

**Project Narrative**  
**for**  
**Lupe Way Subdivision**  
**Lupe Way and Morocco Lane**  
**Town of Colonie**  
**Albany County, New York**

Prepared for:  
David Adams Builders, LLC  
Located at  
629 Sacandaga Road  
Scotia, NY 12302

September 17, 2017

*Prepared by:*



**Engineering and  
Land Surveying, P.C.**

21 Corporate Drive, Suite 105  
Clifton Park, NY 12065  
Tel: 518-371-0799  
Fax: 518-371-0822



## **INTRODUCTION**

The proposed project consists of 3 separate tax parcels in the town of Colonie, 106 Cordell Road, 110 Cordell Road and 8 Lupe Way. All three parcels are actually one parcel per the Title Report and sometime in the past it was illegally subdivided. For discussion purposes, and clarity, the Project Narrative will discuss and identify information based upon the three existing tax parcels (106 Cordell Road, 110 Cordell Road and 8 Lupe Way). The zoning of 106 and 110 Cordell Road is Industrial, while 8 Lupe is Single Family Residential. All three parcels lie within a Conservation Development Overlay district. The site is located at the terminus of Lupe Way and Morocco Lane, and has frontage on three municipal roads; Cordell Road, Lupe Way, and Morocco Lane. The property is bisected by the Niagara Mohawk Power Corporation, and borders the CSX Railway.

The applicant proposes to develop the existing property (8 Lupe Way) into a single family residential development. There are no plans to develop the two parcels on Cordell Road (106 Cordell Road and 110 Cordell Road).

The 3 parcels total approximately 60.93 acres, of which 110 Cordell Road (2.05 acres) will be dedicated back to the previous owner as the result of the illegal subdivision.

## **APPLICANT AND OWNER INFORMATION**

**Applicant** Dave Adams Builders, LLC  
629 Sacandaga Road  
Scotia, NY 12302  
Email: [adams7080@yahoo.com](mailto:adams7080@yahoo.com)  
Phone: 518-588-2929

**Engineer** James Easton, PE  
MJ Engineering & Land Surveying  
21 Corporate Drive Suite 105  
Clifton Park, NY 12065  
Email: [jeaston@mjels.com](mailto:jeaston@mjels.com)  
Phone: 518-371-0799

## **EXISTING SITE CONDITIONS**

### **General**

The current property is a wooded undeveloped parcel. Approximately 17.24 acres is landlocked; that is, bordered by vacant land to the northwest and southeast, Niagara Mohawk to the east, and CSX railway to the west. The remaining lands are accessible by three roads; Cordell Road, Lupe Way, and Morocco Lane.

The title abstract for the property states that the subject property is one cohesive lot. The Town of Colonie GIS and Assessor's office has record of the property being three distinct parcels:

- SBL 16.1-1-47.1 having the address 8 Lupe Way and area of 56.90 acres
- SBL 16.1-1-43.3 having the address 106 Cordell Road and area of 1.98 acres
- SBL 16.1-1-43.2 having the address 110 Cordell Road and area of 2.05 acres

Based on the title abstract, it appears that the two latter parcels were created with an illegal subdivision of lands. As the title abstract states the property to be one parcel, the narrative discusses the property as such.

Tax parcels 106 Cordell Road and 8 Lupe Way will remain the property of Dave Adams Builders, LLC while 110 Cordell will be dedicated back to Owen Lupe (original land owner) during the subdivision process.



## **Water**

No water service is currently within the property, although according to record drawings, an 8" DIP watermain stub is located at the terminus of Lupe Way within the property, and an 8" DIP watermain also exists on Morocco Lane which terminates at the cul-de-sac as well. The project property is located outside of the water districts, and will need a water district extension for this project.

## **Sewer**

Currently no sewer service is available within the property. Gravity manholes exist at the terminus of Morocco Lane and Lupe Way, with 8" PVC gravity lines. Both gravity sewer mains are accessible from the project site.

## **Wetlands**

Wetlands have been delineated within the project site by OSPA Engineering Services, and have been determined to have approximately 20.56 acres of NYSDEC wetlands. The wetland delineation was performed on Sept. 25~29<sup>th</sup> of 2014, and confirmed by the ACOE and NYSDEC on December 3<sup>rd</sup> 2014

## **Floodplain and Floodway**

The Lisha Kill traverses to the south of the subject property. FIRM Map Number 36001C0044D with Effective Date of March 16, 2015 was consulted. The property is entirely located outside of the floodplain. The FIRM map can be found as Exhibit 1.

## **Town of Colonie Protected Watercourse**

A stream is located on the isolated portion within the parcel which is a tributary to the Lisha Kill. This stream is designated as a Town of Colonie Protected Watercourse. Protected Watercourses have a 100 foot buffer to be maintained.

## **Noise and Odor Nuisances**

With the exception of the CSX railway, no other noise or odor nuisance producing properties exist within the proximity of the project site.

## **TOPOGRAPHY AND SOILS**

The property generally contains a large hill on the East portion of the main section of the property. The topography falls off; wetlands are located at the toe of the slope, which have been delineated as NYSDEC jurisdictional wetlands.

The topography varies greatly within the project property. The steepest slope within the property is greater than 60%, while the flattest areas are level, creating the wetlands as discussed above.

According to the Albany County Soil Survey, the existing soils on the site range between HSG A and D. Soils are predominantly HSG A and B. Soils with A classifications have the best permeability, whereas D soils are not as permeable. The area is known to consist of sandy soils, which can be verified by the soil map as shown in the Stormwater Management Report.

## **ZONING**

The existing zone for 8 Lupe is Single Family Residential (SFR), as determined at the May 26, 2016 Town Board meeting; consistent with the properties to the east. 106 Cordell Road and 110 Cordell Road are both zoned Industrial (ID); consistent with the properties to the west. Usages in the immediate vicinity are residential in nature to the East, and vacant/forested for the North/West/South. Power lines are located in the Niagara Mohawk property, and railroad tracks are located within the CSX Railway property. See aerial photography in the Exhibit 2 for additional information.



## **ARCHAEOLOGICAL**

Archeological survey was found to have no additional recommendation for investigation. The letter of no effect has been obtained from the NYS OPRHP and can be found in Exhibit 3.

## **Endangered and Threatened Species**

A copy of NYSDEC Endangered and Threatened Species and US Fish & Wildlife correspondence can be found in Exhibit 4.

## **Conservation Analysis**

The conservation analysis will be for all three tax parcel (8 Lupe Way 106 and 100 Cordell Road). There are no proposed plans for 106 and 100 Cordell Road parcels at this time but the overall conservation analysis will be done on all three lots so in the future these two parcel on Cordell Road (106 and 110) can be fully developed as the 40% conservation area requirement will set aside now under the proposed subdivision. The entire parcel contains NYDEC wetlands, steep slope, Town of Colonie watercourse and developable land. There is a total of 22.42 acres constrained on the parcel. This results in 38.51 acres of unconstrained lands on the parcel of the 60.93 acres (8 Lupe Way, 106 and 100 Cordell Road). Per the Town Code, 40% of all unconstrained land is to be placed in a HOA, Deed restricted or donated/dedication as the open space which was determined to be 15.40 acres. The proposed plan is to dedicate 41.03 acres of lands which is made up of approximately 18.7 acres of unconstrained land, (thus exceeding the 40% requirement) and 22.3 acres of constrained lands to the town in which it will be turned over to the Pine Bush. The total land dedication/open space of 41.03 acres comprises 72.1% of the total area of 8 Lupe Way parcel only (41.03 acres/56.89 acres).

The open space lots/areas for proposed dedication have been selected based upon location, value, providing a buffer, ecological, water resources, and potential recreational space. There are two proposed stormwater lots (Lot 21 Preserve Way and 8 Pine Bush Road) and the conservation area lots were selected as open space as there is ecological and water resources that should be protected. The two conservation lots, 19 Preserve Way and 10 Pine Bush Road, which are a total of 39.08 acres and is generally located to North of the existing Lupe Way cul-de-sac and a portion of the land southwest of the existing Morocco Lane cul-de-sac. This lot also extends/cross the National grid parcel and extends to the existing railroad tracks. This area was chosen as open space as this area has ecological, water resources, contains town's steep slopes, town's 100' watercourse buffer, provides connection/recreation area to Pine Bush existing lands, providing a over a 400' buffer to existing homes on Lancaster Ave, Nutwood Ave and South Kellogg Ave and to provided a 850' buffer from the existing railroad tracks. The open space lot has connectively via National Grid parcel so the project ends up with one very large open space lot for recreational use.

The project is also located within the Pine Bush Preserve 2010 Albany Pine Bush Study Area and is designated by the study as Area #52A. 8 Lupe Way is located at the edge of the boundary of Area #52A per the study and is recommended as full protection area. MJ Engineering has had meetings with the Pine Bush and NYSDEC to discuss the submitted concept plan and was reviewed preliminary by both Pine Bush and NYSDEC. Per those meetings both agencies had a positive reviewed of the concept as the open space lots were large, open space lot abutted each other and to other Pine Bush Preserved lands, preserved wetlands, preserves ecologically, minimized impacts to wetland, utilized/efficiency cluster design on the buildable lands and as 41.03 acres or 72.1% is proposed to be dedicated to the Pine Bush Preserve. NYSDEC and Pine Bush Preserve will have to continually be involved as permits, land dedication, etc. will need to occur after the project receives conceptual site plan approval and before final subdivision approval is given by the town. MJ will continue to work with both the Pine Bush and NYSDEC to ensure the project is permitted and meets the goals of Pine Bush Preserve 2010 study.



## **PROPOSED PROJECT**

### **General**

The applicant proposes a single family residential subdivision on the project property. A conservation subdivision layout will be utilized, as the property is located within the Conservation Development Overlay district.

Constrained lands were identified on the site, and removed from the property acreage. Constrained lands are defined as State and Federally regulated wetlands, protected watercourse areas, federally designated flood hazard areas, and slopes over 25% which include 2,000 square feet or more of contiguous sloped areas.

The project property was 60.93 acres. Constrained lands were computed to be 22.42 acres (wetlands, watercourse, and contiguous areas with slopes greater than 25% over 2,000 sf). With the unconstrained lands being 38.51 acres Town Code requires 15.4 acres, or 40% to be deed restricted or placed in common lots. Within the boundaries of the common lot areas (stormwater lots and conservation lots), there is a total of 41.03 acres (18.7 acres unconstrained, 22.3 acres constrained). The common lot areas will be turned over to Town/Pinebush Preserve.

The residential subdivision will encompass the lands of 8 Lupe Way, with a total of 56.89 acres. Removing the 22.42 acres of constrained lands, the 34.47 acres (56.89 acres – 22.42 acres) remaining lands was multiplied by 2 per the "base residential density". This produces the value of 69 permissible lots. No additional dimensional requirements are applicable for this project, per 190-30, E.1 and F.1-F.2. The remaining lands of 106 and 110 Cordell Road will continue to be zoned ID. No improvements are proposed for the ID zoned properties at this time. For the remainder of the narrative report, discussions will pertain only to the residential subdivision area.

Within the SFR zone there will be 44 single family home lots, 2 stormwater management lots and 2 conservation parcels. While a home builder for the proposed 44 single family homes lots has not been selected by the owner of the parcel the look of the proposed house will be traditional in nature. See Examples of homes that could be built within the subdivision with Exhibit 7.

### **Water**

The project property is not located within the Latham Water District. A water district extension will be required. Hydrant flow tests have been performed at the site, good static and residual pressure were obtained (70 psi). An 8" DIP waterline will be looped through the development to service the proposed lots. The proposed waterline infrastructure will be proposed to be owned by the Town. A water engineering report will be developed per Latham Water District regulations.

### **Sewer**

Sewer service will be provided by connecting to the existing gravity sewer system. Based upon preliminary grading, gravity sewer is achievable within the site. The sewer engineering report will be reviewed by the Pure Waters department to ensure the infrastructure will be able to accommodate the increased demands. The proposed wastewater infrastructure will be proposed to be owned by the Town. A sewer district extension will be required for this project.

### **Stormwater**

Stormwater will be treated and controlled per NYSDEC regulations, and be located at the south area of the site. The stormwater treatment system will provide the treatment required, as well as quantity controls to ensure downstream properties do not have flooding issues. The project will provide stormwater treatment per NSDEC and Town of Colonie regulations. A stormwater management report will be developed per Colonie Stormwater Department regulations.



### **Wetlands**

The existing wetlands have been delineated as NYSDEC wetlands, which there will be less than 7,000 square feet or 0.16 acres of disturbance based on the preliminary grading plan. Final disturbance limits will be quantified, and a permit will be obtained for encroachments within the buffer as well as wetland disturbance from NYSDEC.

### **Floodplain and Floodway**

No grading or development is proposed within the floodplain, as the floodplain is not located within the project property.



### **Town of Colonie Protected Watercourse**

No grading or development is proposed within the protected watercourse buffer. No permits will be required for any disturbances.

### **Site Access, Internal Roads and Traffic**

Site access exists in three locations for the property. The property has road frontage along Cordell Road, Lupe Way, and Morocco Lane. Two access points will be provided for the project at the existing cul-de-sacs at Lupe Way and Morocco Lane. A looped road will provide connection of Lupe Way and Morocco Lane, and an additional cul-de-sac will be connected to the loop. All internal roads will be proposed to be dedicated to the Town.

Traffic can be expected to increase due to the increased number of residents that are proposed. See traffic report for Additional Information.

### **Odor and Noise**

No additional odor or noise is expected due to the development of this project.

### **Emergency Services**

The proposed project will create an increased demand for emergency services. The increased number of residents in this area will require additional emergency services to be available. The total additional number of units is not determined at this time. The maximum number of units has been computed as 69 permissible lots based on the Conservation Development Overlay requirements.

### **Open Space**

Open space lots will be created and given to Pine Bush Preserve to meet Conservation Overlay District requirements.

### **TOWN IMPACTS**

Adjacent properties may experience slight increase in noise due to the increased number of residents at this location as the property is currently vacant. Increased noise can be expected from the additional cars and traffic generated by the new homes.

Stormwater impacts are to be mitigated via the proposed stormwater management system as the design will adhere to NYSDEC standards and Town of Colonie Stormwater Management Department regulations. No additional stormwater discharges will be experienced by downstream properties. Existing topography shows runoff discharges into the stream which is tributary to the Lisha Kill. Hydrology patterns will continue to flow as they currently drain.

Utility demands are expected to increase proportionally to the number of lots that will be proposed. This increased demand will be discussed in the engineering reports.

School impacts can be expected to be proportional to the number of lots as well. According to the 2012 US census, the average number of people in a household was found to be 2.35 nationally. The number of children for Albany County was found to be 76,299 over 216,717 family households. This computes to an average of 0.352 children per household.



**EXHIBITS:**

- |                  |  |
|------------------|--|
| <b>Exhibit 1</b> | <b>Floodplain Map</b>                  |
| <b>Exhibit 2</b> | <b>Aerial Map</b>                      |
| <b>Exhibit 3</b> | <b>Letter of No Effect</b>             |
| <b>Exhibit 4</b> | <b>Endangered Species Report/USFWL</b> |
| <b>Exhibit 5</b> | <b>Photo Log</b>                       |
| <b>Exhibit 6</b> | <b>Title Report</b>                    |
| <b>Exhibit 7</b> | <b>Building Plans</b>                  |



### NOTES TO USERS

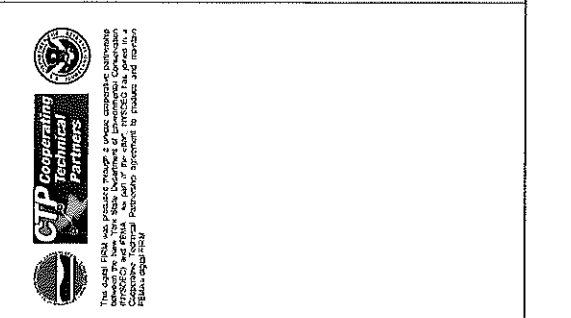
The FIRM is a firm in determining the hazard flood insurance program. It does not warrant the accuracy of the information presented on this map. It is the responsibility of the user to verify the accuracy of the information presented and to obtain the necessary approvals for any use of the information presented. The user should obtain the necessary approvals from the appropriate authorities before using the information presented on this map for any purpose. The user should also obtain the necessary approvals from the appropriate authorities before using the information presented on this map for any purpose.

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**NOTICE TO SUBSCRIBERS**  
 NAD 83 DATUM  
 UTM PROJECTION  
 18N UTM ZONE  
 WGS 84 DATUM  
 UTM PROJECTION  
 18N UTM ZONE

The user is advised that the information presented on this map is based on the best available data and is subject to change without notice. The user should verify the accuracy of the information presented and obtain the necessary approvals for any use of the information presented.

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**CTP Cooperating Technical Partners**

**National Flood Insurance Administration**



**SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO FLOOD INSURANCE PREMIUM RATE ADJUSTMENTS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM**

**LEGEND**

- AREA OF SPECIAL FLOOD HAZARD**: Areas of special flood hazard as shown on the Flood Insurance Study (FIS) and on the Flood Insurance Rate Map (FIRM) for the community. These areas are subject to flood insurance premium rate adjustments under the National Flood Insurance Program.
- AREA OF SPECIAL FLOOD HAZARD SUBJECT TO FLOOD INSURANCE PREMIUM RATE ADJUSTMENTS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM**: Areas of special flood hazard as shown on the Flood Insurance Study (FIS) and on the Flood Insurance Rate Map (FIRM) for the community. These areas are subject to flood insurance premium rate adjustments under the National Flood Insurance Program.
- AREA OF SPECIAL FLOOD HAZARD SUBJECT TO FLOOD INSURANCE PREMIUM RATE ADJUSTMENTS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM**: Areas of special flood hazard as shown on the Flood Insurance Study (FIS) and on the Flood Insurance Rate Map (FIRM) for the community. These areas are subject to flood insurance premium rate adjustments under the National Flood Insurance Program.

**OTHER FEATURES**

- BOUNDARY OF ADJACENT COMMUNITY**: The boundary of the community shown on the FIS and FIRM.
- BOUNDARY OF ADJACENT COUNTY**: The boundary of the county shown on the FIS and FIRM.
- BOUNDARY OF ADJACENT STATE**: The boundary of the state shown on the FIS and FIRM.

**MAP SCALE 1" = 100'**

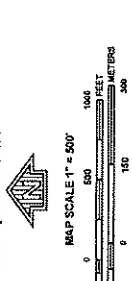
**FIRM PANEL 44 OF 63**  
**FLOOD INSURANCE RATE MAP**  
**ALBANY COUNTY, NEW YORK**  
**(ALL RESTRICTIONS)**  
**PANEL 44 OF 63**  
**SEE MAP INDEX FOR FIRM PANEL LAYOUT**

**NATIONAL FLOOD INSURANCE PROGRAM**  
**MAP NUMBER 3600000A**  
**EFFECTIVE DATE MARCH 16, 2011**  
**Federal Emergency Management Agency**

45° 02' 00", 53° 32' 12"  
 316000 FT  
 "NAD 83"  
 DMS10 X  
 # 11.5

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83).  
 Horizontal datum: NAD 83  
 Vertical datum: Mean Sea Level  
 (FIPS 5000-3.10.1), International projection  
 1000-meter Universal Transverse Mercator grid values, zone 18U  
 Bench mark: (see explanation in notes to first section of this FRM plan)  
 Base: NAD 83  
 Refer to Map Reproduction and Map base

For community rate revision history prior to consecutive mappings, refer to the Community Rating Agency (CRA) report in the Flood Insurance Study report of this jurisdiction.  
 To determine if flood insurance is available in this community, contact your insurance agent or the National Flood Insurance Program (NFIP) office.



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**ALBANY COUNTY, NEW YORK**  
**(ALL JURISDICTIONS)**

PANEL 44 OF 434  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY NUMBER: 360017  
 PANEL NUMBER: 44  
 COUNTY: ALBANY  
 STATE: NY

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER: 36001C0044D  
 EFFECTIVE DATE: MARCH 16, 2015



Federal Emergency Management Agency



42° 45' 00"

73° 52' 30"

655000 FT

1430000 FT

TOWN OF COLONIE  
 360017


Site

THE ATTENTION OF THE READER IS  
DRAWN TO THE FACT THAT THE  
SUBMISSION OF THIS MAP IS NOT  
A GUARANTEE OF THE ACCURACY OF  
THE INFORMATION CONTAINED  
HEREIN. THE USER OF THIS MAP  
SHOULD CONSULT THE APPROPRIATE  
AGENCIES AND PROFESSIONALS  
FOR A COMPLETE UNDERSTANDING  
OF THE INFORMATION CONTAINED  
HEREIN.

NO.	DATE	BY	REVIEWED BY	DATE

PROJ. MANAGER	DESIGNED BY	DRAWN BY	CHECKED BY

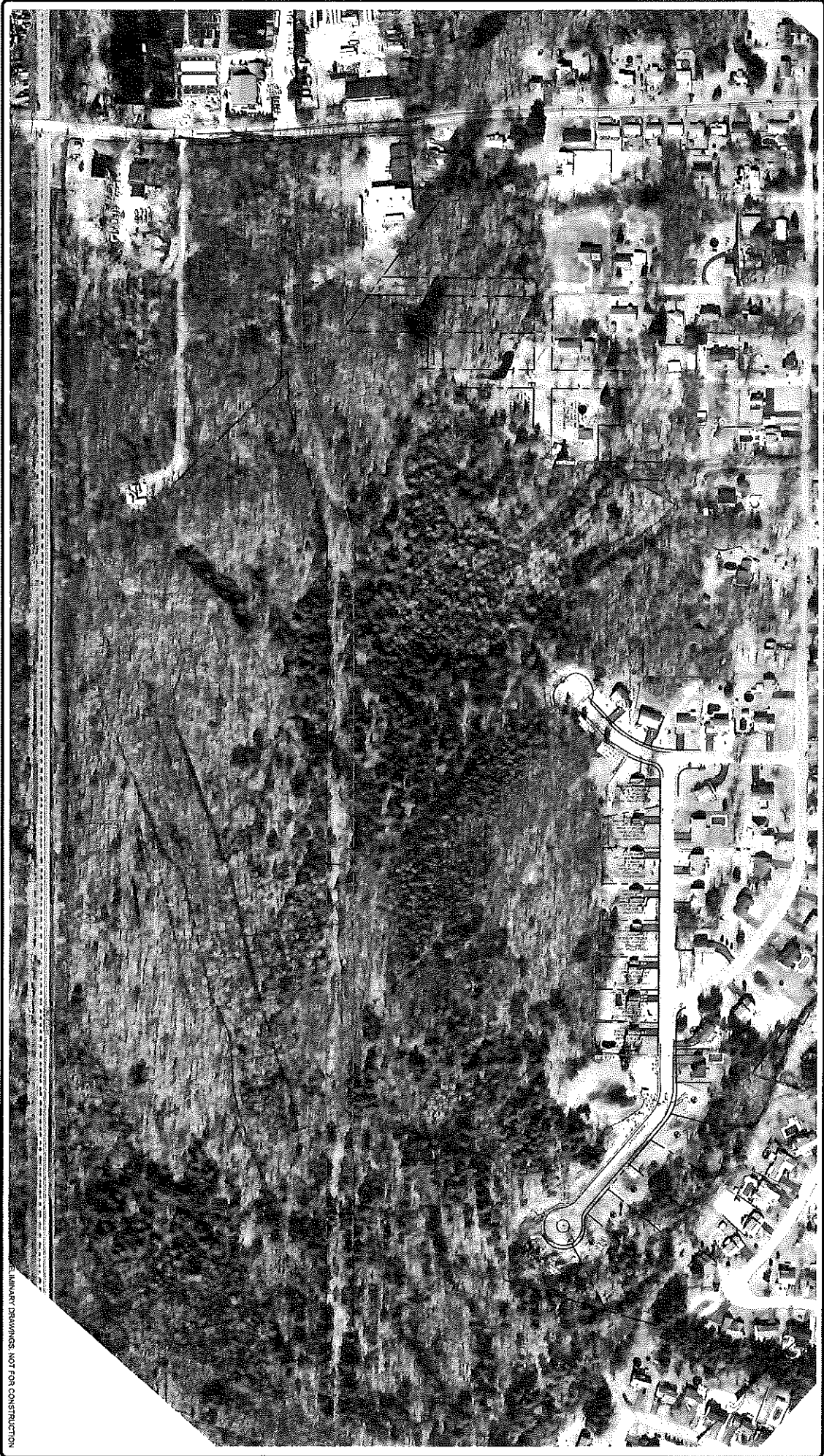
SCALE



Engineering and  
Land Surveying, P.C.  
1535 Orchard Road - Orion Park, NY 12085

LUPE WAY SUBDIVISION  
**AERIAL MAP**  
OWEN LUPE DEVELOPMENT  
TOWN OF COLONE  
ALBANY COUNTY, NEW YORK

SCALE: 1" = 20'  
CONTRACT NO. 15-001  
DATE: JANUARY 21, 2015  
**1**



ELIMINATE DRAWINGS. NOT FOR CONSTRUCTION



**Parks, Recreation  
and Historic Preservation**

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

February 10, 2015

Mr. Justin DiVirgilio  
President  
Hartgen Archeological Associates, Inc.  
1744 Washington Ave Ext  
Rensselaer, NY 12144

Re: USACE  
Lupe Way Major Subdivision  
Loosely bounded by Cordell Rd to the northwest, Lupe Way and Morocco Lane to the northeast, the Lisha Kill and a tributary to the Lisha Kill to the east and south, and a railroad to the southwest.  
Colonie, Albany County, NY  
15PR00143

Dear Mr. DiVirgilio:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

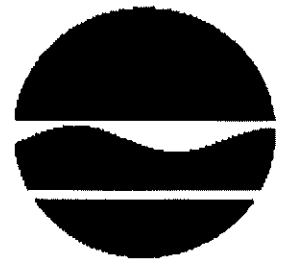
Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

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**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife and Marine Resources**  
**New York Natural Heritage Program**  
**625 Broadway, 5th Floor, Albany, New York 12233-4757**  
**Phone: (518) 402-8935 • Fax: (518) 402-8925**  
**Website: [www.dec.ny.gov](http://www.dec.ny.gov)**



October 07, 2015

James Easton  
MJ Engineering and Land Surveying  
1533 Crescent Road  
Clifton Park, NY 12065

Re: Lupe Way Subdivision, Lupe Way and Morroco Lane  
Town/City: Colonie. Colonie. County: Albany. Albany.

Dear James Easton:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Conrad".

Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 LUKER ROAD  
CORTLAND, NY 13045  
PHONE: (607)753-9334 FAX: (607)753-9699  
URL: [www.fws.gov/northeast/nyfo/es/section7.htm](http://www.fws.gov/northeast/nyfo/es/section7.htm)

Consultation Code: 05E1NY00-2017-SLI-0119

October 21, 2016

Event Code: 05E1NY00-2017-E-00355

Project Name: Lupe Way Subdivision

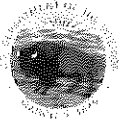
Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (



United States Department of Interior  
Fish and Wildlife Service

Project name: Lupe Way Subdivision

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



United States Department of Interior  
Fish and Wildlife Service

Project name: Lupe Way Subdivision

## Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Insects	Status	Has Critical Habitat	Condition(s)
Karner Blue butterfly ( <i>Lycaeides melissa samuelis</i> ) Population: Wherever found	Endangered		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> ) Population: Wherever found	Threatened		







United States Department of Interior  
Fish and Wildlife Service

Project name: Lupe Way Subdivision

## Official Species List

**Provided by:**

New York Ecological Services Field Office

3817 LUKER ROAD

CORTLAND, NY 13045

(607) 753-9334

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

**Consultation Code:** 05E1NY00-2017-SLI-0119

**Event Code:** 05E1NY00-2017-E-00355

**Project Type:** LAND - CLEARING

**Project Name:** Lupe Way Subdivision

**Project Description:** Project location at 8 Lupe Way, Schenectady NY. Proposed cluster subdivision using 20 acres of the 50 acres

**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

[http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

MAP DATA ©2016 GOOGLE

④

①

③  
②

Google

Map data ©2016 Google 200 ft

**Photo Key**



Image capture: Aug 2011 © 2016 Google

**Photo 1**

End of Lupe Way cul-de-sac, looking towards Project Property



Image capture: Aug 2011 © 2016 Google

**Photo 2**

End of Morrocco Lane cul-de-sac, looking towards Project Property



Image capture: Aug 2011 © 2016 Google

**Photo 3**

End of Morrocco Lane cul-de-sac, looking towards Morocco Lane

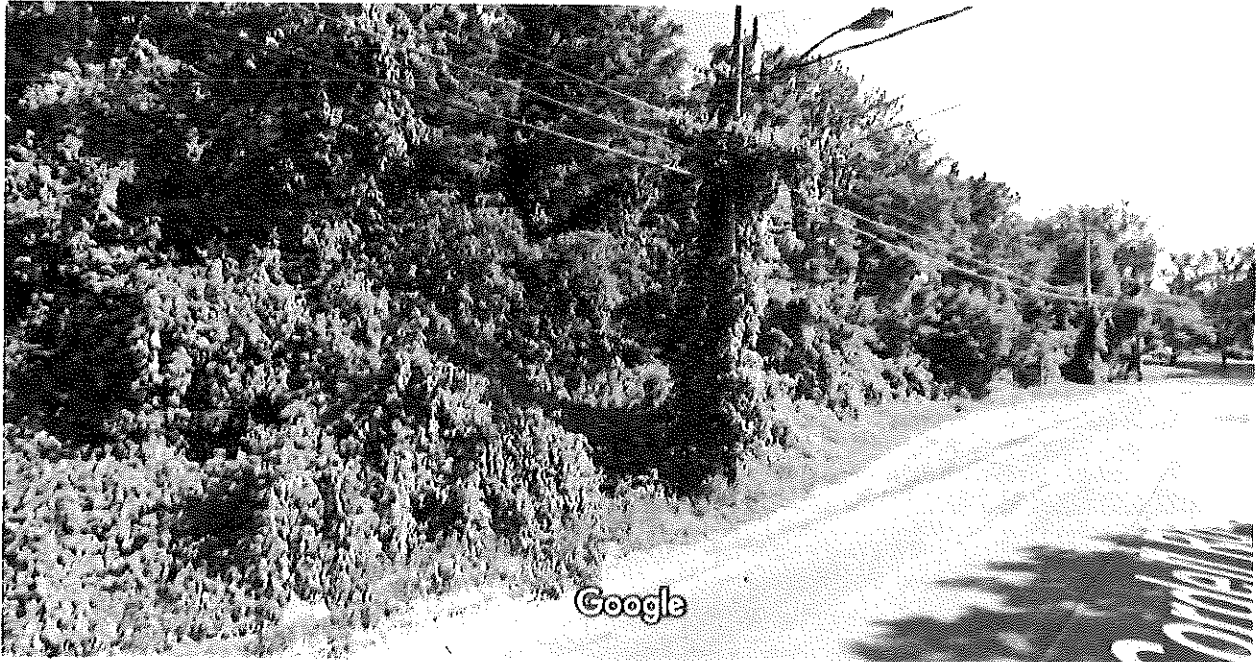


Image capture Aug 2011 © 2016 Google

**Photo 4**

Project Property at 110 Cordell Road







# SNEERINGER MONAHAN PROVOST REDGRAVE TITLE AGENCY, INC.

ALBANY/TROY  
50 Chapel Street  
Albany, NY 12207  
518-434-0127  
Fax-434-9997

SARATOGA  
36 Remsen Street  
Ballston Spa, NY 12020  
518-885-8700  
Fax-884-2564

HUDSON  
420 Warren Street  
Hudson, NY 12534  
518-828-4351  
Fax-828-7494

POUGHKEEPSIE  
41 Page Park Dr., Suite 111  
Poughkeepsie, NY 12603  
845-471-5911  
Fax-471-7680

as agent for Stewart Title Insurance Company

## NOTICE OF AVAILABILITY OF OWNER'S TITLE INSURANCE

Date: August 6, 2014

File Number: A-0126732

To: Dave Adams Builders, LLC

Buying property(s) identified as: 8 Lupe Way, Colonie, NY

A *Mortgagee's* Policy of title insurance insuring the title to the property you are buying is being issued to your mortgage lender, but that policy does not provide title insurance coverage to you. Additionally, because that policy covers the amount of the mortgage only, as the mortgage is paid off, the value of the policy declines.

You may obtain an *Owner's* Policy of Title Insurance which provides title insurance to *you*. Such coverage would be for the full value of your investment, and would cover you forever, not just for the duration of your ownership of the property. If a title claim were to be filed after you sold the property, and the buyer took action against you, you or your heirs would still be covered. *Only* an owner's policy protects you from loss as the result of a title claim.

For more information regarding what an owner's policy covers, please ask for our brochure, "*What Every Homeowner Should Know About Title Insurance*". If you are uncertain as to whether you should obtain an Owner's policy of title insurance, you are urged to seek independent advice.

- I/We do request an Owner's Policy of title insurance.
- I/We do not request an Owner's Policy of title insurance.

Borrower(s): Dave Adams Builders, LLC

Date: \_\_\_\_\_

\_\_\_\_\_  
Dave Adams Builders, LLC

# SNEERINGER MONAHAN PROVOST REDGRAVE TITLE AGENCY, INC.

## COMMERCIAL OWNER / SELLER AFFIDAVIT

Title Report issued by Sneeringer Monahan Provost Redgrave Title Agency, Inc., as agent

Insurer: Stewart Title Insurance Company  
SMPR Order No: A-0126732  
Owner: Lupe Owen Development Co., Inc.  
Purchaser: Dave Adams Builders, LLC  
Lender:  
Property: 8 Lupe Way  
Colonie, , NY

State of New York }  
County of } ss.

\_\_\_\_\_ the undersigned (the "Deponent"), being duly sworn, deposes and says:

1. The Deponent is the Owner (or) is the \_\_\_\_\_ of the Owner of the Property described in the Title Report and as such is fully familiar with the facts and circumstances set forth herein. The Owner, if an individual, has not been known by any other name, married or single, within the past ten years, except: \_\_\_\_\_.
2. The Owner has owned and occupied the Property, peaceably and undisturbed since \_\_\_\_\_. To my knowledge, title to the Property has never been questioned or disputed, nor insurance thereof refused. I know of no reason any other person might claim any right, title or interest in or to any portion of the Property.
3. There are no taxes, assessments, water charges or sewer rents against the Property now due and owing. Except as set forth in the Title Report, there are no unsatisfied judgments, liens, federal tax liens, state tax warrants, mechanics liens or mortgages filed against the Owner or the Property anywhere. The Owner has never been the subject of a bankruptcy proceeding.
4. The Property is used as \_\_\_\_\_. There are no tenants, lessees or other persons in possession of any portion of the Property except: \_\_\_\_\_.  
(If Applicable) Such tenants are month-to-month or pursuant to written leases, as tenants only, unconditionally subordinated to all existing and future mortgages, for terms not in excess of \_\_\_\_\_ months without rights to renew. No lease or separate agreement contains an option to purchase or rights of first refusal.
5. Other than as set forth in the Title Report, the Owner has allowed no one to encroach on the Property, to have any easements therein, or to use any portion thereof for any purpose. There are no rights of way or common driveways running along or through the Property. The Owner has not encroached on any adjoining premises. I have no knowledge of any breach or violation of any covenants, restrictions or agreements affecting the Property.
6. (If applicable) A survey dated \_\_\_\_\_ made by \_\_\_\_\_ shows the Property as it exists today. There have been no changes to the Property that are not shown on the survey.
7. There have been no changes a) in the membership of the Owner partnership / limited liability company, or b) to its partnership / operating agreement since its formation. The Owner corporation is in good standing, all its Corporate Franchise Tax Returns have been filed and its Corporate Franchise Taxes are paid. The person(s) executing the closing instruments are authorized to bind the Owner corporation / partnership / limited liability company.
8. If the Title Insurance Company is forwarding payment to the holder of an existing mortgage in satisfaction of the Owner's indebtedness, the Owner will pay any additional sums which may be required by such holder to obtain and record a discharge of such mortgage. The Title Insurance Company is appointed the Owner's agent for the purpose of taking any actions necessary to obtain such discharge.
9. The Owner is about to sell, lease or mortgage the Property. There are no facts known to me relating to the title to the Property which have not been set forth in this affidavit. The Deponent makes this affidavit to induce the Title Insurance Company to insure the title free and clear of the aforesaid, knowing they are relying hereon.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
the Deponent

\_\_\_\_\_  
print name

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

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**CERTIFICATE FOR TITLE INSURANCE**

Stewart Title Insurance Company ("the Company") certifies to the proposed insured named in Schedule A that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy authorized by the Insurance Department of the State of New York, in the amount set forth herein, insuring the interest set forth herein, and the marketability thereof, in the premises described in Schedule A, after the closing of the transaction in conformance with the requirements and procedures approved by the Company and after the payment of the premium and fees associated herewith excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of the policy.

This agreement to insure shall terminate (1) if the prospective insured, his or her attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company; or (2) upon the issuance of title insurance in accordance herewith. In the event that this Certificate is endorsed and redated by an authorized representative of the Company after the closing of the transaction and payment of the premium and fees associated herewith, such "redated" Certificate shall serve as evidence of the title insurance issued until such time as a policy of title insurance is delivered to the insured. Any claim made under the redated Certificate shall be restricted to the conditions, stipulations and exclusions from coverage of the standard form of title insurance policy issued by the Company.

**CONDITIONS AND STIPULATIONS**

1. This Certificate shall be null and void:
  - A. if the fees therefore are not paid;
  - B. if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact, or if any untrue answers are given to material inquiries by or on behalf of the Company;
  - C. when the policy shall issue provided that the failure to issue such policy is not the fault of the Company.
  - D. until the amount of the policy or policies requested is inserted in Schedule A hereof by the Company, either at the time of the issuance of this Certificate or by subsequent endorsement.
2. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.
3. The liability of this Company under this Certificate shall not exceed the amount stated in Schedule A hereof and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies shown in Schedule A hereof in favor of the proposed insured which are hereby incorporated by reference and are made a part of this Certificate except as expressly modified herein.

IN WITNESS WHEREOF, Stewart Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

This certificate is intended for lawyers only. Such exceptions as may be set forth herein may affect marketability of title. Your lawyer should be consulted before taking any action based upon the contents of this certificate. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instrument for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

**Stewart Title Insurance Company**  
By: Sneeringer Monahan Provost Redgrave Title Agency, Inc.

By: \_\_\_\_\_  
Authorized Officer or Agent

Direct questions to: Donna S. Redgrave

Order No. **A-0126732**  
Date: **August 6, 2014**

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

CERTIFICATION

**SCHEDULE A**

1. Effective Date: 7/22/2014  
Redated:

2. Policy or Policies to be issued:  
(a) ALTA Owner's Policy – 2006

**Proposed Insured: Dave Adams Builders, LLC \$408,800.00**

(b) ALTA Loan Policy – 2006

**Proposed Insured:**

The following endorsements are a part of this policy:  
*New York Endorsement*

3. Title to the Fee Simple estate or interest in the land described or referred to in this commitment is at the effective date hereof vested in:

Lupe Owen Development Co., Inc. acquired title by deed from Amelia Lupe Owen dated June 27, 2001 and recorded in the Albany Clerk's Office September 17, 2001 in Deed Book 2690 page 924.

4. The land referred to in this Commitment is described as follows:

"SEE SCHEDULE A DESCRIPTION ATTACHED"

For Information Only:

Address: 8 Lupe Way, Colonie, NY, Colonie , County of Albany  
Section 16.1 Block 1 Lot 47.1

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

LEGAL  
DESCRIPTION

**SCHEDULE A DESCRIPTION**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF COLONIE, COUNTY OF ALBANY, AND STATE OF NEW YORK MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point in the Southeasterly line of Cordell road, said point being in the division line between lands conveyed to W. & R. Lupe by E.J. Pross (Book 1416 of deeds at page 520) on the North and the herein described parcel on the South; THENCE South 38 deg. 12' 20" East; along said division line, a distance of 528.96 feet to a point; THENCE North 81 deg. 12' 40" East, along the South line of "Cordell Park" subdivision as depicted on a map entitled "Cordell Park in Colonie Albany County N.Y., owned by J.W. Wilbur", dated Oct. 1, 1913, made by A.L. Elliot C.E. and filed in the Albany County Clerk's Office Oct. 16, 1913, a distance of 638.00 feet to a point in the North line of Oliver Ave as depicted on said map; THENCE South 35°28'30" East along the same, a distance of 66.42 feet to a point; THENCE North 54°34'20" East, a distance of 130.00 feet to a point in the South line of said Cordell Park; THENCE North 82°23'55" East, along the same, a distance of 144.85 feet to a point in the West line of lands conveyed to D.M. & J.R.. Clark; THENCE South 35 deg.43'45" East, along the same, a distance of 431.88 feet to a point in the West line of Lot No. 9 Lupe Way as depicted on a subdivision map entitled "Rose Gardens, final subdivision, section 2" last dated 4/17/01, made by Raymond A. Koch, PLS and filed in the Albany County Clerk's Office; THENCE South 09°46'14" West, along the same and along the Westerly terminus of Lupe Way, a distance of 262.13 feet to a point; THENCE South 80 deg.13'46" East, along the South line of Lupe Way, a distance of 97.00 feet to the point of curvature of a curve to the left having a central angle of 18 deg. 58'35" and a radius of 300.00 feet; THENCE Westerly, along said curve, an arc distance of 99.36 feet to a point thereon; THENCE South 00°28'05" West, along the West line of Lot No. 6 Lupe Way as depicted on said Rose Gardens Map, a distance of 170.13 feet to a point; THENCE South 80°13'46" East, along the rear line of said Lot No. 6, a distance of 42 feet to a point; THENCE South 35 deg. 43' 46" East, along the rear lines of Lot Nos. 3,5,7, and 9 Morocco Lane as depicted on said Rose Gardens map, a distance of 384.00 feet to a point; THENCE South 54 deg.16'14" West, along the Northerly line of Lot No. 11 Morocco lane as depicted on a map entitled "Rose Gardens, final subdivision plan", made by Raymond A. Koch, PLS, last dated April 4, 1997 and file in the Albany County Clerk's Office in Drawer 172 as Map No. 10454, a distance of 17.78 feet to a point; THENCE South 35 deg. 43'46" East, along the West line of Lot Nos. 11,13 and 15 Morocco Lane as depicted on said map, a distance of 270.00 feet to a point; THENCE North 54°16'24" East, along the South line of Lot No. 15, a distance of 177.78 feet to a point in the West line of Morocco Lane; THENCE South 35°43'46" East, along the same, a distance of 132.49 feet to a point; THENCE South 04 deg. 39'05" West, along the division line between lands of Amelia Lupe-Owen on the West and lands now or formerly of Fleetway Construction (Book 2138 of Deeds at Page 267) on the East, a distance of 723.14 feet to a point; THENCE South 73 deg. 16'40" West, along the Northerly line of lands now or formerly of Traditional Builders, Inc. (Book 2298 of Deeds at Page 239) a distance of 395.05 feet to a point in the Easterly line of lands of Niagara Mohawk Power Corporation; THENCE North 36 deg.03'53" West along the same, a distance of 1974.67 feet to a point; THENCE North 51 deg.52'50" West; again along the same, a distance of 401.34 feet to a point; THENCE North 36°41'10" West, again along the same, a distance of 153.02 feet to a point; THENCE South 05 deg. 59'05" West, again along the same, a distance of 47.21 feet to a point; THENCE North 36 deg. 40'15" West again along the same, a distance of 581.91 feet to a point in the Southeasterly line of Cordell Road, aforesaid; THENCE North 48 deg. 28'40" East; along the same, a distance of 110.34 feet to the Point and Place of Beginning. Containing 41.67 acres of land, more or less.

Also, all that piece or parcel of land situate in the Town of Colonie, County of Albany and State of New York more

Schedule A Description - Page 1 of 2  
Order No. **A-0126732**  
Date: **August 6, 2014**

**Stewart Title Insurance Company**

*Issued by*

**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

particularly bounded and described as follows: Beginning at a Point in the Southwesterly line of lands now or formerly of Niagara Mohawk Power Corporation, said point being the Southeasterly corner of a 25 acre parcel of land on the Southeast side of Cordell Road conveyed to Robert A. Lupe; THENCE South 36 deg. 03'53" East; along said lands of Niagara Mohawk Power Corporation, a distance of 1169.37 feet to a point in the South line of lands now or formerly of Amelia Lupe-Owen; THENCE South 73 deg. 16'40" West, along the same, a distance of 763.51 feet to a point in the Northeast line of lands now or formerly of New York Central Railroad; THENCE North 36 deg. 00'42" West, along the Same, a distance of 917.14 feet to the Southwesterly corner of said lands conveyed to Robert A. Lupe; THENCE North 53°59'18" East; along the same, a distance of 719.56 feet to the Point and Place of Beginning. Containing 17.25 Acres of land, more or less.

Also, all that piece or parcel of land situate in the Town of Colonie, County of Albany and State of New York more particularly bounded and described as follows: Beginning at a Point in the Southeast line of Cordell Road, said point being in the Southwest line of lands now or formerly of Niagara Mohawk Power Corporation; THENCE South 36 deg. 40'45" East; along said lands on Niagara Mohawk Power Corporation, a distance of 400.00 feet to a point; THENCE South 51°22'45" West; along lands conveyed to Robert A. Lupe, a distance of 226.52 feet to a point; THENCE North 36 deg. 40'45" West again along said lands conveyed to R.A. Lupe, a distance of 400.00 feet to a point in the Southeast line of Cordell Road, aforesaid; THENCE North 51 deg. 22' 45" East, along the same, a distance of 226.32 feet to the Point and Place of Beginning. Containing 2.08 Acres of land, more or less.

Excepting therefrom premises conveyed in deed from Lupe Owen Development Co., Inc. to Fleetway Construction Co., Inc. dated October 9, 2010 and recorded October 26, 2010 in the Albany County Clerk's Office in Liber 2990 Page 860.



**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**SCHEDULE B**  
**REQUIREMENTS**

**SCHEDULE B:  
REQUIREMENTS**

**I. IDENTITY OF PARTIES.**

Photo identification must be presented at closing for all parties (sellers, purchasers, borrowers) to the transaction to be insured herein.

**II. SECTION 13 OF LIEN LAW**

Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

**III. ASSIGNMENT OF MORTGAGE OR OTHER LIENS**

When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.

**IV. MATTERS AFTER EFFECTIVE DATE OF CERTIFICATE**

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the Certificate.

**V. CONTRACT**

If this certificate requires a conveyance of the fee estate and the contract has not been submitted to the Company, it should be furnished for consideration prior to closing.

**VI. PROOF OF NO OTHER NAME**

Proof is required to show that the persons certified as owners herein have not been known by any other name in the 10 years last past. If they have been known by another name, all searches must be amended and run against such name and title is subject to returns, if any, on such amended searches.

**VII. PERSONAL PROPERTY**

Title to any personal property, whether the same be attached to or used in connection with the premises. (The policy to be issued will contain an exception as to this item without change or modification).

**VIII. MARKET VALUE ENDORSEMENT – APPLIES TO RESIDENTIAL OWNERS POLICY ONLY**

Section 6409(c) of the Insurance Law requires that title companies offer, at or prior to closing, an optional endorsement to cover the owner-occupant of real property used predominantly for residential purposes and consisting of not more than four dwelling units, for loss in excess of the purchase price (policy stated amount of liability) and up to the future market value of the property. If you do not wish this additional optional coverage, you must waive the same by signing in the space following this notice.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

**SCHEDULE B – SECTION 1**

**MATTERS TO BE DISPOSED OF:**

The following are the requirements to be complied with:

**Fee P    Loan P**

1. Commercial Owner/Sellers Affidavit must be completed and submitted to this Company.
2. Searches for Judgments and Federal Tax Liens have been made in the indexes on file in the County Clerk's office in which the property is located against the following:  
  
Names: Lupe Owen Development Co., Inc. & Dave Adams Builders, LLC  
Returns: NONE
3. Corporation franchise tax search against certified owner ordered but not yet received.
4. Closing deed or lease to recite sale is made with unanimous consent of the Grantor's Board of Directors, in its regular course of business and recite it does not include all or substantially all of the corporate assets.
5. Deed to the insured and/or mortgagor to be recorded. Executed Forms RP-5217 and TP-584 to be provided.

**SCHEDULE B1:  
MATTERS  
TO BE DISPOSED OF**

Schedule B1 Matters to Be Disposed Of - Page 1 of 1  
Order No. **A-0126732**  
Date: **August 6, 2014**

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**SCHEDULE B - SECTION 2**  
**EXCEPTIONS**

This policy or policies to be issued will contain exceptions to the following (unless the same are disposed of to the satisfaction of the Company):

Fee P    Loan P

1. Persons in possession and lessees.
2. The amount of acreage or square footage is not insured.
3. Water and Sewer Rents, if any. Municipal department charges, if any, not returned to county tax enforcing officer for collection.
4. Utility Easement(s): Liber 1996 cp 61.
5. Rights and easements, if any, of public utility companies and municipalities to maintain and operate installations on the premises herein and streets adjacent thereto.
6. Rights and easements conveyed in deed to Niagara Mohawk Power Corporation in Liber 1416 cp 433.
7. Rights and Covenants conveyed in deed to Niagara Mohawk Power Company in Liber 1424 cp 252.
8. Sewer Easement to Town of Colonie in Liber 2147 cp 289.
9. Temporary easement to Town of Colonie in Liber 2592 cp 1142.
10. Temporary easement to Town of Colonie in Liber 2592 cp 1154.
11. Easement granted by Court Order in Liber 2973 cp 566.
12. No title is insured to any land lying in the bed of any street, road or avenue abutting, adjoining, passing through or crossing the premises herein.

SCHEDULE B2:  
EXCEPTIONS

Schedule B2 Exceptions - Page 1 of 2  
Order No. **A-0126732**  
Date: **August 6, 2014**

*Stewart Title Insurance Company*

*Issued by*

**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

13. Any state of facts that an accurate current survey would show.

14. Exact location, courses and distances of premises described in  
Schedule "A" cannot be guaranteed without an accurate survey.

Schedule B2 Exceptions - Page 2 of 2

Order No. **A-0126732**

Date: **August 6, 2014**

*Stewart Title Insurance Company*  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

**SNEERINGER MONAHAN PROVOST REDGRAVE TITLE AGENCY, INC., ("SMPR")** requires that all payoffs be handled through SMPR's Mortgage Payoff & Discharge Service in order for SMPR to issue title insurance.

**REQUIREMENT UNDER MORTGAGE PAYOFF & DISCHARGE SERVICE**

1. The payoff letter be provided to SMPR **5 days** prior to closing;
2. The payoff check includes **5 additional days** of interest, plus weekends and holidays;
3. The payoff check is in compliance with the payoff letter;
4. The payoff amount is verified by a SMPR closer or an employee of SMPR at or prior to closing;
5. Minimum Service Charge of **\$75.00** to be paid to SMPR at closing for each mortgage to be paid off, including wired payoffs; and
6. Discharge recording fee to be made payable to SMPR, not the County Clerk, if such amount is not included in the payoff.

MORTGAGE  
SCHEDULE

---

**MORTGAGE SCHEDULE**

NONE OF RECORD

Mortgage Schedule - Page 1 of 1  
Order No. **A-0126732**  
Date: **August 6, 2014**

**Stewart Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**TAXES, ASSESSMENTS, WATER RATES, AND SEWER CHARGES**  
**WHICH ARE LIENS ON REAL PROPERTY**

**ASSESSED VALUATION:** Land \$47,500                      **SCHOOL DISTRICT:** South Colonie  
Total \$190,000

**EXEMPTION:** N/A

**ASSESSED TO:** Lupe Owen Development Co., Inc.

**ASSESSED AS:** 8 Lupe Way, Colonie, NY

**PROPERTY CODE & TYPE:** 311-Residential Vacant Land

**ACRES OR DIMENSIONS:** 56.40 Acres

**COUNTY OF:** Albany

**MUNICIPALITY:** Colonie

**SWIS CODE:** 012689

**SBL OR GRID NO.:** Section 16.1 Block 1 Lot 47.1

**RETURNS**

(Some of the items returned hereon may have been paid but payment not officially posted. Receipts for such items should be produced on closing.)

2013/2014 School Tax (Period 7/1-6/30, Due 9/1)  
Full Tax \$5,037.56 paid 9/30/13.

2014 General Tax (Period 1/1-12/31, Due 1/1)  
Full Tax \$2,393.94 paid 5/29/14  
(Base of \$2,192.26, Paid to Alb Co.)

**TAX SEARCH**

**Our policy does not insure against taxes, water rates, assessments, and other matters relating to taxes which have not become a lien up to the date of the policy or installments due after the date of the policy. Neither our tax search nor our policy covers any part of the streets on which the premises to be insured abut.**

*Stewart Title Insurance Company*  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE  
TITLE AGENCY, INC.**

**MUNICIPAL DEPARTMENT SEARCHES AND STREET REPORT**

Any searches or returns reported herein are furnished **FOR INFORMATION ONLY**. They will not be insured and the company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.

Certificate of Occupancy: NOT ORDERED

Housing and Building Violations: NOT ORDERED

Street Report: NOT ORDERED

Fire Department: NOT AVAILABLE.

**TAX / OTHER  
SEARCHES**

Municipals - Page 1 of 1  
SMPR Order No. A-0126732  
Date: August 6, 2014

CAPITAL INFORMATION COMPANY LLC  
C/O SMPR TITLE AGENCY INC  
50 CHAPEL ST/ATT: GINNY  
ALBANY NY 12207

CUST REF: MAIL

*Enclosed is the information you requested. Your payment of \$50.00 is hereby acknowledged.*

*If the name on the enclosed document(s) does not match exactly with the name of the entity you requested, this office does not have a record of the exact name you requested. The document(s) provided appear(s) to be of sufficient similarity to be the entity requested.*

201407290402 37



State of New York  
Department of State } ss:

I hereby certify, that the Certificate of Incorporation of LUPE OWEN DEVELOPMENT CO., INC. was filed on 05/18/1993, with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is an existing corporation. I further certify the following:

A Biennial Statement was filed 09/27/1995.

A Biennial Statement was filed 06/05/1997.

A Biennial Statement was filed 07/13/1999.

A Biennial Statement was filed 05/17/2001.

A Biennial Statement was filed 05/06/2003.

A Biennial Statement was filed 06/17/2005.

A Biennial Statement was filed 06/08/2007.

A Biennial Statement was filed 06/26/2009.

A Biennial Statement was filed 06/13/2011.

The Biennial Statement is past due.

I further certify that no other documents have been filed by such corporation.

\*\*\*

WITNESS my hand and the official seal  
of the Department of State at the City of  
Albany, this 28th day of July two  
thousand and fourteen.

*Anthony Scardino*

Executive Deputy Secretary of State

# 166 22

LIBER 2690 PAGE 924 1294

NEW YORK DEED - WARRANTY DEED WITH LIEN COVENANT

ALBANY COUNTY CLERK  
200 SEP 17 A 11:38

THIS INDENTURE, Made the 27<sup>th</sup> day of June, Two Thousand-One

BETWEEN Amella Lupe Owen, with an address at 1759 Union Street, Suite 209, Niskayuna, New York 12309, Party of the First Part, and

Lupe Owen Development Co., Inc., a domestic corporation, with offices located at 1759 Union Street, Suite 209, Niskayuna, New York 12309, 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, its heirs and assigns forever,

See Schedule A attached hereto.

Subject to all enforceable covenants, conditions, restrictions and easements of record, if any, as they may effect the above-described premises.

It is intended herein to correct the incorrect lot reference on the prior deed between the parties hereto.

Being a portion of the premises by Robert A. Lupe and Amella Lupe Owen to Amella Lupe Owen by Warranty Deed dated November 6, 1991 and recorded in the Albany County Clerk's Office on December 4, 1991 in Book 2449 of Deeds at Page 1069.

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 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 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

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ALBANY COUNTY CLERK  
REAL ESTATE  
SEP 17 2001  
TRANSFER TAX  
ALBANY  
COUNTY

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 hereunto sets her hands and seal the day and year first above written.

In Presence Of

*Amelia Lufe Owen*  
*Steven L. Owen*  
AMELIA LUFEB OWEN by  
STEVEN L. OWEN, attorney in fact

STATE OF NEW YORK )  
COUNTY OF ALBANY ) ss:

On the 27<sup>th</sup> day of June in the year 2001 before me, the undersigned, a Notary Public in and for said State, personally appeared STEVEN L. OWEN, 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.

*Douglas A. Shartrand*  
Notary Public

Douglas A. Shartrand  
Notary Public, State of New York  
Qualified in Saratoga County  
Commission Expires Jan 31, 2002

R&R:

Douglas A. Shartrand, Esq.  
Shartrand and Shartrand  
17 British American Blvd  
Latham, New York 12110

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE LYING AND BEING  
 IN THE TOWN OF COLONIE, COUNTY OF ALBANY, AND STATE OF NEW YORK MORE  
 PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING** at a point in the Southeastery line of Cordell road, said point being in the division line between lands conveyed to W. & R. Lupe by R. J. Pross (Book 1416 of deeds at page 520) on the North and the herein described parcel on the South; THENCE South  $36^{\circ}12'20''$  East, along said division line, a distance of 528.96 feet to a point; THENCE North  $61^{\circ}12'40''$  East, along the South line of "Cordell Park" subdivision as depicted on a map entitled "Cordell Park, in Colonie Albany County N.Y., owned by J.W. Wilbur", dated Oct. 1, 1919, made by A.L. Elliot C.E. and filed in the Albany County Clerk's Office Oct. 16, 1919, a distance of 638.00 feet to a point in the North line of Oliver Ave. as depicted on said map; THENCE South  $35^{\circ}28'30''$  East along the same, a distance of 66.42 feet to a point; THENCE North  $54^{\circ}34'20''$  East, a distance of 130.00 feet to a point in the South line of said Cordell Park; THENCE North  $82^{\circ}23'55''$  East, along the same, a distance of 144.85 feet to a point in the West line of lands conveyed to D.M. & J.R. Clark; THENCE South  $55^{\circ}43'45''$  East, along the same, a distance of 431.88 feet to a point in the West line of Lot No. 9 Lupe Way as depicted on a subdivision map entitled "Rose Gardens, final subdivision, section 2" last dated 4/17/01, made by Raymond A. Koch, PLS and filed in the Albany County Clerk's Office; THENCE South  $09^{\circ}46'14''$  West, along the same and along the Westerly terminus of Lupe Way, a distance of 262.13 feet to a point; THENCE South  $60^{\circ}13'46''$  East, along the South line of Lupe Way, a distance of 97.00 feet to the point of curvature of a curve to the left having a central angle of  $18^{\circ}58'35''$  and a radius of 300.00 feet; THENCE Westerly, along said curve, an arc distance of 99.36 feet to a point thereon; THENCE South  $00^{\circ}28'05''$  West, along the West line of Lot No. 6 Lupe Way as depicted on said Rose Gardens Map, a distance of 170.19 feet to a point; THENCE South  $80^{\circ}13'46''$  East, along the rear line of said Lot No. 6, a distance of 42 feet to a point; THENCE South  $35^{\circ}43'46''$  East, along the rear lines of Lot Nos. 3, 5, 7, and 9 Morocco Lane as depicted on said Rose Gardens map, a distance of 384.00 feet to a point; THENCE South  $54^{\circ}16'14''$  West, along the Northerly line of Lot No. 11 Morocco lane as depicted on a map entitled "Rose Gardens, final subdivision plan", made by Raymond A. Koch, PLS, last dated April 4, 1997 and file in the Albany County Clerk's Office in Drawer 172 as Map No. 10454, a distance of 17.78 feet to a point; THENCE South  $35^{\circ}43'46''$  East, along the West line of Lot Nos. 11, 13 and 15 Morocco Lane as depicted on said map, a distance of 270.00 feet to a point; THENCE North  $54^{\circ}16'14''$  East, along the South line of Lot No. 15, a distance of 177.78 feet to a point in the West line of Morocco Lane; THENCE South  $35^{\circ}43'46''$  East, along the same, a distance of 132.49 feet to a point; THENCE South  $04^{\circ}39'05''$  West, along the division line between lands of Amelia Lupe-Owen on the West and lands now or formerly of Fleetway Construction (Book 2138 of Deeds at Page 267) on the East, a distance of 723.14 feet to a point; THENCE South  $73^{\circ}16'40''$  West

along the Northerly line of lands now or formerly of Traditional Builders, Inc. (Book 2298 of Deeds at Page 239) a distance of 395.06 feet to a point in the Easterly line of lands of Niagara Mohawk Power Corporation; THENCE North  $36^{\circ}03'53''$  West along the same, a distance of 1974.67 feet to a point; THENCE North  $51^{\circ}32'50''$  West, again along the same, a distance of 401.34 feet to a point; THENCE North  $36^{\circ}41'10''$  West, again along the same, a distance of 1831.02 feet to a point; THENCE South  $05^{\circ}59'05''$  West, again along the same, a distance of 47.21 feet to a point; THENCE North  $36^{\circ}40'15''$  West, again along the same, a distance of 581.91 feet to a point in the Southeastery line of Cordell Road, aforesaid; THENCE North  $48^{\circ}28'40''$  East, along the same, a distance of 110.34 feet to the Point and Place of Beginning. Containing 41.67 acres of land, more or less.

Also, all that piece or parcel of land situate in the Town of Colton, County of Albany and State of New York more particularly bounded and described as follows: Beginning at a Point in the Southwesterly line of lands now or formerly of Niagara Mohawk Power Corporation, said point being the Southeastery corner of a 25 acre parcel of land on the Southeast side of Cordell Road conveyed to Robert A. Lupe; THENCE South  $36^{\circ}03'53''$  East, along said lands of Niagara Mohawk Power Corporation, a distance of 1169.37 feet to a point in the South line of lands now or formerly of Amelia Lupe-Owen; THENCE South  $75^{\circ}16'40''$  West, along the same, a distance of 763.51 feet to a point in the Northeast line of lands now or formerly of New York Central Railroad; THENCE North  $36^{\circ}00'42''$  West, along the same, a distance of 917.14 feet to the Southwesterly corner of said lands conveyed to Robert A. Lupe; THENCE North  $53^{\circ}59'18''$  East, along the same, a distance of 719.56 feet to the Point and Place of Beginning. Containing 17.25 Acres of land, more or less.

Also, all that piece or parcel of land situate in the Town of Colton, County of Albany and State of New York more particularly bounded and described as follows: Beginning at a Point in the Southeast line of Cordell Road, said point being in the Southwest line of lands now or formerly of Niagara Mohawk Power Corporation; THENCE South  $36^{\circ}40'45''$  East, along said lands of Niagara Mohawk Power Corporation, a distance of 400.00 feet to a point; THENCE South  $51^{\circ}22'45''$  West, along lands conveyed to Robert A. Lupe, a distance of 226.52 feet to a point; THENCE North  $36^{\circ}40'45''$  West, again along said lands conveyed to R.A. Lupe, a distance of 400.00 feet to a point in the Southeast line of Cordell Road, aforesaid; THENCE North  $51^{\circ}22'45''$  East, along the same, a distance of 226.52 feet to the Point and Place of Beginning. Containing 2.06 Acres of land, more or less.

All of the above are subject to any easements, restrictions and covenants of record.

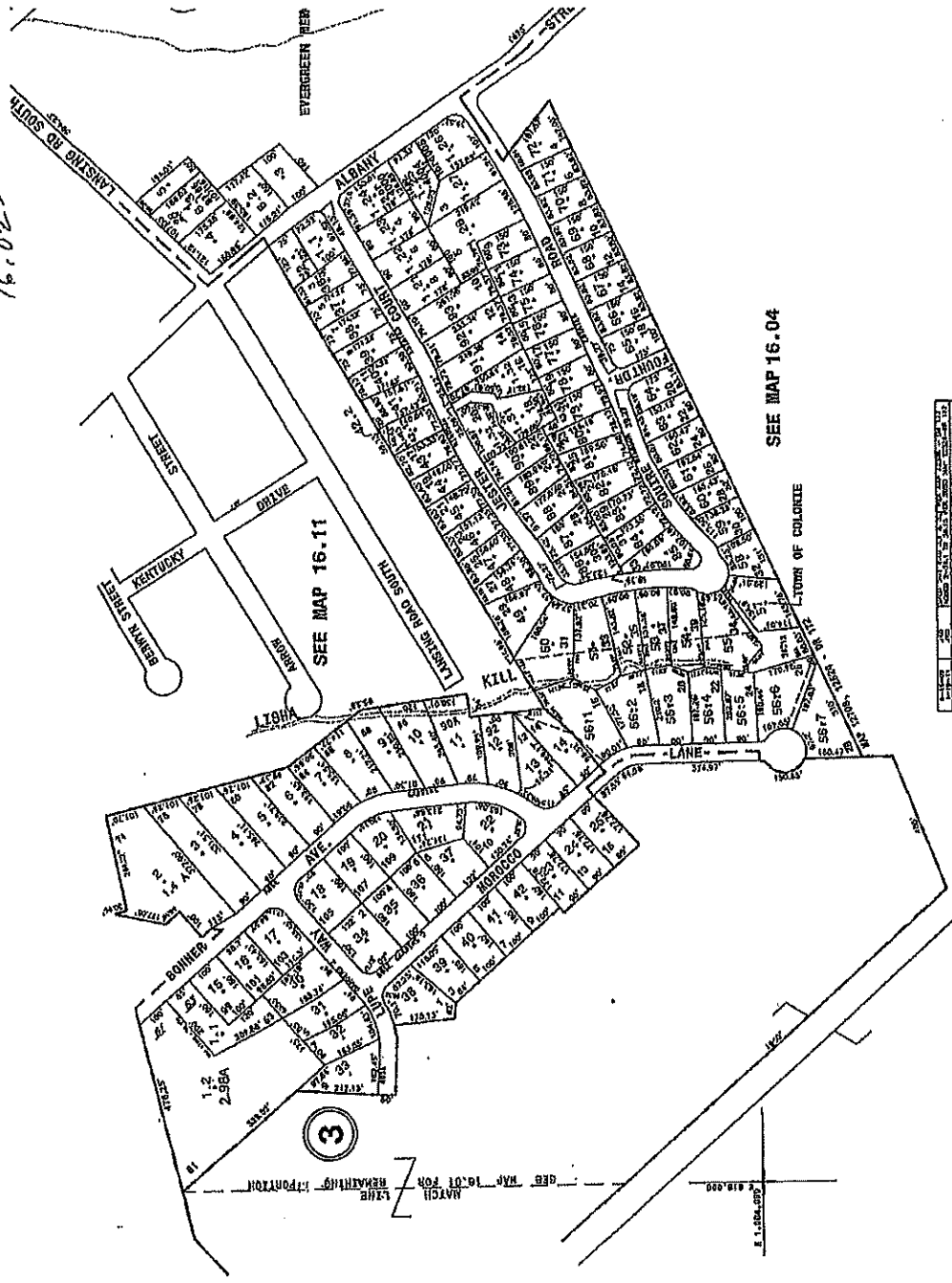
Together with all rights, title or interest the grantor herein may have in and to the Niagara Mohawk Power Corporation Right-of-Way and Easement bordering the above described parcels.

LIBER 2690 PAGE 928

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Colonie, County of Albany and State of New York, more particularly described as Lots 3, 5 and 7 Lippe Way and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11 Morocco Lane, as shown on a map of Rose Gardens, Final Subdivision Plan made by Raymond A. Koch, PLS, Land Surveyor, dated March 22, 1993, and revised to April 4, 1997 and filed in the Albany County Clerk's Office on September 18, 1997 as Drawer 172, Map 10454.

STATE OF NEW YORK }  
COUNTY OF ALBANY }  
Recorded in DEEDS  
As shown herein and  
Exhibited  
10/10/97  
THOMAS G. CLINGMAN  
ALBANY COUNTY CLERK

16.02-



SEE MAP 16.11

SEE MAP 16.04

TOWN OF COLQUHOUN

REVISION	TABLE	DATE	BY	CHANGED	OR	AMENDMENTS
1	1					
2	2					
3	3					
4	4					
5	5					
6	6					
7	7					
8	8					
9	9					
10	10					

PREPARED FOR ASSESSMENT PURPOSES ONLY AND NOT TO BE USED FOR THE CONVEYANCE OF PROPERTY

REVISION TABLE | DATE | BY | CHANGED | OR | AMENDMENTS | TYPE | (TOWN) | DISTRICT NAME | SPECIAL DISTRICTS | CONTACT INFO

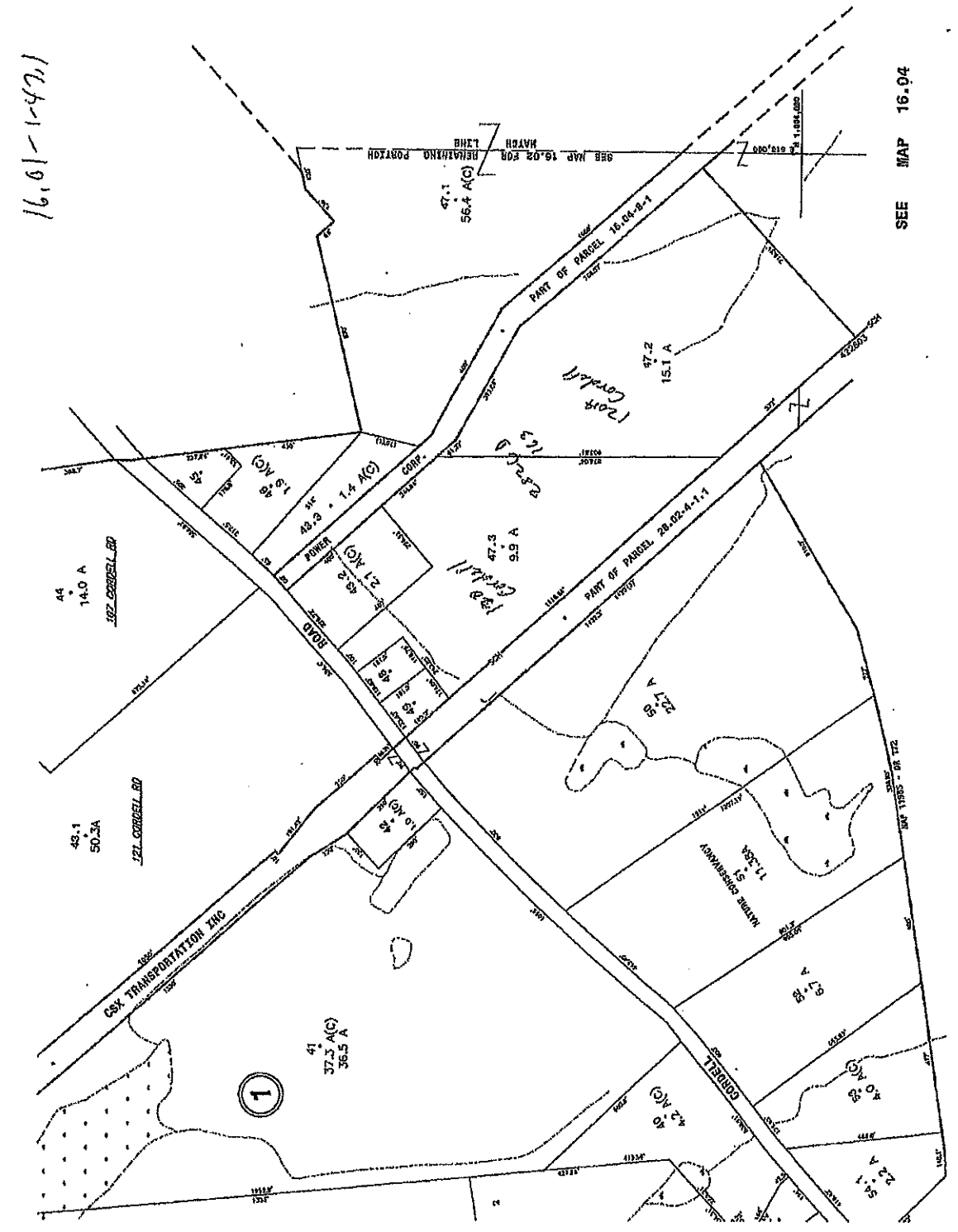
PREPARED BY THE SAUNDERS MAP COMPANY INC. NEWY. ENGINEERS & SURVEYORS

MATCH LINE REMAINING IN POSITION

SEE MAP 16.01 FOR

E. 1,524,000

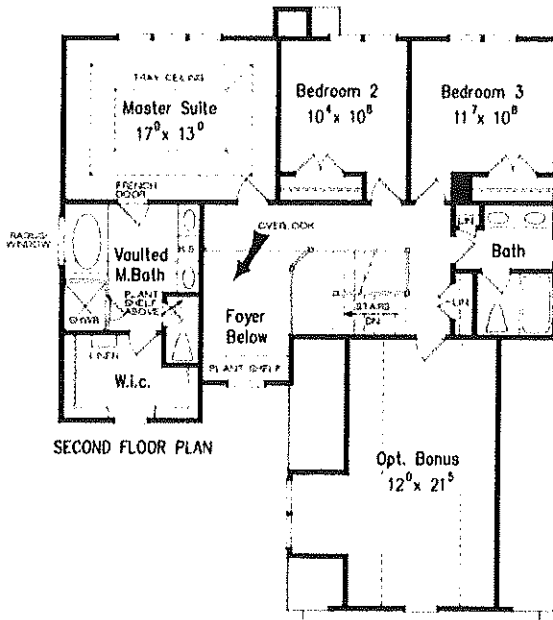
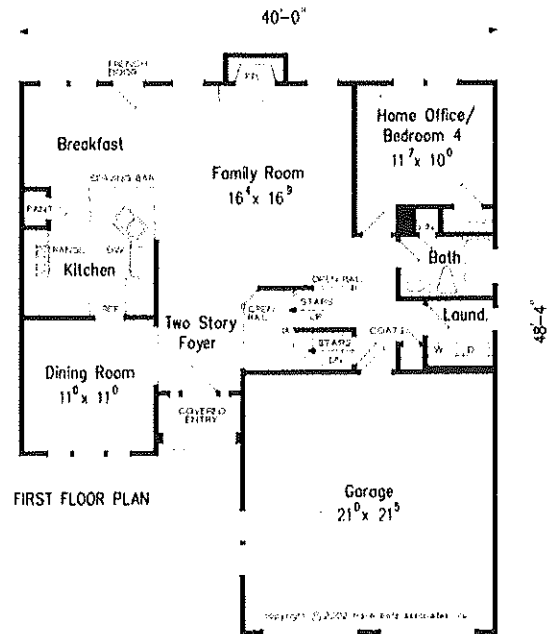
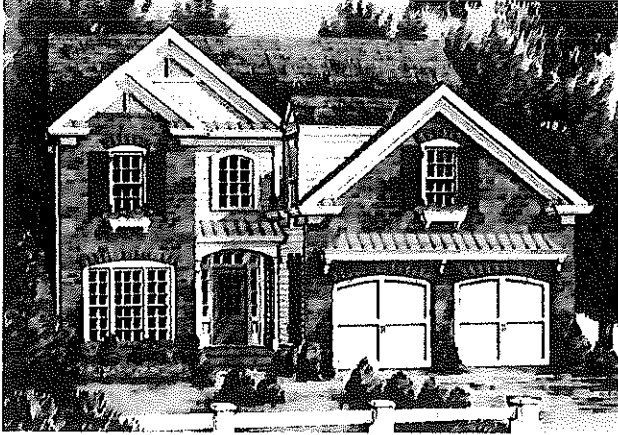
16.01-147.1



SEE MAP 16.04



# Carriage Homes Styles

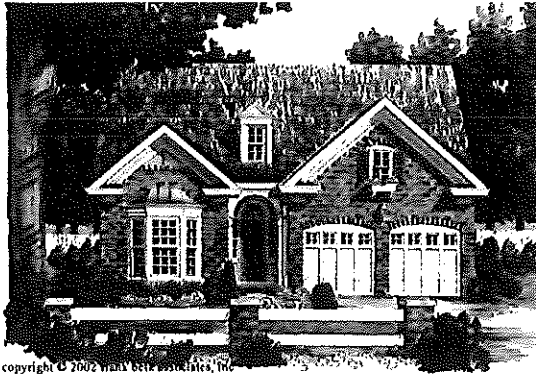


### Square Footage

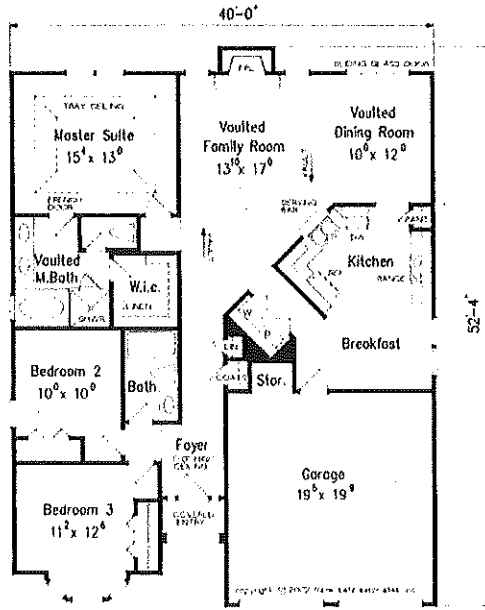
Total	1995
First Floor	1061
Second Floor	934

### Dimensions

Width	40' - 0"
Depth	48' - 4"
Height	29' - 0"

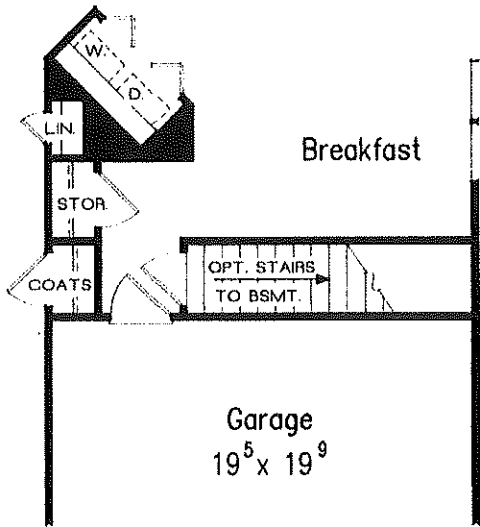


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FIRST FLOOR PLAN

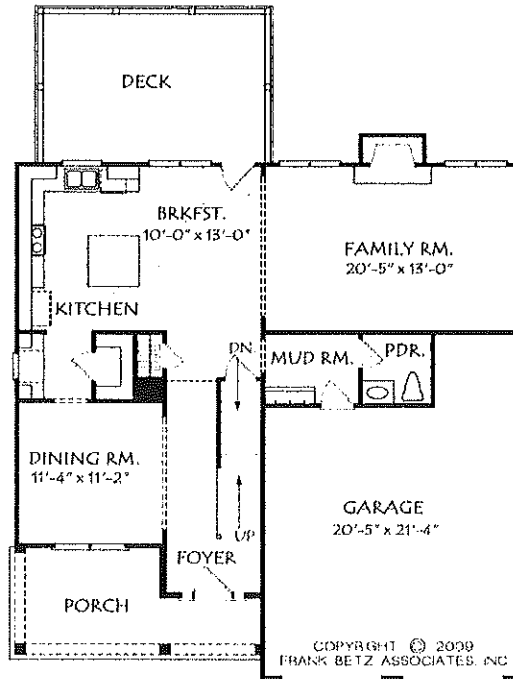
GARAGE LOCATION WITH BREAKFAST



OPT. BASEMENT STAIR LOCATION

### Square Footage

Total	1506
First Floor	1506



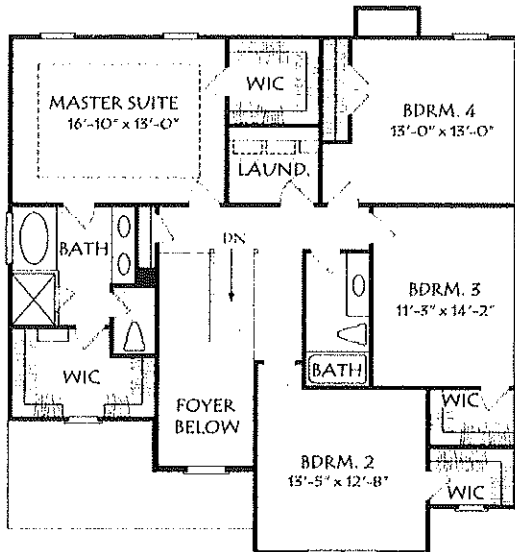
FIRST FLOOR PLAN

### Square Footage

Total	2328
First Floor	997
Second Floor	1331

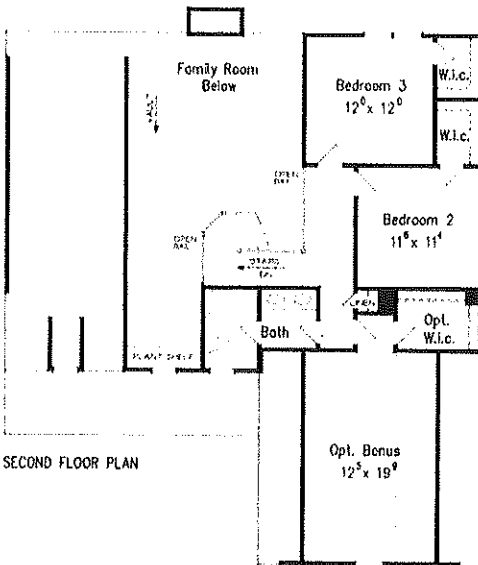
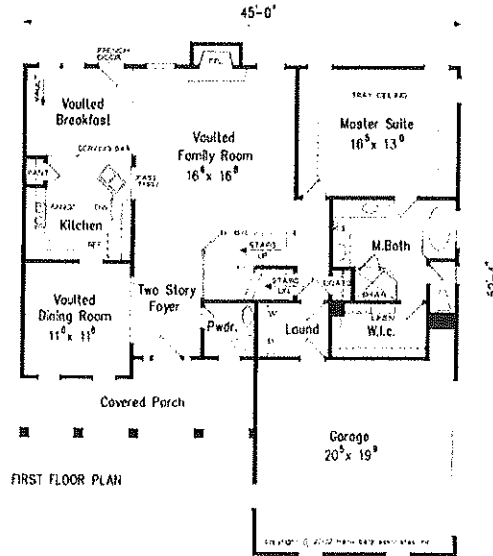
### Dimensions

Width	40' - 6"
Depth	43' - 4"
Height	31' - 0"



SECOND FLOOR

# Traditional Homes Styles

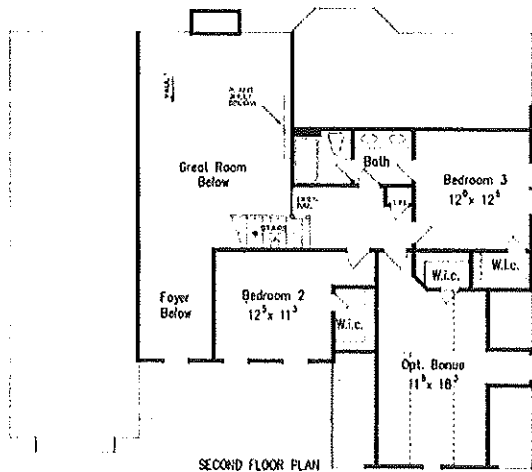
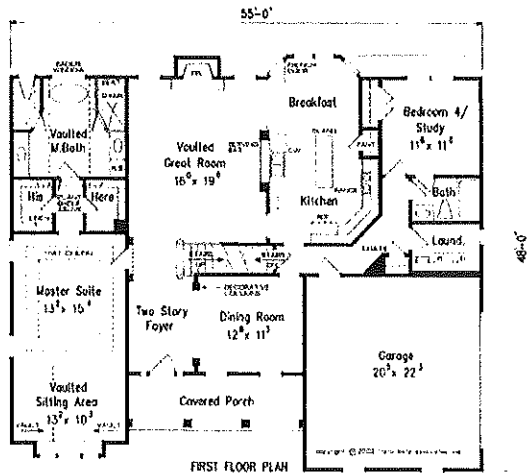


## Square Footage

Total	1879
First Floor	1359
Second Floor	520

## Dimensions

Width	45' - 0"
Depth	52' - 4"
Height	27' - 0"

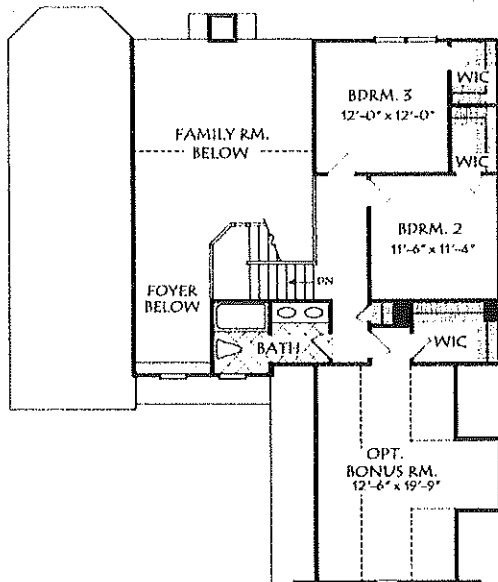
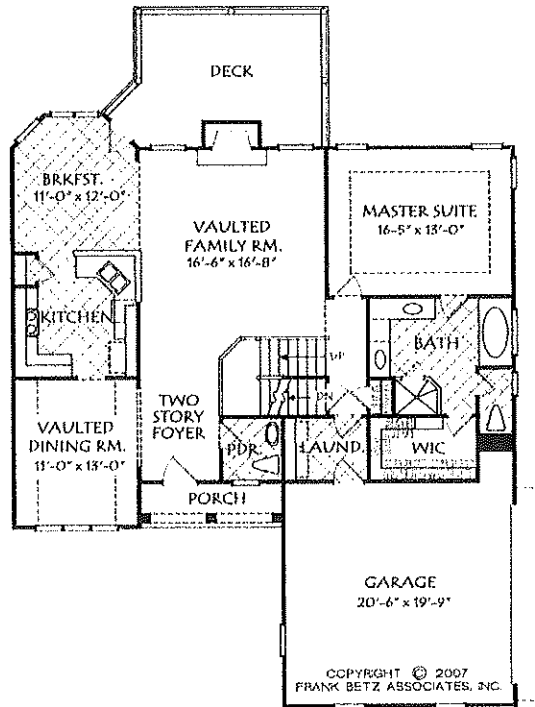
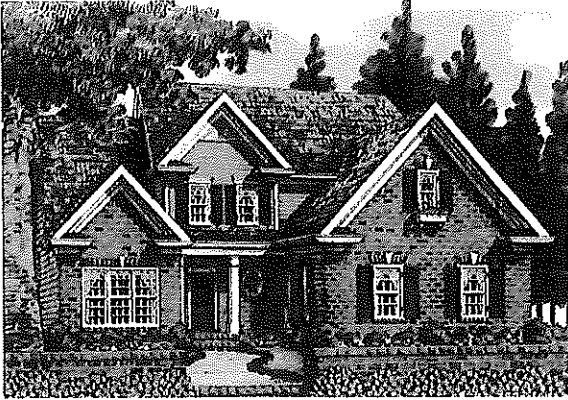


### Square Footage

Total	2351
First Floor	1803
Second Floor	548

### Dimensions

Width	55' - 0"
Depth	48' - 0"
Height	28' - 8"



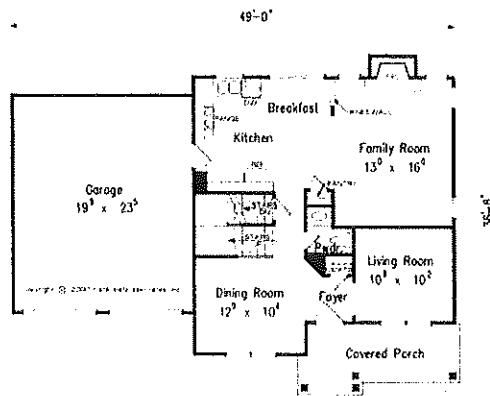
### Square Footage

Total	1922
First Floor	1408
Second Floor	514

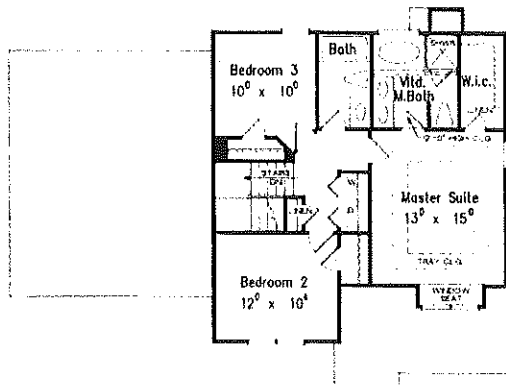
### Dimensions

Width	45' - 0"
Depth	53' - 0"
Height	28' - 0"





FIRST FLOOR PLAN



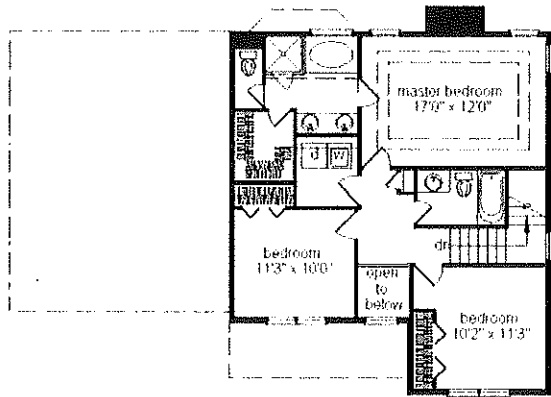
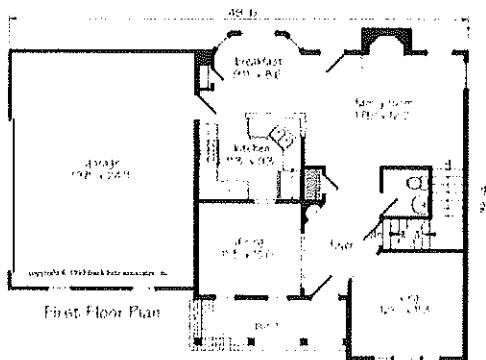
SECOND FLOOR PLAN

## Square Footage

Total	1585
First Floor	827
Second Floor	758

## Dimensions

Width	49' - 0"
Depth	36' - 8"
Height	26' - 8"

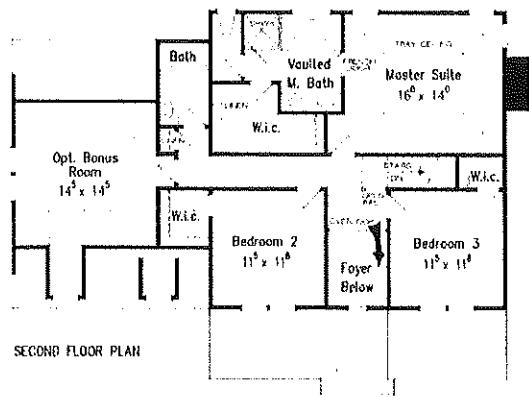
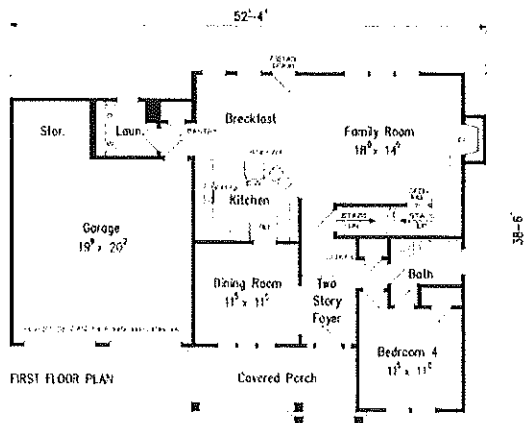


### Square Footage

Total	1675
First Floor	882
Second Floor	793

### Dimensions

Width	49' - 6"
Depth	35' - 4"
Height	29' - 4"

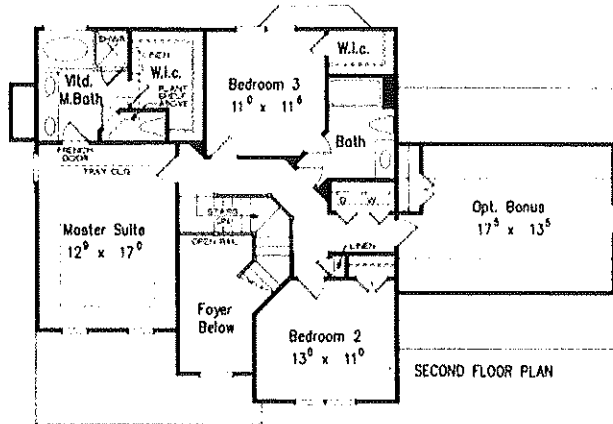
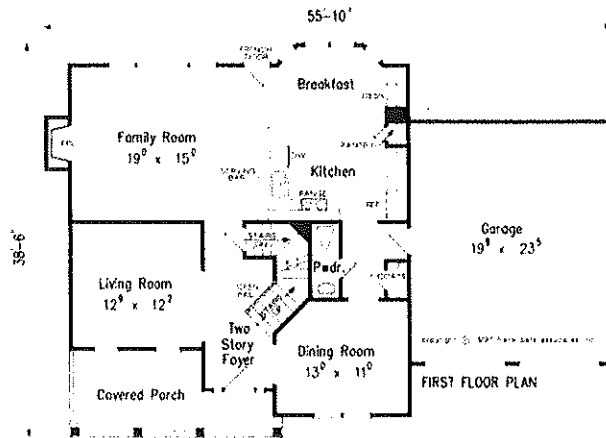
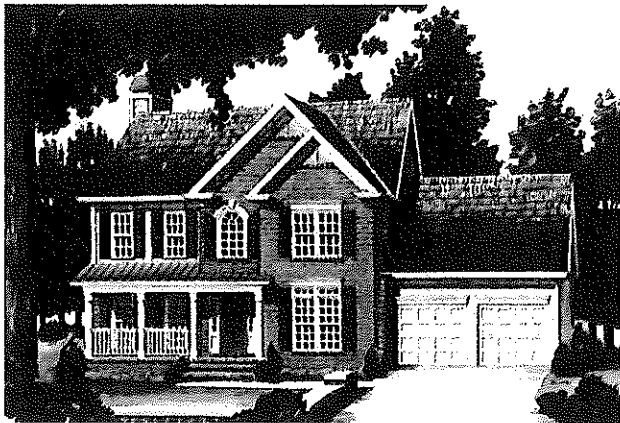


### Square Footage

Total	1992
First Floor	1063
Second Floor	929

### Dimensions

Width	52' - 4"
Depth	38' - 6"
Height	29' - 6"

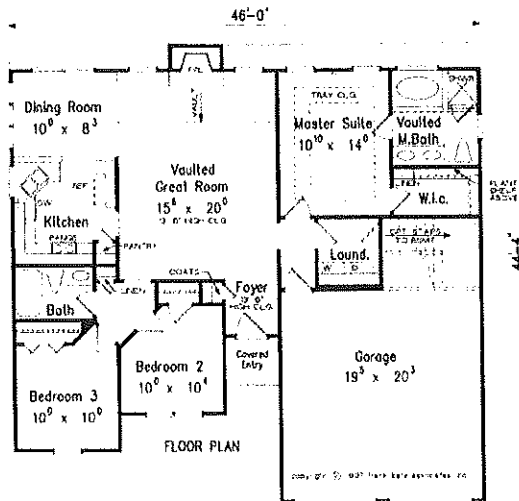
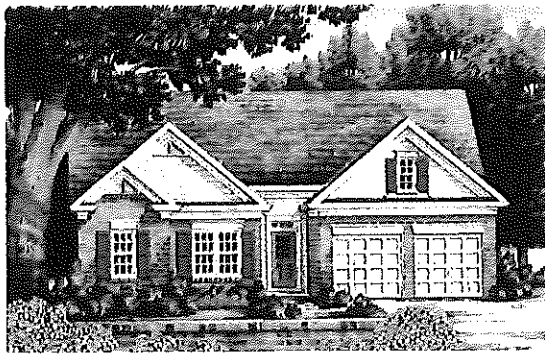


### Square Footage

Total	1995
First Floor	1071
Second Floor	924

### Dimensions

Width	55' - 10"
Depth	38' - 6"
Height	31' - 0"

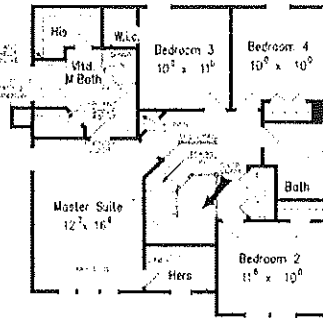
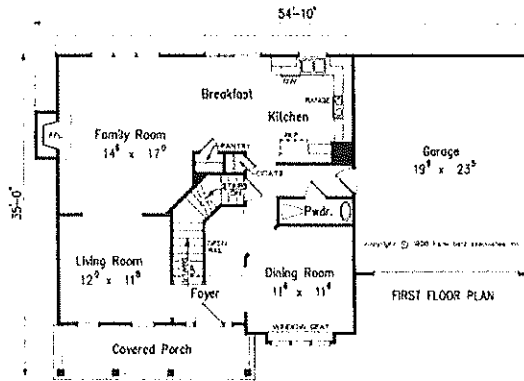


## Square Footage

Total	1232
First Floor	1232

## Dimensions

Width	46' - 0"
Depth	44' - 4"
Height	24' - 6"



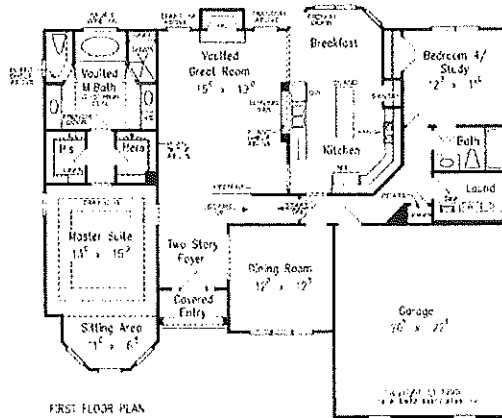
SECOND FLOOR PLAN

### Square Footage

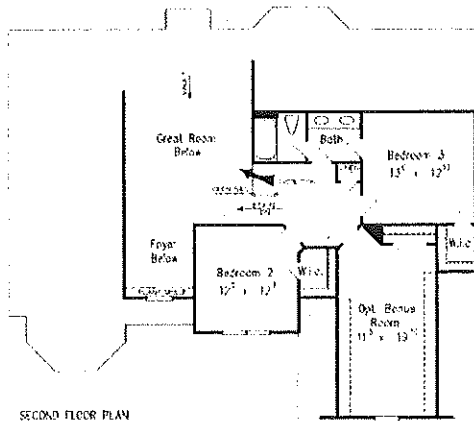
Total	1954
First Floor	978
Second Floor	976

### Dimensions

Width	54' - 10"
Depth	35' - 0"
Height	30' - 0"



FIRST FLOOR PLAN



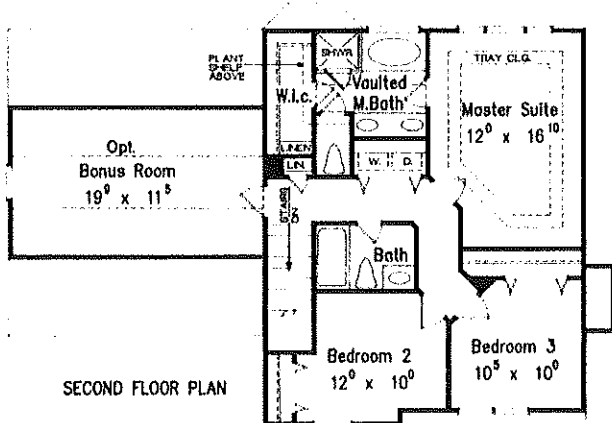
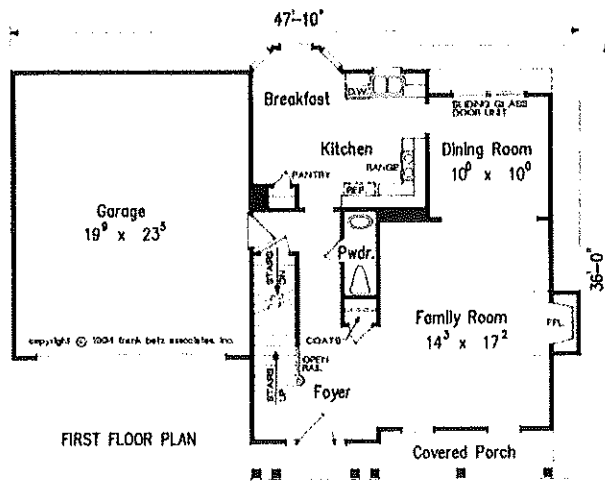
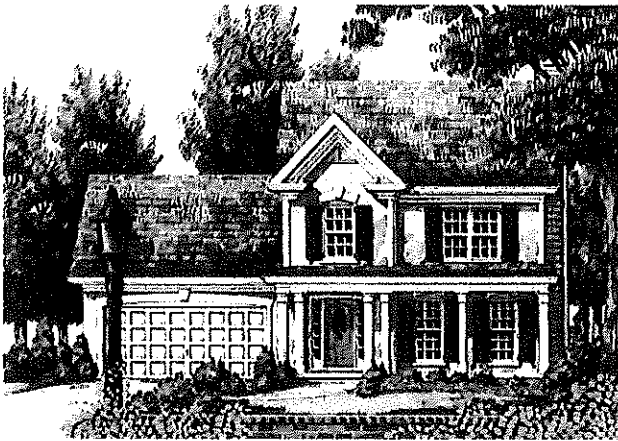
SECOND FLOOR PLAN

### Square Footage

Total	2286
First Floor	1712
Second Floor	574

### Dimensions

Width	55' - 0"
Depth	48' - 0"
Height	30' - 8"



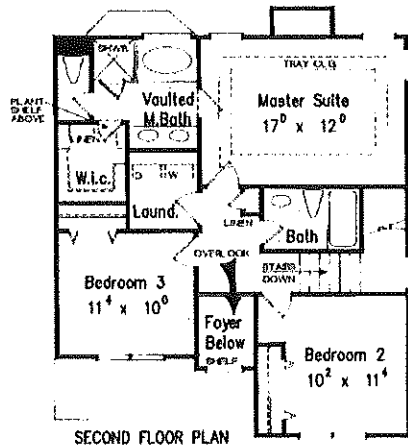
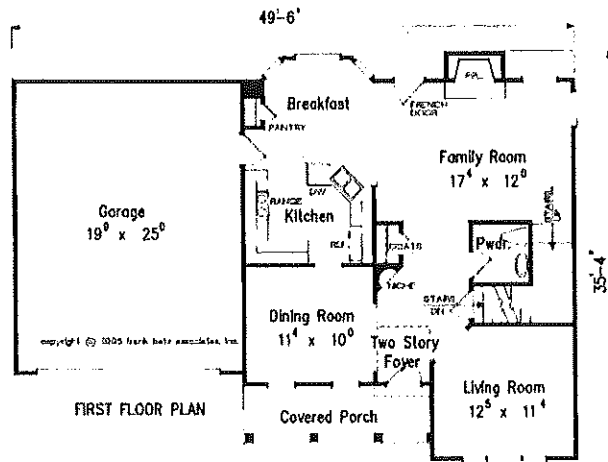
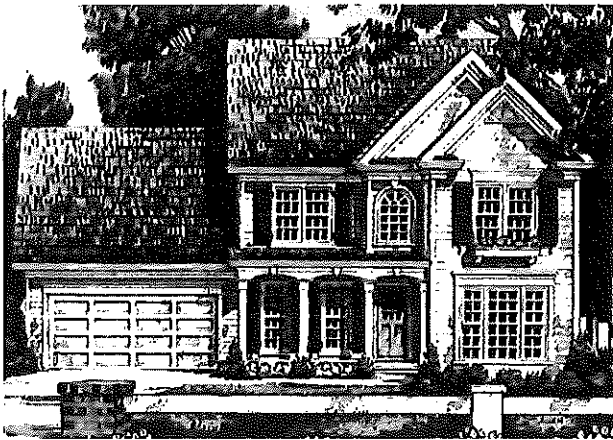
### Square Footage

Total	1505
First Floor	767
Second Floor	738

### Dimensions

Width	47' - 10"
Depth	36' - 0"
Height	29' - 6"



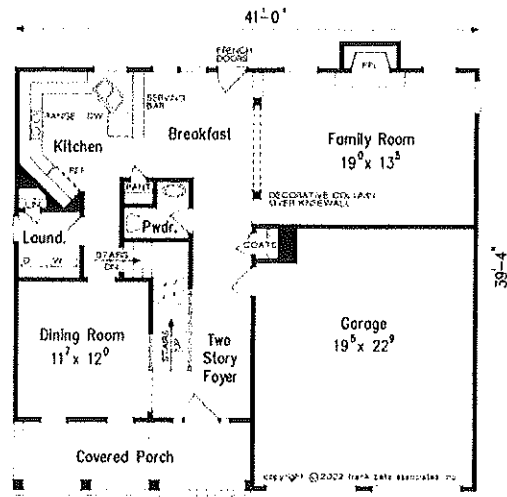
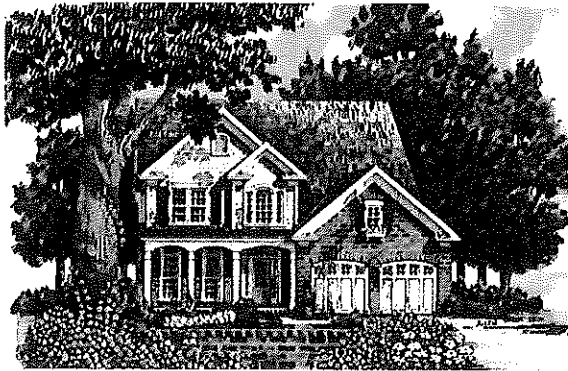


### Square Footage

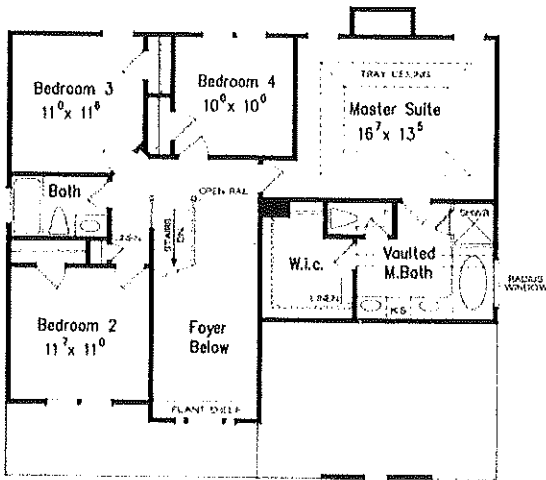
Total	1675
First Floor	882
Second Floor	793

### Dimensions

Width	49' - 6"
Depth	35' - 4"
Height	29' - 4"



FIRST FLOOR PLAN



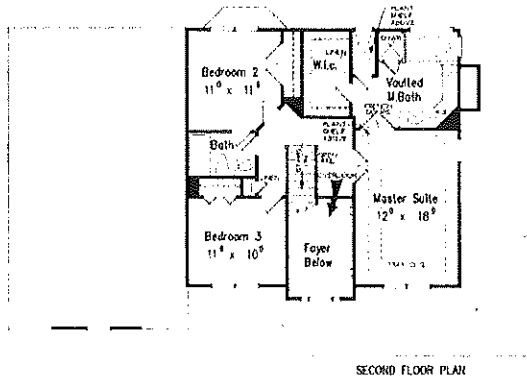
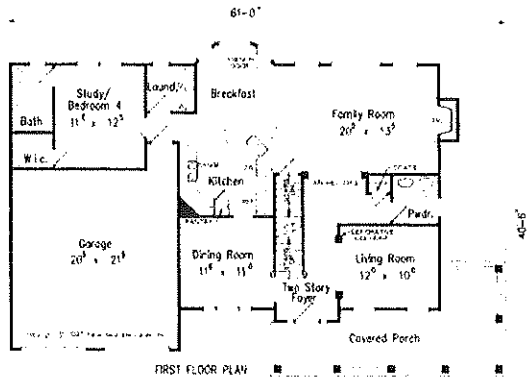
SECOND FLOOR PLAN

## Square Footage

Total	1928
First Floor	947
Second Floor	981

## Dimensions

Width	41' - 0"
Depth	39' - 4"
Height	29' - 0"



### Square Footage

Total	2128
First Floor	1257
Second Floor	871

### Dimensions

Width	61' - 0"
Depth	40' - 6"
Height	31' - 9"

## DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS

THIS DECLARATION, made this \_\_\_\_ day of \_\_\_\_\_, 2017, by  
DAVE ADAMS BUILDERS, LLC, 629 Sacandaga Road, Scotia, New York 12302,

WHEREAS, DAVE ADAMS BUILDERS, LLC, hereinafter referred to as “declarant” or “grantor” is the owner, in fee simple of certain real property located in the Town of Colonie, County of Albany, State of New York, shown on map entitled “\_\_\_\_\_” dated \_\_\_\_\_, as prepared by MJ Engineering & Land Surveying, P.C., and filed in the Albany County Clerk’s Office on \_\_\_\_\_, as Map No \_\_\_\_\_.

FOR THE PURPOSES OF ENHANCING and protecting the value, attractiveness and desirability of the lots constituting such subdivision, declarant states that the building lots in the above referenced subdivision shall be held, sold and conveyed subject to the following covenants and restrictions, which will constitute covenants running with the land and will be binding on, and be enforceable by all parties, including the Town of Colonie, having any right, title or interest in the above described property or any part thereof, their heir, successors, and assigns, and will inure to the benefit of each owner thereof:

1. All construction within the subdivision in which the above premises are located shall be of a similar nature, but no so similar as to make it identical with the neighboring properties. Said construction shall be in conformity with the general character and beautification of the neighborhood and shall be maintained in the same manner. The natural beauty and contour of the land are to be preserved as far as reasonably possible.
2. No above ground swimming pool shall be placed on said premises.
3. No aluminum or metal sheds shall be allowed, but exterior storage shed which match the existing dwelling and are not visible from the street will be permitted.
4. No fence shall be maintained about the premises except a properly maintained picket, split-rail, or other decorative wood or vinyl fence, or wire fence, not exceeding 5 feet in height. Fences may be constructed and maintained on the sides and rear of the premises, but no fence of any nature shall be permitted in front of such premises. A hedge shall be allowed in the front of such premises and shall be

maintained in a neat and orderly fashion. Also, (see Town of Colonie Zoning Code for additional restrictions which may apply.)

5. All trash and garbage receptacles must be stored directly behind the rear of the house constructed on said premises, or in the garage, and at no time may said trash and garbage receptacles be stored either at the front or side of said house as constructed.
6. Clothes lines or any similar devices for the drying of clothes shall not be erected or placed on said premises.
7. No noxious or offensive activity shall be carried on or upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
8. No structure of a temporary nature, trailer, basement, tent, shack, garage, barn, or other out building shall be used on the lot at any time as a temporary or permanent residence except a sales trailer by the developer or his authorized sales agents.
9. No unregistered motor vehicles, recreation vehicles, boats, or other trailers, R.V.'s, utility trailers, travel trailers, trucks, motorcycles, snowmobiles, ATV's, commercial vehicles, or any other kind of motorized vehicles shall be stored on the premises unless enclosed in a garage.
10. No signs, billboards of advertising medial shall be erected or maintained on the premises with the exception by the Owner for marketing and advertising purposes, which shall be located on property it owns.
11. No extensive work on any motor vehicles, boats, or machines of any kind shall be permitted outdoors on said premises or portion thereon.
12. Pets.
  - a) No kennel or stables shall be maintained on a Home site and no livestock or farm animals shall be allowed on a Home site. Dogs, cats and other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.
  - b) All pets shall be restrained and/or kept on a leash under the control of the responsible person at all times when such pet is outside of a Home and within the Property.
  - c) Each Owner shall be responsible at all times for cleaning up and removing all solid excrement located within the Property after his pet relieves itself and for appropriately disposing of said excrement using sanitary refuse

containers located on the Owner's property. Failure to clean waste material from a pet shall be deemed a nuisance.

d) Each Owner shall be responsible for complying with each of the Animal Control Laws as adopted from time to time by the Town of Colonie and the County of Albany.

13. Owner, its successors and/or assigns, hereby reserve the right to convey any easements for utilities, storm water management, and/or drainage to the Town or other municipalities as shown on the approved and filed subdivision maps.

14. Protected watercourse areas as shown on approved subdivision plans for may not be disturbed without applicable approvals from the Town of Colonie.

15. Wetland areas as shown on approved subdivision plans for may not be disturbed without applicable approvals from the U.S. Army Corps of Engineers.

16. The storm water management system includes storm water detention and treatment basins that will contain periodic or persistent standing water.

17. This subdivision lies within the Albany Pine Bush Study Area. Every effort must be taken to avoid landscaping with New York State invasive plant material as identified in the current Albany Pine Bush Preserve Management Plan.

18. These notices must be provided to prospective buyers with each contract of sale and included with each deed.

Dated: \_\_\_\_\_

DAVE ADAMS BUILDERS, LLC

\_\_\_\_\_  
David Adams, Sole Member

State of New York            )

County of                    ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2017 before me, the undersigned, personally appeared David Adams, 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