

APPLICATION FOR SPECIAL USE PERMIT

FOR INTERNAL USE ONLY

APPLICANT:

APPLICATION #: \_\_\_\_\_  
ZONING DISTRICT: \_\_\_\_\_  
DATE SUBMITTED: \_\_\_\_\_  
DATE ACCEPTED: \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_

**APPLICANT INFORMATION:**

- 1. Applicant(s):** DMMH Corp. - David Rogge  
Street Address: 53 Lamplighter Acres  
City, State, Zip: Moreau NY 12828  
Telephone #: 518-361-3451 Fax #: \_\_\_\_\_  
E-mail Address: david@lamplighteracres.com
- 2. Agent:** Rucinski Hall Architecture - Ethan P. Hall  
Street Address: 134 Dix Ave  
City, State, Zip: Glens Falls NY 12801  
Telephone #: 518-741-0268 Fax #: 518-741-0274  
E-mail Address: ephall@rha-pc.com
- 3. Owner:** DMMH Corp. - David Rogge  
Street Address: 53 Lamplighter Acres  
City, State, Zip: Moreau NY 12828  
Telephone #: 518-361-3451 Fax #: \_\_\_\_\_  
E-mail Address: david@lamplighteracres.com

**RELATIONSHIP TO THE PROPERTY:**

OWNER:  Yes  No      LESSEE:  Yes  No      AGENT:  Yes  No

*If an agent, please attach an Agent Authorization Form.*

**QUESTIONNAIRE:**

1. What is the specific provision of the Zoning Law involved?

Storage business in the C-1 Zone

2. What is the Special Use involved?

For Self-storage in the C-1 zone - expansion of the existing use accessory to the primary use

3. What is the name and address of the zoned lot effected (if different from "Applicant")?

1427-1429 NYS Route 9

4. Please provide a brief description and location of said lot.

The lot is adjacent to the Route 9 Mini-Storage facility. The existing lot is vacant for the most part and has been historically used for the display of manufactured homes. The proposed use would be a commercial facility that would have rental space closest to Route 9 with a self-storage portion of the project at the back of the building for large vehicle storage.

5. What is the present zoning classification of said lot, the improvements thereon, and the present use thereof?

C-1 Commercial - the lot is presently mainly vacant with some minor improvements for access across the lot and has been historically used for the display of manufactured homes.

**DESCRIPTION:**

1. Please provide an accurate description of the improvements, additions or changes intended to be made, indicating the size of such proposed improvements, materials, and general construction thereof.

The proposed building will be a mixed use building that would be 60' x 300' in size. The front portion of the building would be for rental spaces for commercial use which could be retail or other business use. The rear section would be set up with large overhead doors to allow for inside storage of large vehicles like class A motor homes, campers or boats that would prefer indoor storage as opposed to outdoor storage. The spaces would also be used as accessory uses to to the primary use at the front portion of the building.

2. Please explain why the proposed use is in the public interest.

The larger storage units are needed for the storage of items like class A motor homes, campers and boats that the owners do not want to have stored outdoors unprotected. Additional use would be for storage areas for the commercial rental space provided at the front of the building.

**CHECKLIST OF SPECIAL USE PERMIT APPLICATION COMPLETENESS:**

As per §149-30 of the Town Code, the applicant shall provide the Zoning Board of Appeals with all of the following documentation attached to each copy of this application:

- 1. A plot plan of said lot, drawn to scale, indicating the location and size of the lot, the location and size of any improvements thereon, and the location and size of any improvements proposed to be erected thereon.
  
- 2. Additional information requested by the Zoning Board of Appeals (please check all that apply):
  - Topographic and boundary surveys.
  - Soils test and information.
  - Location of watercourses, wetlands and floodplains.
  - Grading and drainage plan.
  - Location, use and height of all buildings.
  - Location, design and construction materials of all parking and truck-loading areas, with access and egress drives thereto.
  - Provisions for pedestrian access.
  - Location of any outdoor storage, if any.
  - Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
  - Description of the method of sewage disposal and location design and construction materials of such facilities.
  - Description of the method of securing water and location, design and construction materials of such facilities.
  - Location of fire and other emergency zones, including the location of fire hydrants.
  - Location, size, design and construction materials of all proposed signage.
  - Location and design of outdoor lighting facilities.
  - Designation of the amount of building area proposed for retail sales or similar commercial activity.
  - General landscaping plan and planting schedule.
  - Other.

TOWN OF MOREAU  
NEW YORK


351 REYNOLDS ROAD • MOREAU, NY

Please return the original application, with all pages intact, along with ten (10) paper copies and an electronic copy, including required information and documentation. The electronic copy may be submitted on a flash drive or emailed to [biclerk@townofmoreau.org](mailto:biclerk@townofmoreau.org).

NOTE: The application will not be scheduled on the Zoning Board of Appeals agenda until all paper and electronic copies have been received by the Town Building Department.

Also note that the information to be provided is not limited to the space on this form. If additional space is needed, please use separate sheets and indicate the enclosure number or page number for the attached sheets in the related space provided on this application.

*The undersigned hereby applies for a Special Use Permit for which the Zoning Law of the Town of Moreau entitled, The Zoning Law of the Town of Moreau," requires the obtaining of such a permit from the Zoning Board of Appeals.*

Signature	<u>David Rogge</u> Applicant (print)	<u>30 Aug 2024</u> Date
	 Applicant (sign)	<u>8-30-24</u> Date

**APPLICATION FOR AREA VARIANCE**

FOR INTERNAL USE ONLY	
<b>APPLICANT:</b> _____ _____	<b>APPEAL #:</b> _____ <b>ZONING DISTRICT:</b> _____ <b>DATE SUBMITTED:</b> _____ <b>DATE ACCEPTED:</b> _____ <b>HEARING DATE:</b> _____
<input type="checkbox"/> SEQR Type 1 <input type="checkbox"/> SEQR Type 2 <input type="checkbox"/> Unlisted	

**APPLICANT INFORMATION:**

- 1. Applicant(s):** DMMH Corporation - David Rogge  
**Street Address:** 53 Lamplighter Acres  
**City, State, Zip:** Moreau NY 12828  
**Telephone #:** 518-361-3451      **Fax #:** \_\_\_\_\_  
**E-mail Address:** david@lamplighteracres.com
- 2. Agent:** Rucinski Hall Architecture - Ethan P. Hall  
**Street Address:** 134 Dix Ave  
**City, State, Zip:** Glens Falls NY 12801  
**Telephone #:** 518-741-0268      **Fax #:** 518-741-0274  
**E-mail Address:** ephall@rha-pc.com
- 3. Owner:** DMMH Corporation - David Rogge  
**Street Address:** 53 Lamplighter Acres  
**City, State, Zip:** Moreau NY 12828  
**Telephone #:** 518-361-3451      **Fax #:** \_\_\_\_\_  
**E-mail Address:** david@lamplighteracres.com

**RELATIONSHIP TO THE PROPERTY:**

**OWNER:**     Yes     No                      **LESSEE:**     Yes     No                      **AGENT:**     Yes     No

*If an agent, please attach an Agent Authorization Form.*

**GENERAL PROJECT INFORMATION:**

ADDRESS: 1427-1249 NYS Route 9 TAX MAP #: 63.3-1-21.21

CURRENT USE: Display for homes ZONING DISTRICT: C-1

LENGTH OF TIME OF USE: \_\_\_\_\_ PROPOSED USE: Commercial

RELIEF SOUGHT: For storage use within 300' of Route 9

**AREA VARIANCE REQUEST:**

	<b>Required Dimension</b>	<b>Proposed Dimension</b>	<b>Difference</b>	<b>%</b>
Front Yard Setback	_____	_____	_____	_____
Side Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Lot Area	_____	_____	_____	_____

**GENERAL DESCRIPTION OF THE ACTION FOR WHICH AN AREA VARIANCE IS SOUGHT:**

The area variance is for storage areas within 300' of the front yard property line  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CRITERIA:** An area variance may be granted only in the event that **ALL five (5)** of the circumstances listed in § 179-59A are specifically found to exist by the Zoning Board of Appeals and are each so stated in the findings.

- (1) That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
- (2) How substantial the requested variance is in relation to the requirements.
- (3) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
- (4) That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

- (5) That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

**Please describe how your circumstance meets ALL five (4) criteria (please attach additional pages as necessary):**

1) The overall depth of the lot does not allow for the storage component to be placed at 300' from the front yard boundary. These are not traditional storage areas and would be used for multiple tenants for individual spaces.

2) The relief requested is moderate as the building otherwise would meet the zoning requirements for the zone.

3) The lot does not allow for the storage component to be placed 300' from the front property line.

4) The use would be for commercial tenants for retail or business use and the storage component would be accessory to the primary use.

5) The primary use of the building is for commercial tenants which is in keeping with the C-1 zone. The storage component would be accessory to the main use or would be for large vehicles that otherwise would be stored outside. The property is well maintained by the current owner and would continue to be maintained as it is currently.



**CHECKLIST OF VARIANCE APPLICATION COMPLETENESS:**

As per §149-57 of the Zoning Chapter of the Town Code, the following information shall be supplied by the applicant with any variance application:

**Please complete the checklist of required application elements:**

- 1. Map of the property with a scaled site plan and/or elevations necessary to show the proposed project for which the variance is sought.
- 2. Complete narrative response addressing each of the criteria as specified in this application.
- 3. Financial documentation demonstrating the reasonableness of financial return on the property.
- 4. Completed and signed Part 1 of the appropriate Environmental Assessment Form. Paper copies are available at the Building Department in Town Hall or electronically at <https://www.dec.ny.gov/permits/6191.html>.
- 5. Additional information requested by the Zoning Board of Appeals.

**Please return the original application, with all four pages intact, along with ten (10) paper copies and an electronic copy, including required information and documentation.** The electronic copy may be submitted on a flash drive or emailed to [bidclerk@townofmoreau.org](mailto:bidclerk@townofmoreau.org).

NOTE: The application will not be scheduled on the Zoning Board of Appeals agenda until all paper and electronic copies have been received by the Town Building Department.

Also note that the information to be provided is not limited to the space on this form. If additional space is needed, please use separate sheets and indicate the enclosure number or page number for the attached sheets in the related space provided on this application.

**Signature**

David Rogge

Applicant (print)



Applicant (sign)

8-30-24

Date

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

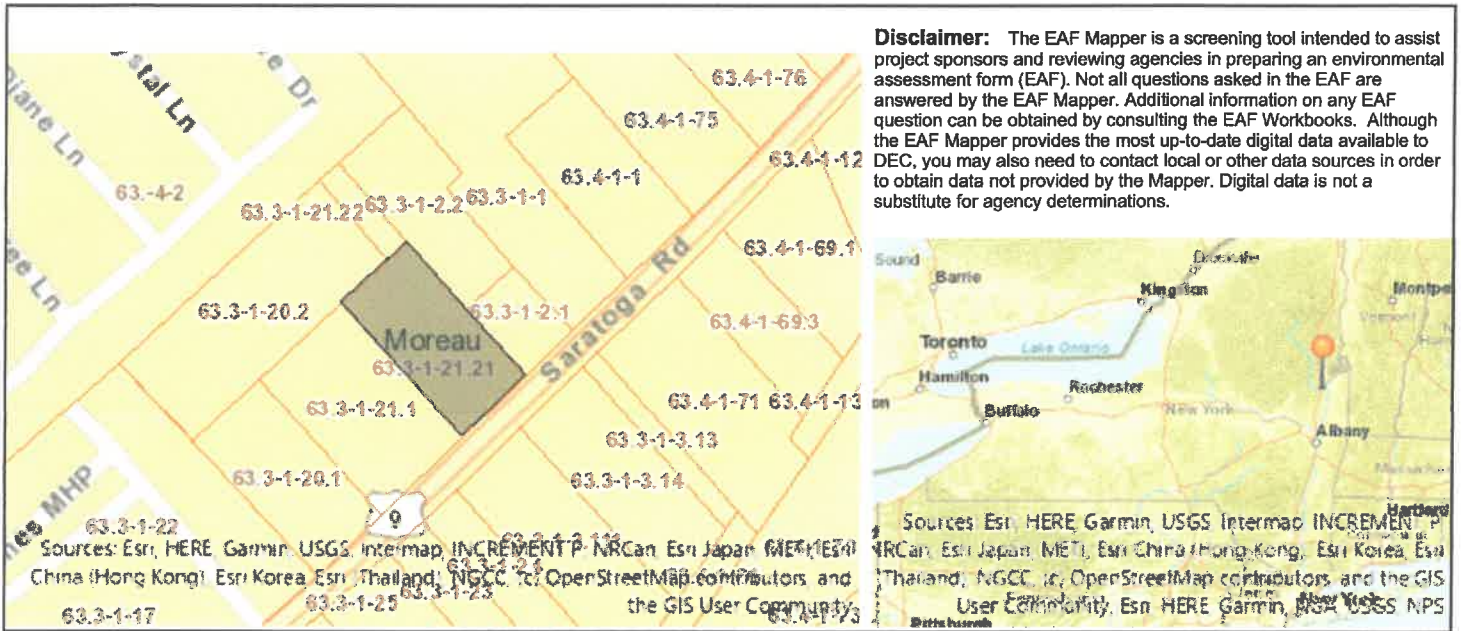
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: New mixed use commercial building				
Project Location (describe, and attach a location map): 1427-1429 NYS Route 9 - Moreau NY 12828				
Brief Description of Proposed Action: New mixed use commercial building to be constructed on a vacant commercial property in the C-1 zone in the Town of Moreau				
Name of Applicant or Sponsor: DMMH Corp & David Rogge		Telephone: 518-361-3451 E-Mail: david@lampligheracres.com		
Address: 53 Lamplighter Acres				
City/PO: Moreau		State: NY	Zip Code: 12828	
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"/>	YES <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: Town of Moreau - Zoning Board, Town of Moreau Planning Board & Town of Moreau Building Permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.17 acres		
b. Total acreage to be physically disturbed?		1.33 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.17 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?  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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes

**BARGAIN AND SALE DEED**  
**WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE made the 20<sup>th</sup> day of April, 2004, between DAVID ROGGE, of 53 Lamplighter Acres, Fort Edward, New York 12828, party of the first part, and DMMH CORP., a New York corporation with offices at 53 Lamplighter Acres, Fort Edward, NY 12828, party of the second part,

WITNESSETH, 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, its successors and assigns forever,

ALL THAT LOT, PIECE OR PARCEL OF LAND, located off State Route 9 in the Town of Moreau, County of Saratoga and State of New York, as more particularly described in the annexed 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, its successors and assigns forever.

AND the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

Subject to the trust fund provisions of Section Thirteen of the Lien Law.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

  
\_\_\_\_\_  
DAVID ROGGE

Saratoga County  
COUNTY CLERK'S RECORDING PAGE

RECEIPT NO.:803515

INDEXED BY: 

SCANNED BY:

RECORDING:

Cost Filing Fee (RCD Deed)	5.00
Cover Sheet Fee (Deed)	10.00
EA5217 Fee	50.00
Education Fee	20.00
TF584 Fee (Filing Fee)	5.00
Transfer Tax Fee	.00
Markoffs	.00
Names	.00
Pages	9.00

TOTAL: 99.00

\*\*\*\*\*NOTICE: THIS IS NOT A BILL \*\*\*\*\*

STATE OF NEW YORK  
SARATOGA COUNTY CLERK

RECORDED ON 04/28/2004 AT 09:39:00  
IN BOOK OF DEEDS PAGE 00594 OF 01680

Kathleen A. Marchione  
SARATOGA COUNTY CLERK

BOOK OF DEEDS

BOOK 01680 PAGE 00594

NO. PAGES 3

INSTRUMENT CODE: DED

INSTRUMENT NO.: 200406876

TRANSFER TAX

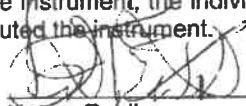
Transfer Tax .00

Transfer Tax# 200406876

THIS PAGE IS PART OF THE INSTRUMENT

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

On the 2<sup>nd</sup> day of April in the year 2004, before me the undersigned, a Notary Public in and for said State, personally appeared DAVID ROGGE, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

PATRICIA S. WATSON  
Notary Public  
Qualified in New York  
4/2/04



SCHEDULE A

ALL THAT PARCEL OF LAND located in the Town of Moreau, County of Saratoga and State of New York, and lying northwesterly of the State Highway known as Route #9 leading from Saratoga Springs to Glens Falls, more particularly bounded and described as follows:

COMMENCING at a point lying northwest of the northwesterly boundary of Route 9, which said point of beginning is located 199.93 feet on a course N27° 51'00"W from the northeast corner of lands now or formerly of E-Z Petro-Mart, Inc. (1628/679) and the southeast corner of lands of DMMH, Inc. (1552/164), and which point of beginning marks the northwest corner of lands now or formerly of E-Z Petro-Mart, Inc. (1628/679) and the northeast corner of the parcel described herein, thence from said point of beginning S59° 10'15"W a distance of 150.05 feet; thence N28° 03'31"W a distance of 440.38 feet; thence N62° 23'16"E a distance of 200.91 feet; thence S28° 00'30"E a distance of 200.00 feet to an iron rod found; thence S62° 00'00"W a distance of 50.00 feet; thence S27°51'00"E a distance of 231.62 feet to the point of beginning.

BEING the same premises conveyed by Bernard C. Rogge to David Rogge by deed in the Saratoga County Clerk's Office in Book 1389 of Deeds at Page 738.

TOGETHER WITH the benefits and SUBJECT TO the obligations set forth in a Fence Agreement between Bernard C. Rogge and Diamond Point Lumber Company, Inc. dated November 1, 1988, recorded in the Saratoga County Clerk's Office in Liber 1247 of Deeds at Page 528.

TOGETHER WITH the benefits and SUBJECT TO all terms and conditions set forth in an Easement Relocation Agreement between Mouse's House, Ltd. and David D. Rogge dated October 25, 2002, recorded in the Saratoga County Clerk's Office on November 8, 2002 in Liber ~~162~~ of Deeds at Page ~~68~~.

Record and Return To:  
Bartlett, Pontiff, Stewart & Rhodes, P.C.  
P.O. Box 2168  
Glens Falls, New York 12801  
Attention: Patricia E. Watkins, Esq.

Kathleen A Marchione Saratoga Co Clerk

**WARRANTY DEED WITH LIEN COVENANT**

THIS INDENTURE made the 20<sup>th</sup> day of December, 2010 between BERNARD C. ROGGE, 53 Lamplighter Acres, Fort Edward, NY 12828, party of the first part, and DAVID D. ROGGE and MARIANNE ROGGE, as tenants in common, each as to an undivided one-half interest, 53 Lamplighter Acres, Fort Edward, NY 12828, parties 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 parties of the second part, their heirs and assigns forever,

ALL that parcel of land located on Route 9 in the Town of Moreau, County of Saratoga and State of New York, and more particularly described in the annexed Schedule "A."

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises, to the centerline thereof.

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 parties of the second part, their heirs and assigns forever.

And said party of the first part covenants as follows:

First, that the parties 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.

Subject to the trust fund provisions of Section Thirteen of the Lien Law.



**SARATOGA COUNTY - STATE OF NEW YORK**  
**KATHLEEN A. MARCHIONE, COUNTY CLERK**  
**40 MCMASTER STREET, BALLSTON SPA, NY 12020**

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



RECEIPT NO. : 2010211672261  
 Clerk: JR  
 Instr #: 2010043323  
 Rec Date: 12/30/2010 03:56:38 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Party1: ROGGE BERNARD C  
 Party2: ROGGE DAVID D  
 Town: MOREAU

Recording:	
Pages	15.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Names	0.50
TP 584	5.00
RP 5217 - County	9.00
RP 5217 - State - All Oth	241.00
Education Fee	20.00
Sub Total:	<u>315.50</u>
Transfer Tax	
Transfer Tax	0.00
Sub Total:	<u>0.00</u>
Total:	<u>315.50</u>
**** NOTICE: THIS IS NOT A BILL ****	

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax# : 2367  
 Consideration: 0.00  
 Transfer Tax: 0.00

Record and Return To:

BARTLETT PONTIFF STEWART AND RHODES PC  
 PO BOX 2168  
 GLENS FALLS, NY 12801

SCHEDULE "A"

All that parcel of land situate in the Town of Moreau, County of Saratoga and State of New York, designated as Lot 1 on a map entitled "Site Plan Prepared for MH Imperial Homes" dated June 23, 2008, prepared by W. J. Rourke Associates, LLS and filed in the Saratoga County Clerk's Office on July 14, 2010 as Map N 2010148, which Lot 1 is bounded and described as follows: Commencing at the southwest corner of lands now or formerly of E-Z Petro Mart, Inc. (1628/679) and the southeast corner of the premises described herein, and running thence S 60 degrees 59 minutes 57 seconds W along Route 9 a distance of 200.30 feet to a point marking the southwest corner of Lot 1 and the southeast corner of Lot 2; thence N 28 degrees 00 minutes 32 seconds W a distance of 400.81 feet to a point marking the northwest corner of Lot 1 and the northeast corner of Lot 2; thence N 60 degrees 54 minutes 11 seconds E a distance of 140.30 feet to a point for a corner; thence N 28 degrees 00 minutes 32 seconds W a distance of 240 feet to a point in the southerly line of lands now or formerly of RDDC Development Corp. (914/819); thence along said lands of RDDC Development Corp. N 61 degrees 52 minutes 12 seconds E a distance of 60 feet to lands now or formerly of DMMH Corp.; thence S 28 degrees 00 minutes 32 seconds E along said lands of DMMH Corp. and said lands of E-Z Petro Mart, Inc. a distance of 640.14 feet to the point and place of beginning, containing 2.173 acres of land more or less.

BEING a portion of the premises conveyed by Anna Guest to Bernard C. Rogge by deed dated April 25, 1972, and recorded in the Saratoga County Clerk's Office on July 13, 1972, in Liber 914 of Deeds at Page 808.

This deed replaces a deed signed and delivered on July 6, 2010, which was misplaced by the grantee prior to recording.

