 9 25 95	
ITEMS 25 - 33 COMPLETED BY CERTIFYING PHYSICIAN OR - OR - ITEMS 25 - 33 COMPLETED BY CORONER OR MEDICAL EXAMINER					
25A. TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSES STATED. SIGNATURE: <i>Robert T. Gilman</i> MONTH DAY YEAR 9 25 95			25A. ON THE BASIS OF INVESTIGATION AND SUCH EXAMINATIONS, AS I FELT NECESSARY, IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSES STATED. SIGNATURE AND TITLE: <i>Robert T. Gilman</i> MONTH DAY YEAR 9 25 95		
25B. THE PHYSICIAN ATTENDED THE DECEASED FROM MONTH DAY YEAR 6 20 94 TO MONTH DAY YEAR 9 24 95			25B. PRONOUNCED DEAD ON MONTH DAY YEAR 9 24 95		
25C. LAST SEEN ALIVE: MONTH DAY YEAR 9 22 95			25C. HOUR: 25D. DATE SIGNED: MONTH DAY YEAR 9 25 95		
25D. NAME OF ATTENDING PHYSICIAN: Robert T. Gilman, M.D.			25E. SIGNATURE OF CORONER OR CORONER'S PHYSICIAN, IF OTHER THAN CERTIFIER: <i>Robert T. Gilman</i>		
25D. ATTENDING PHYSICIAN LICENSE NUMBER: 119545			25F. MEDICOR, PHYS. LICENSE NUMBER		
26. NAME AND ADDRESS OF CERTIFIER WHO SIGNED 25A: Robert T. Gilman, M.D., Mineville Health Center, Mineville, NY 12956			26. WAS CASE REFERRED TO CORONER OR MEDICAL EXAMINER? NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>		
27. MANNER OF DEATH: NATURAL CAUSE <input checked="" type="checkbox"/> ACCIDENT <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE <input type="checkbox"/> UNDETERMINED CIRCUMSTANCES <input type="checkbox"/> PENDING INVESTIGATION <input type="checkbox"/>			28. WAS CASE REFERRED TO CORONER OR MEDICAL EXAMINER? NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>		
29. IF YES, WERE FINDINGS USED TO DETERMINE CAUSE OF DEATH? NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>			29. IF YES, WERE FINDINGS USED TO DETERMINE CAUSE OF DEATH? NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>		

I hereby solemnly attest that this is a true transcript from the Registrar of Deaths as kept in the Office of the Registrar, Maple Street, Elizabethtown, County of Essex, State of New York.

Dated at Elizabethtown, New York this 25<sup>th</sup> day of September 19 95.

Signed: *Gertrude H. Maxim*  
Deputy Registrar Town of Elizabethtown

NAME OF DEC  
For use by phis

31D. PLACE:	31E. AT WORK? NO <input type="checkbox"/> YES <input type="checkbox"/>	32. WAS DECEDENT HOSPITALIZED IN LAST 2 MONTHS? NO <input type="checkbox"/> YES <input type="checkbox"/>	33A. IF FEMALE, WAS DECEDENT PREGNANT IN LAST 6 MONTHS? NO <input type="checkbox"/> YES <input type="checkbox"/>	33B. DATE OF DELIVERY: MONTH DAY YEAR
-------------	--	--	--	---------------------------------------

# EXHIBIT C

EXHIBIT C



© 2016 Google

Go

# EXHIBIT D





EXHIBIT D

# EXHIBIT E



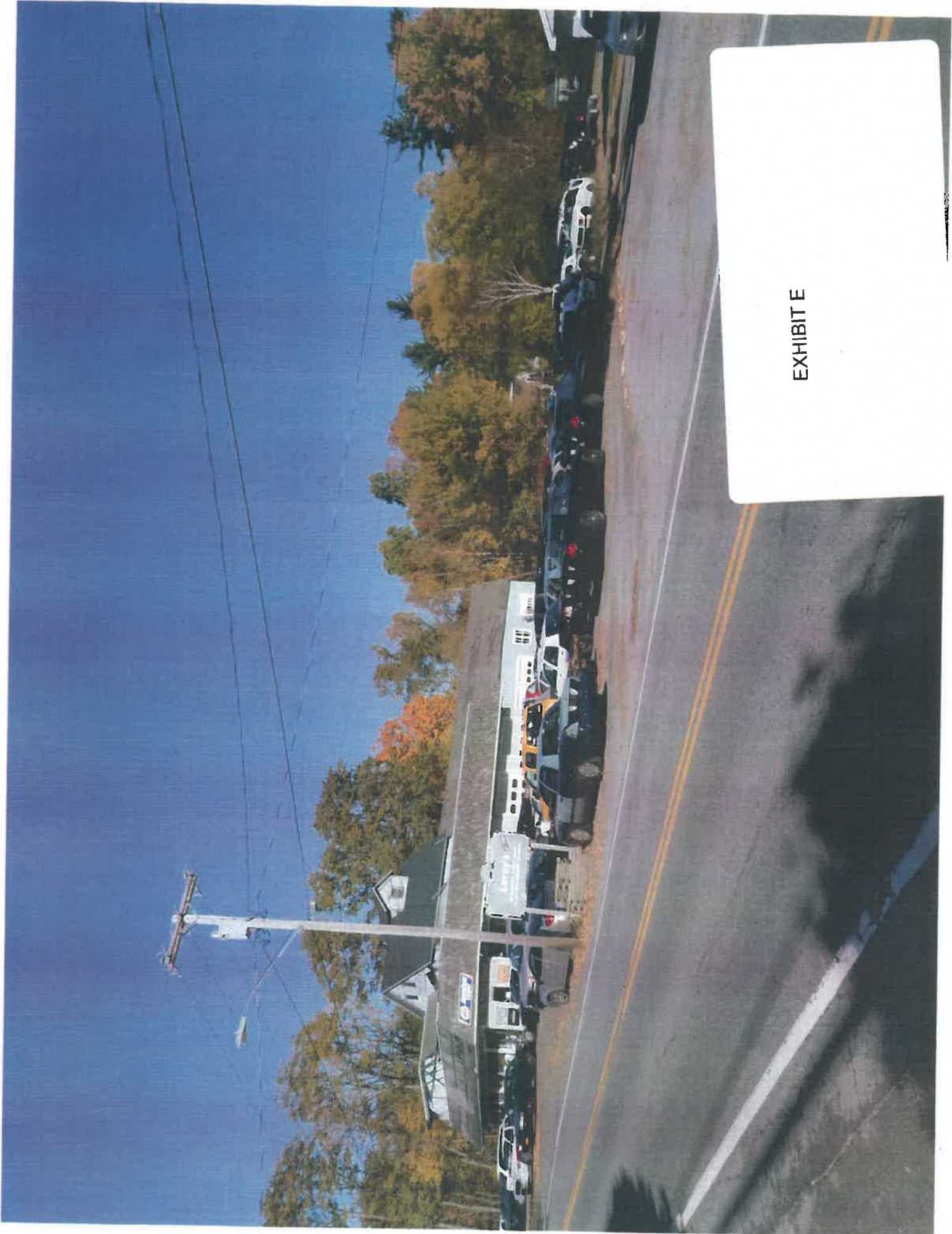


EXHIBIT E