

DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS  
for the MILL CREEK PRESERVE SUBDIVISION

THIS DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS is made on the date hereinafter set forth by New York Land & Lakes Development, LLC, of the City of Oneonta, County of Otsego, State of New York, hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of certain real property (the Property) in the County of Tompkins, State of New York which is more particularly described as follows:

ALL of the land shown on the survey map entitled Mill Creek Subdivision which map is duly recorded on \_\_\_\_\_, 2019 in the office of the Tompkins County Clerk at map# \_\_\_\_\_; and

WHEREAS, it is the intent of Declarant hereby to cause the above described Property to be subjected to this Declaration of Protective Covenants & Restrictions; and

WHEREAS, it is the intention of Declarant to encourage the use of renewable energy within the subdivision to reduce greenhouse gas emissions; and

WHEREAS Declarant wishes to promote the use of the lands within the subdivision for agricultural purposes; and

WHEREAS Declarant sets forth these Covenants & Restrictions in order to help ensure that the rural character and natural resources found within the subdivision and the immediate area surrounding the subdivision is suitably maintained for future generations.

NOW, THEREFORE, Declarant hereby declares that all of the Property described above shall be held, sold and conveyed subject to the following Restrictions, Covenants and Conditions, which are for the purpose of protecting the value and desirability of and which shall run with such real Property, and be binding on all parties having any right, title or interest in the described Property or any part thereof, Declarant's heirs, successors and assigns and shall inure to the benefit of each owner thereof.

- The premises conveyed shall only be used for single family (residential) homes, agricultural or non-commercial recreational uses except in home offices shall be allowed. No other commercial or industrial use of the property is allowed.
- Only one principal dwelling and one accessory unit dwelling shall be allowed per parcel. All such dwellings shall comply with the Town of Dryden Zoning Ordinance.
- Grantee agrees to keep this lot in a good and sanitary condition and shall not use it as a dumping ground for trash and rubbish. The outside placement or storage of un-registered vehicles is prohibited.
- Single wide manufactured homes are not allowed.
- No camping trailers, tents, or other recreational or temporary living quarters will be allowed on the premises except for the purpose of camping for temporary periods, not to exceed ninety (90) days per calendar year. Such camping trailers or other recreational vehicles must have fully self contained sanitary facilities or sanitary facilities connected to an approved septic system. All camping trailers, tents, or other recreational or temporary living quarters allowed under this section must be removed from the premises at the end of the ninety (90) day period, except that legally registered recreational vehicles may be stored upon the premises if a permanent dwelling exists on the lot.
- No parcel shall be further subdivided.
- Residential solar energy, and wind energy systems shall be allowed and encouraged in accordance with the Town of Dryden Renewable Energy Facilities Law governing such uses.
- No trees, shrubs or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed within one hundred (100) feet of the mean high water mark of either Mill Creek or Fall Creek. These setbacks are shown on the map described above and made a part hereof. This covenant shall not be deemed to prevent the removal of dead or diseased vegetation or of damaged trees or other vegetation that presents a safety or health hazard.
- Grantee is responsible for obtaining the necessary state and local permits for buildings, wells, and septic systems.
- No pesticides, herbicides or fertilizers shall be applied within two hundred fifty (250) feet of any water body or wetland.
- No invasive plant species listed as a prohibited species in 6 NYCRR Part 575.3 shall be planted on any lot within the subdivision.
- If Grantee(s) disturbs over one acre of land on their parcel, Grantee(s) also hereby agrees to prepare a SWPPP specific for their residential lot to be developed and file a Notice of Intent (NOI) for the storm water discharges associated with construction activity under State Pollutant Discharge Elimination System (SPDES) General Permit in effect at the time of filing.
- Driveways, driveway crossings and culvert sizes along municipal highways shall be approved by the appropriate County or Town Highway Superintendent.
- There shall be no change allowed to existing drainage patterns of ditches and culverts along municipal highways without approval from the appropriate Highway Superintendent.
- Grantor herein excepts and reserves the right to grant to utility companies, a standard utility easement not to exceed thirty (30) feet in width along roads and lot lines.
- No watercourse shall be blocked or diverted so as to cause material damage to any lot in this subdivision or to any neighboring property.
- Outdoor lighting should be kept to a minimum and where necessary should be directed toward the ground.
- For as long as any portion of the property described in this deed is subject to regulation under State or Federal Wetland Laws, there shall be no construction, grading, filling, excavating, clearing or other related activity as defined by these laws on this property within any wetland area or any adjacent area as set forth in said laws, at any time without having first secured the necessary permission and permit required pursuant to the above noted laws. This restriction shall bind the Grantees, their successors and assigns.
- These Protective Covenants are to run with the land and shall be binding on New York Land & Lakes Development, LLC, and the Grantees, their successors and assigns. The invalidation of any one of the Protective Covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect. These Protective Covenants may be enforced by New York Land & Lakes Development, LLC, or the owner of any parcel within the subdivision. If New York Land & Lakes Development, LLC, brings an action to enforce any of these Protective Covenants, the violator must pay all costs and expense of such action, including reasonable attorney's fees.

**NOTES:**

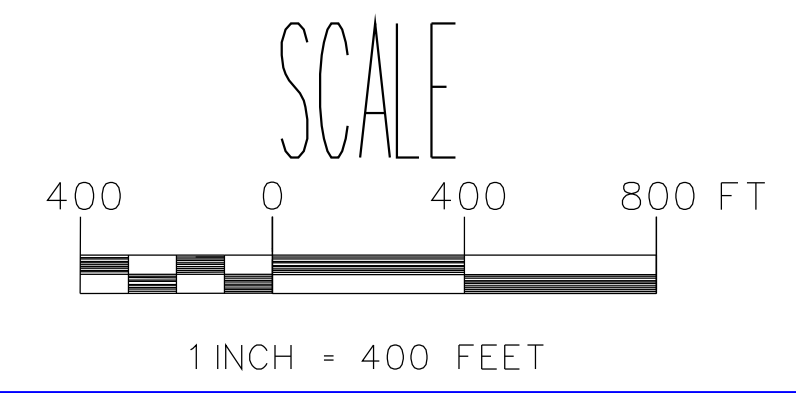
- 24 Denotes Great Lot Number in the Military Tract in the Town of Dryden.
- TOTAL LOT ACRES: 892.926

Subdivider: New York Land and Lakes Development LLC  
297 River St Suite 3  
Oneonta, NY 13820

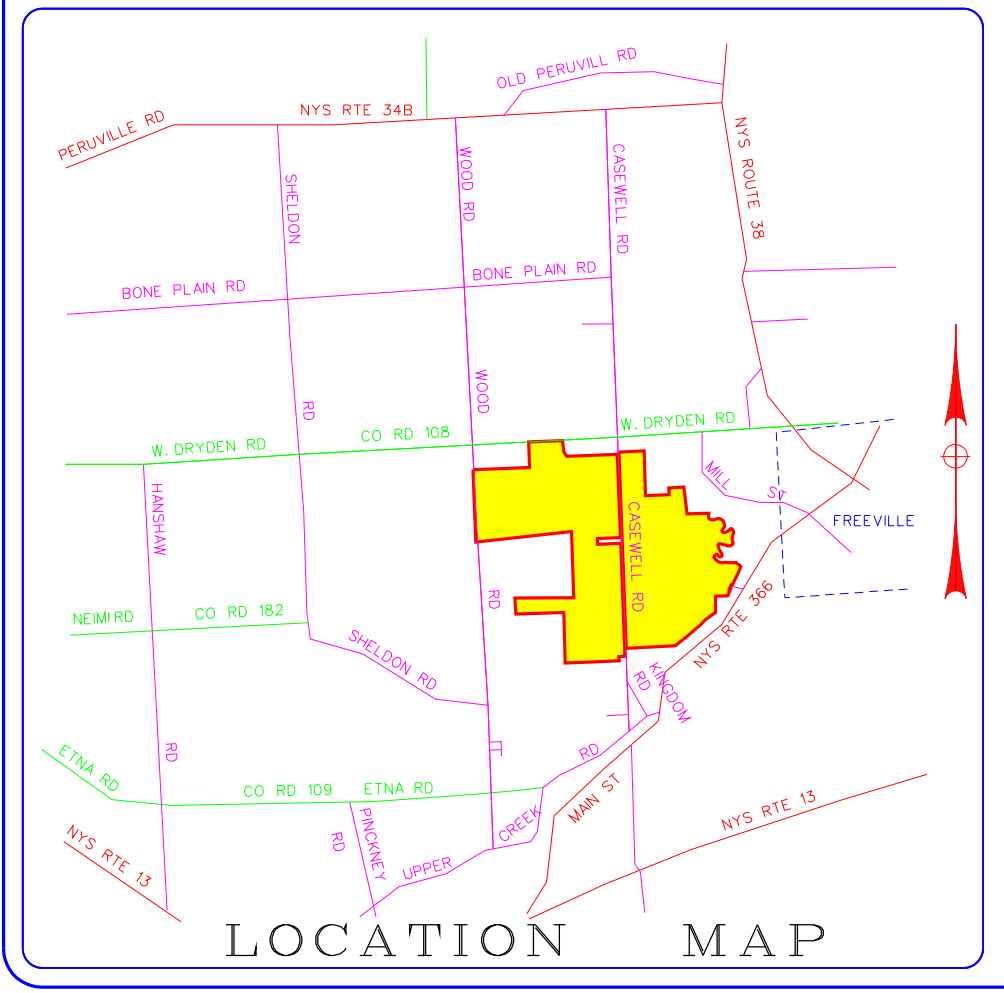
Zoning: Conservation - CV  
Area - 1 Acres  
Width - 100'  
Set backs Front - 50'  
Side - 15'  
Rear - 25'

**SPECIAL ZONE LEGEND**

- property line
- proposed lot line
- water course or boundary
- index contour line
- contour line
- federal wetland
- NYS wetland
- 100' buffer along Creeks
- watershed mapped wetlands
- building setbacks limits
- unique natural areas



APPROVED BY: \_\_\_\_\_ TOWN OF DRYDEN PLANNING BOARD CHAIR DATE: \_\_\_\_\_



MAP AND SURVEY PREPARED BY  
**PAUL B. KOERTS**  
PROFESSIONAL LAND SURVEYOR

TEL. NO. - 607-656-9578  
FAX NO. - 607-656-9133

P.O. BOX 432, HOTCHKISS ROAD  
GREENE, NEW YORK 13778-0432

N.Y.S. License No. 49580

**GENERAL NOTES**

- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 3209, subdivision 2, of the New York State Education Law.
- Only copies from the original of this survey marked with an original of the land surveyor's seal and signature shall be considered to be of full and equal force.
- Certifications indicated herein signify that this survey was prepared in accordance with the current Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey was prepared, and on his behalf to the title company, governmental agency and lending institutions listed herein, and to the trustees of the lending institution. Certifications are not transferable to subsequent institutions or subsequent owners.
- Subject to utility line or other easements, covenants or restrictions affecting the surveyed premises, if any. All visible above ground evidence of easements are as shown.
- Subject to any facts a complete, accurate and current abstract of title may disclose.

**CERTIFICATION OF THIS SURVEY SHALL RUN TO:**

- New York Land and Lakes Development LLC
- Westcoast Land Title Insurance Company
- Commonwealth Land Title Insurance Company
- Layers Title Insurance Corporation

**REVISIONS**

1)	
2)	
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5)	
6)	

**LEGEND**

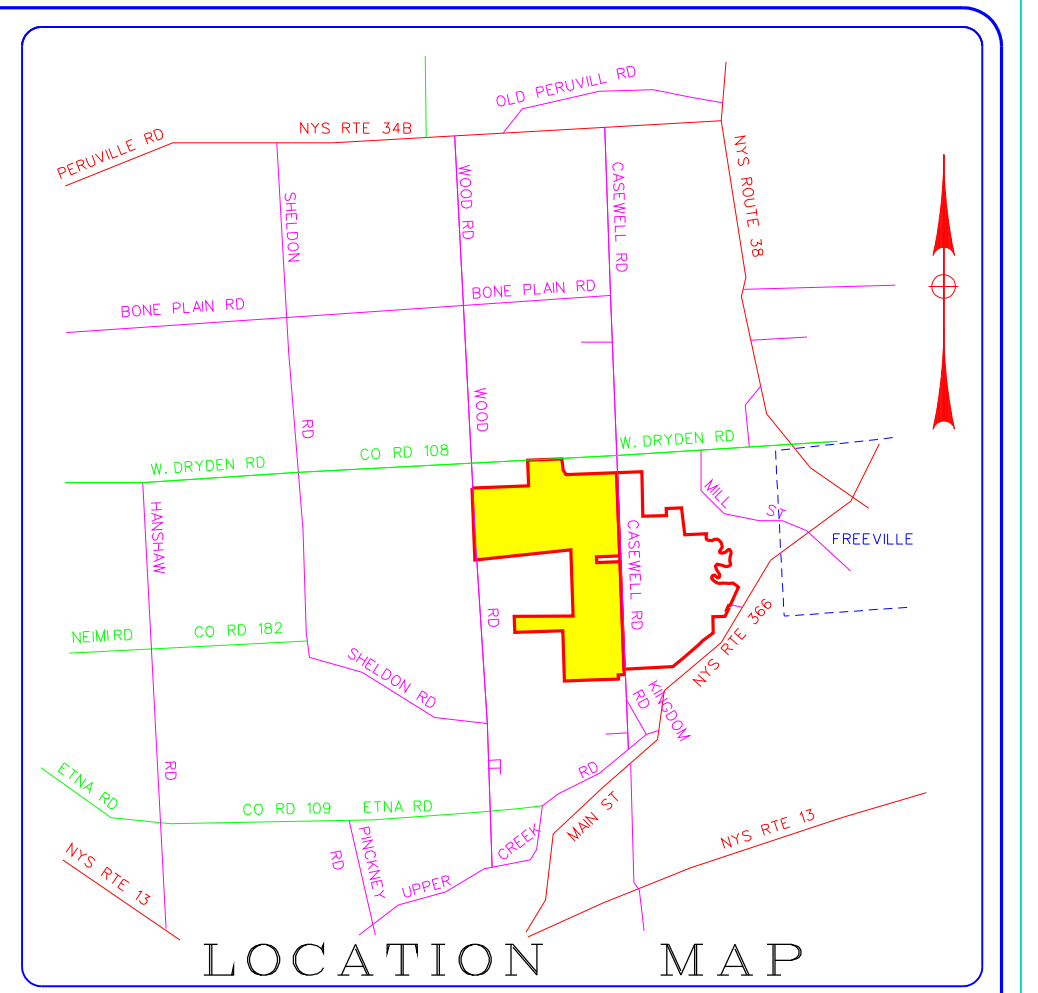
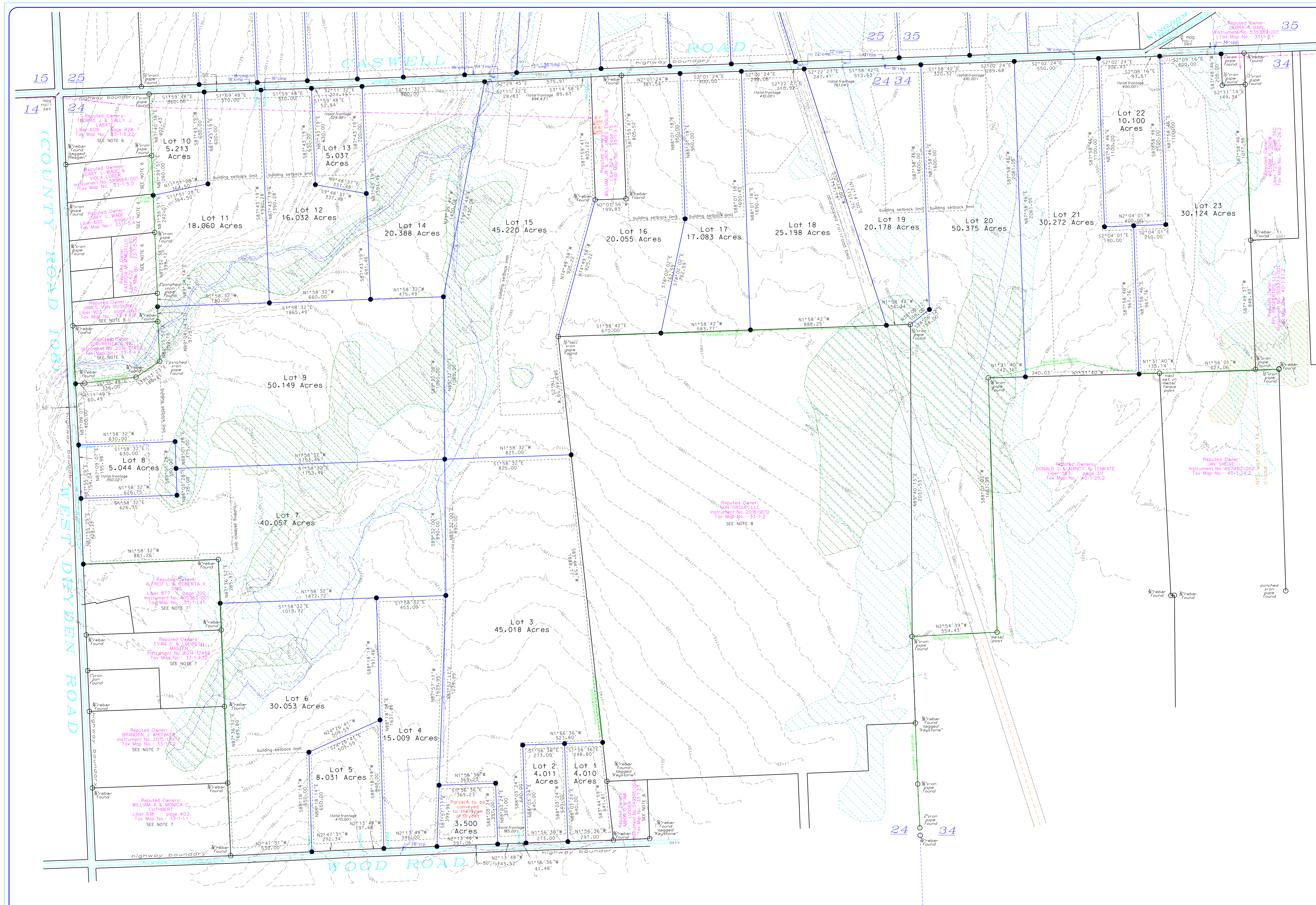
- 3/4" rebar with plastic yellow cap topped
- Iron pin or pipe found
- underground telephone cable box/marker
- underground utility & service lines
- proposed line
- easement line
- water course boundary
- fence line
- edge of wooded area
- edge of paved drive or road
- edge of unpaved drive or road
- major elevation contour lines
- distinctive trees
- contour line

**PRELIMINARY PLAT**  
SUBDIVISION OF  
**MILL CREEK PRESERVE**

CASWELL ROAD TAX MAP NO. -33-1-3.2  
TOWN OF DRYDEN  
COUNTY OF TOMPKINS STATE OF NEW YORK

MAP DATE: MAY 28, 2019  
 DEED REFERENCE: SHEET 1 OF 3  
 INSTRUMENT NO.: 509373-001  
 MAP NO.: 18410-1  
 SUBDIVISION OVERVIEW





TRUE NORTH  
at 76°-35' meridian  
of west longitude

Zoning: Conservation - CV  
Area - 100'  
Set backs Front - 50'  
Side - 15'  
Rear - 25'

NOTES:

- 24 Denotes Great Lot Number in the Military Tract in the Town of Dryden.
- REFERENCE MAP: "Survey Map of Lands of John A. Cooper, Military Lot 25, Town of Dryden, County of Tompkins, State of New York," as surveyed by Regan Land Surveying date April 2013 and filed in the Tompkins County Clerk's Office as Instrument No. 2013-07025.
- REFERENCE MAP: "Resurvey for Mark G. & Ramona J. Andersen, Town of Dryden, County of Tompkins, State of New York," as surveyed by Michael John Regan date December 3, 1993 and revised February 17, 1994 and filed in the Tompkins County Clerk's Office in Instrument No. 2018-12420.
- REFERENCE MAP: "Boundary Survey for Aaron D. Lussier, Ami Lussier Wood Road, Town of Dryden, Tompkins County, State of New York," as surveyed by Keystone Associates date June 19, 2009 and filed in the Tompkins County Clerk's Office on October 16, 2009 in Instrument No. 54555-006.
- REFERENCE MAP: "Survey Map of Angie Stetson Baldwin Parcels, 267 West Dryden Road, Town of Dryden, Tompkins County, State of New York," as surveyed by Robert S. Russler, Jr. date July 4, 1987 and filed in the Tompkins County Clerk's Office on March 23, 2012 as Instrument No. 56913-004.
- REFERENCE MAP: "Survey for Kazmier L. & Lois L. Machuk, West Dryden Road, MI, Lot 25, Town of Dryden, Tompkins County, State of New York," as surveyed by George Hanford date December 3, 1984 and revised December 6, 1984 and filed in the Tompkins County Clerk's Office in Map Drawer 15 and relocated in Instrument No. BF018279-001.
- REFERENCE MAP: "Survey for Peter A. Rhoads C. Curtis, Town of Dryden, County of Tompkins, State of New York," as surveyed by George Schlecht date December 4, 1985 and filed in the Tompkins County Clerk's Office in Box X, J.
- REFERENCE MAP: "Boundary Survey for Linda Fenner, Wood Road, Town of Dryden, Tompkins County, New York State," as surveyed by Keystone Associates map date May 23, 2016 and filed in the Tompkins County Clerk's Office on August 2, 2016 in Instrument No. 2016-09013.
- REFERENCE MAP: "Survey Map Lands of The Estate of Ella J. Wernick, Lot 25, Town of Dryden, Tompkins County, New York," as surveyed by Michael John Regan date July 10, 2001 and filed in the Tompkins County Clerk's Office in Map Drawer 00, 39 and relocated in Instrument No. 288333-001.
- REFERENCE MAP: "Survey Map Lands of Regina L. Rieckenberg and Maureen F. Roach, Lot 25, Town of Dryden, Tompkins County, New York," as surveyed by Michael John Regan date January 17, 2002 and filed in the Tompkins County Clerk's Office on March 22, 2002 in Map Drawer 00, 78 and relocated in Instrument No. 408857-002.
- REFERENCE MAP: "Survey Map showing lands of Philip E. and Andrea M. Whitney and Corina Debris Trigs, Located on Mill Street, Town of Dryden, Tompkins County, New York," as surveyed by T.G. Miller date April 7, 2000 and filed in the Tompkins County Clerk's Office on September 6, 2007 in Instrument No. 514461-002.
- SUBJECT TO an easement granted to New York State Electric & Gas Corporation dated May 3, 1926 and recorded in the Tompkins County Clerk's Office in Liber 215 of deeds at page 168.
- SUBJECT TO an easement granted to New York State Electric & Gas Corporation dated February 8, 1925 and recorded in the Tompkins County Clerk's Office in Liber 377 of deeds at page 558.
- SUBJECT TO an easement granted to New York State Electric & Gas Corporation or a gas pipe line dated December 12, 1922 and recorded in the Tompkins County Clerk's Office in Liber 443 of deeds at page 585.
- Sherborne Drive conveyed to the Town of Dryden by deed dated October 17, 1970 and filed in the Tompkins County Clerk's Office in Liber 522 of deeds at page 265 for Sherborne Drive.
- Wellheads taken from Tompkins County GIS mapping, no field delineation were done.

SPECIAL ZONE LEGEND

—	property line
- - -	proposed lot line
—	water course or boundary
- - -	index contour line
—	contour line
—	federal wetland
—	NYS wetland
—	100' buffer along Creeks
—	watershed mapped wetlands
—	building setbacks limits
—	unique natural areas

LEGEND

●	rebar with plastic yellow cap topped
○	iron pin or pipe found
□	underground telephone cable box/marker
—	utility pole with overhead distribution & service lines
—	property line
—	easement line
—	water course or boundary
—	fence line
—	edge of stone wall remnants
—	edge of wooded area
—	edge of paved drive or road
—	minor elevation contour lines
—	major elevation contour lines
—	contour lines

CERTIFICATION OF THIS SURVEY SHALL RUN TO:

New York Land & Lakes Development, LLC  
Westcor Land Title Insurance Company  
Commonwealth Land Title Insurance Company  
Lawyers Title Insurance Corporation

REVISIONS

1)	
2)	
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GENERAL NOTES

- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 1209, subdivision 2, of the New York State Education Law.
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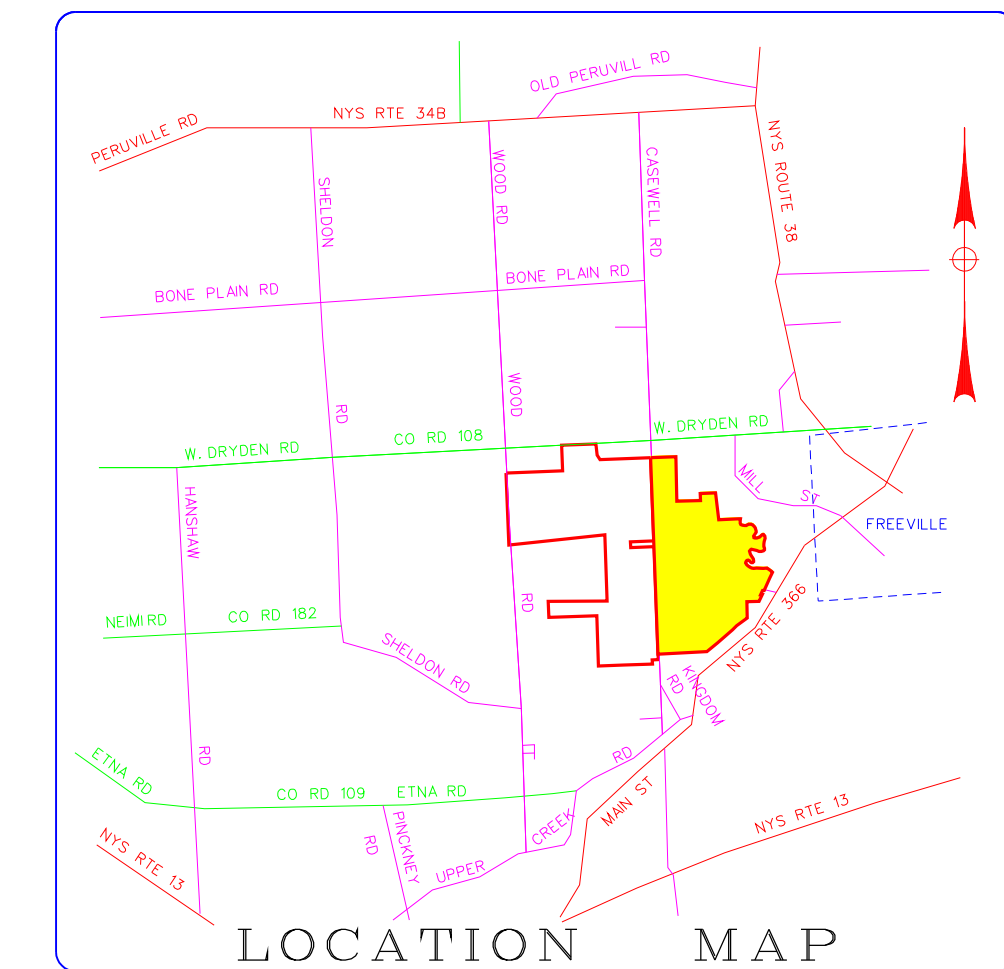
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TOWN OF DRYDEN PLANNING BOARD CHAIR

SCALE  
300 0 300 600 FT  
1 INCH = 300 FEET

SHEET 2 OF 3  
WEST SECTION  
DEED REFERENCE  
INSTRUMENT NO. 50373-001  
MAP DATE MAY 28, 2019  
MAP NO. 18410-2W





LOCATION MAP

TRUE NORTH  
at 76°-35' meridian  
of west longitude

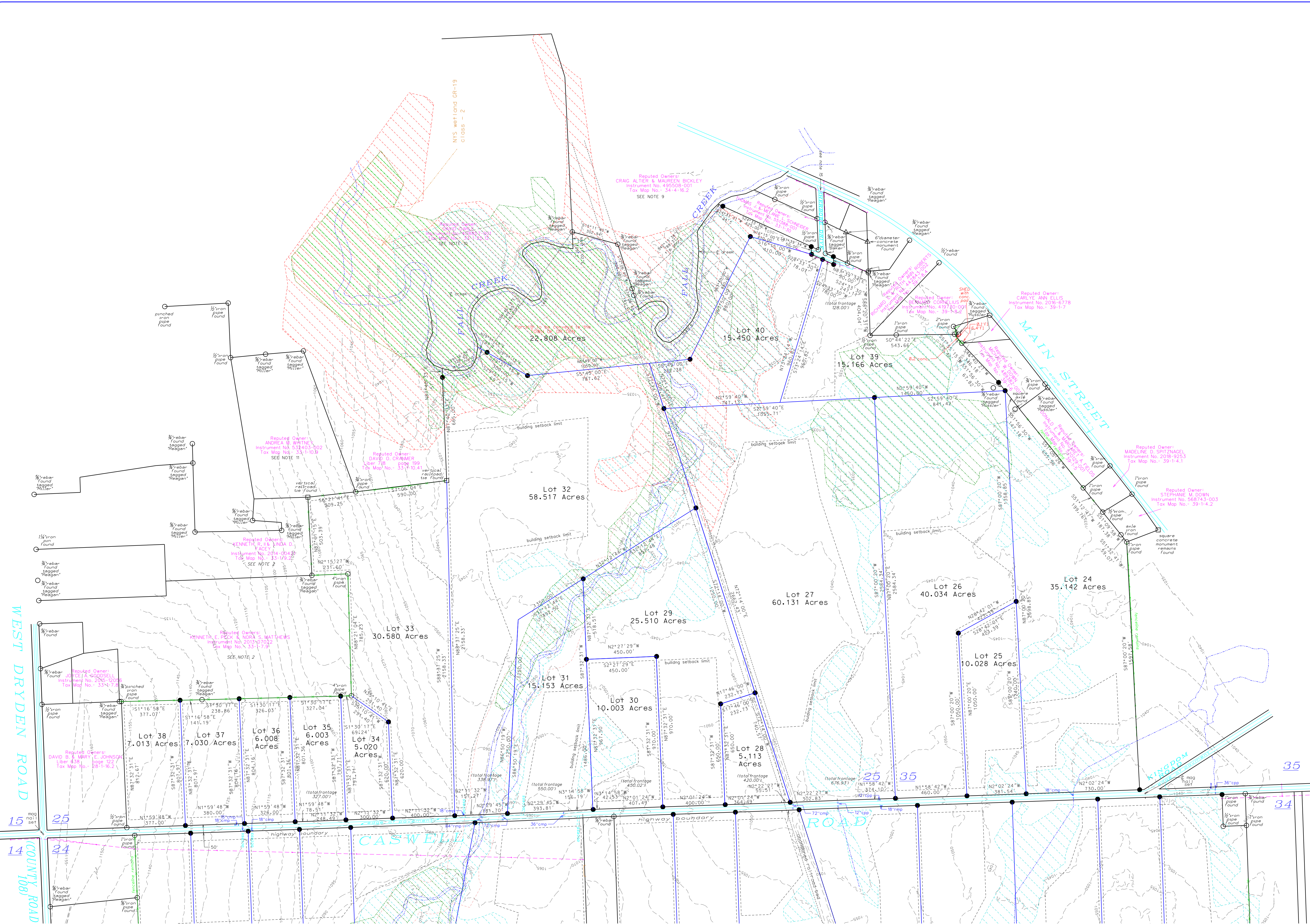
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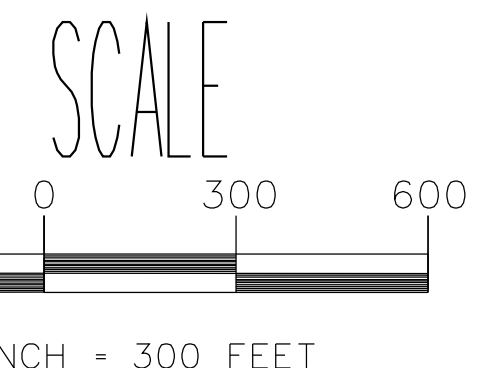
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- property line
- proposed lot line
- water course or boundary
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- contour line
- federal wetland
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- 100' buffer along Creeks
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- building setbacks limits
- unique natural areas



Subdivider: New York Land and Lakes Development LLC  
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3) Certifications indicated herein signify that this survey was prepared in accordance with the current Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall not apply to the person for whom the survey was prepared, but to the surveyor, governmental agency or third party.  
4) This survey is intended to be used for the purposes of the recording institution, and shall not be used for any other purpose without the consent of the surveyor.  
5) Subject to any utility line or other easements or restrictions affecting the surveyed premises, if any. All visible above ground evidence of easements are as shown.  
6) Subject to any facts a complete, accurate and current abstract of title may disclose.

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Westcar Land Title Insurance Company  
Commonwealth Land Title Insurance Company  
Lawyers Title Insurance Corporation

- LEGEND
- Iron B. Koerts, L.S.No. 49580 set
  - Iron pin or pipe found
  - underground telephone cable box/marker
  - utility pole with overhead distribution & service lines
  - property line
  - water course or boundary
  - fence line
  - stone wall & stonewall remains
  - edge of wooded area
  - edge of cleared drive or road
  - edge of wetland drive lines
  - major elevation contour lines
  - secondary trees
  - contour line

PRELIMINARY PLAT  
SUBDIVISION OF  
**MILL CREEK PRESERVE**  
CASWELL ROAD TAX MAP NO. -33-1-3.2  
TOWN OF DRYDEN  
COUNTY OF TOMPKINS STATE OF NEW YORK

SHEET 3 OF 3  
EAST SECTION  
DEED REFERENCE INSTRUMENT NO. 50373-001  
MAP DATE MAY 28, 2019  
MAP NO. 18410-2E