

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

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.

- 1) 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.
- 2) 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 Law.
- 3) 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.
- 4) Single wide manufactured homes are not allowed.
- 5) 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.
- 6) No parcel shall be further subdivided.
- 7) Residential Solar energy and wind energy systems shall be allowed and encouraged in accordance with the Town of Dryden Laws governing such uses.
- 8) 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 rotten or damaged trees or other vegetation that presents a safety or health hazard.
- 9) Grantee is responsible for obtaining the necessary state and local permits for buildings, wells, and septic systems.
- 10) No pesticides, herbicides or fertilizers shall be applied within two hundred fifty (250) feet of any water body or wetland.
- 11) No invasive plant species listed as a prohibited species in 6 NYCRR Part 575.3 shall be planted on any lot within the subdivision.
- 12) A Storm Water Pollution Prevention Plan (SWPPP) has been prepared for the Mill Creek Preserve Subdivision. Prior to any disturbance associated with grantee's development of any lot within said subdivision, grantee shall prepare his/her own SWPPP modification specific to his/her particular lot and file an individual Notice of Intent (NOI). Said SWPPP must identify permanent post construction storm water management practices.
- 13) Driveways, driveway crossings and culvert sizes along municipal highways shall be approved by the appropriate County or Town Highway Superintendent, and driveway must be located within the area labeled "Building Setback Limit".
- 14) There shall be no change allowed to existing drainage patterns of ditches and culverts along municipal highways without approval from the appropriate Highway Superintendent.
- 15) 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.
- 16) No watercourse shall be blocked or diverted so as to cause material damage to any lot in this subdivision or to any neighboring property.
- 17) Outdoor lighting should be kept to a minimum and where necessary should be directed toward the ground.
- 18) For as long as any portion of the property described in this deed is subject to regulation under State or Federal Wetland Laws, 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, the Town of Dryden, or the owner of any parcel within the subdivision. If New York Land & Lakes Development, LLC, or the Town of Dryden 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.
- 19) No construction of buildings or filling shall be allowed outside of building set back limit line shown on each parcel.
- 20) 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, the Town of Dryden, or the owner of any parcel within the subdivision. If New York Land & Lakes Development, LLC, or the Town of Dryden 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:**

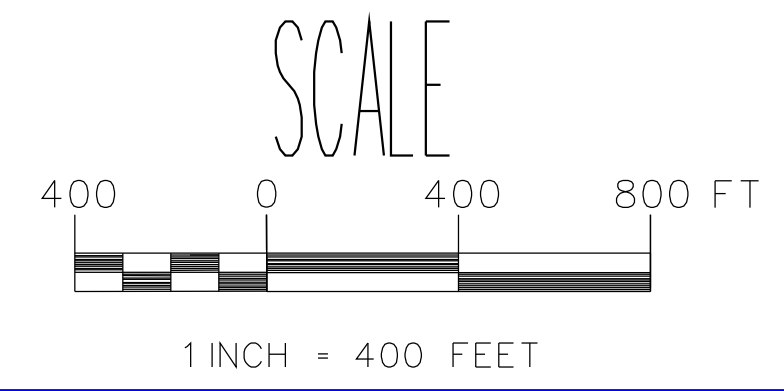
- 1) 24 Denotes Great Lot Number in the Military Tract in the Town of Dryden.
- 2) TOTAL LOT ACREAGES: 892.926
- 3) This property may border a farm, as defined in Town of Dryden Local Law No. 1 of the year 1992, a Local Law known as The Right to Farm. Law Residents should be aware that farmers have the right to undertake good or acceptable farm practices which may generate dust, odor, smoke, noise, and vibration.

Subdivider: New York Land and Lakes Development LLC  
155 Main Street, Suite D  
Oneonta, NY 13820

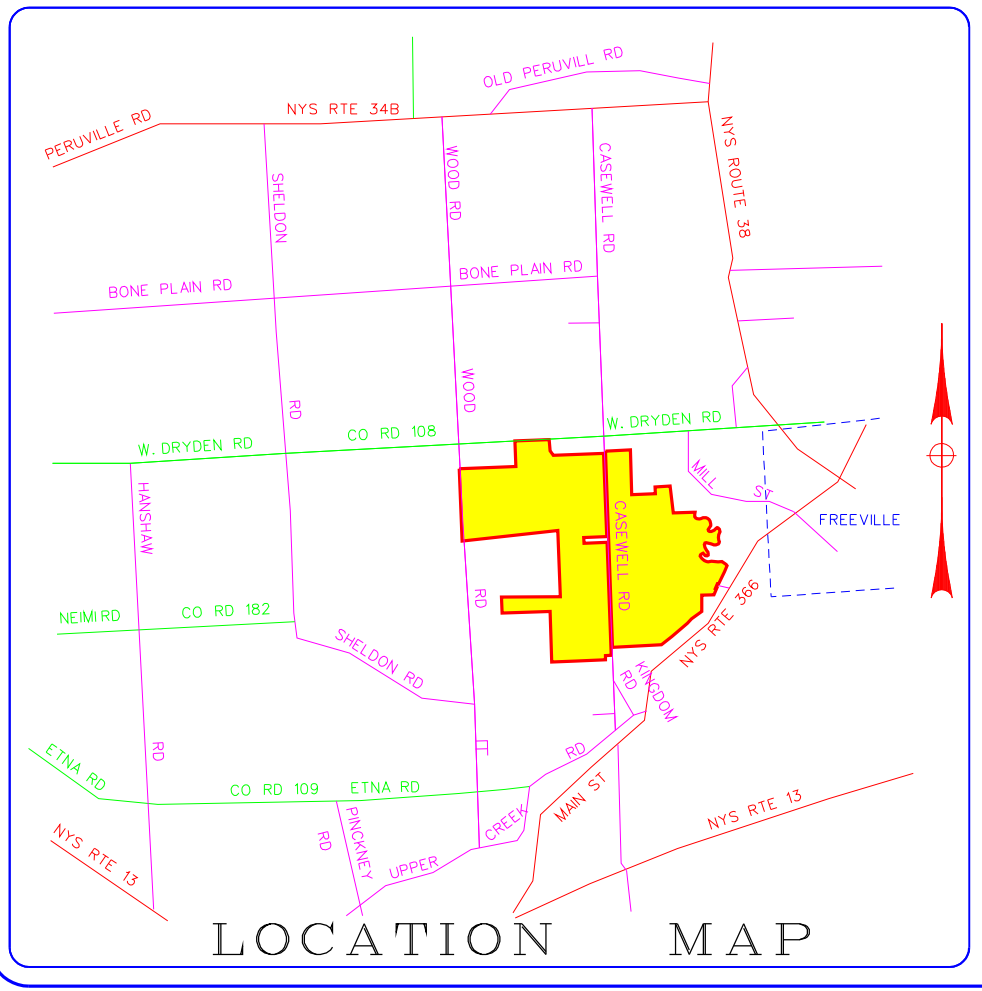
Zoning: Conservation - CV  
Area - 1 Acres  
Width - 100'  
Set backs Front - 50'  
Side - 15'  
Rear - 25'

**SPECIAL ZONE LEGEND**

- property line
- proposed lot line
- water course or boundary
- index contour line
- contour line
- federal wetland
- easement line
- 100' buffer along Creeks
- watershed mapped wetlands
- building setback limit (BSL)
- 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**

- 1) Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law.
- 2) Only copies from the original of this survey marked with an original of the land surveyor's seal and signature shall be considered to be valid true copies.
- 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 run only to the person for whom the survey was prepared, and on this behalf to the title company, governmental agency and lending institutions listed herein, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
- 4) Subject to utility line or other easements covenants or restrictions affecting the surveyed premises. If any, all visual above ground evidence of easements or all shown.
- 5) 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
- Westcor Land Title Insurance Company
- Commonwealth Land Title Insurance Company
- Lawyer's Title Insurance Corporation
- RRL Properties, LLC

**REVISIONS**

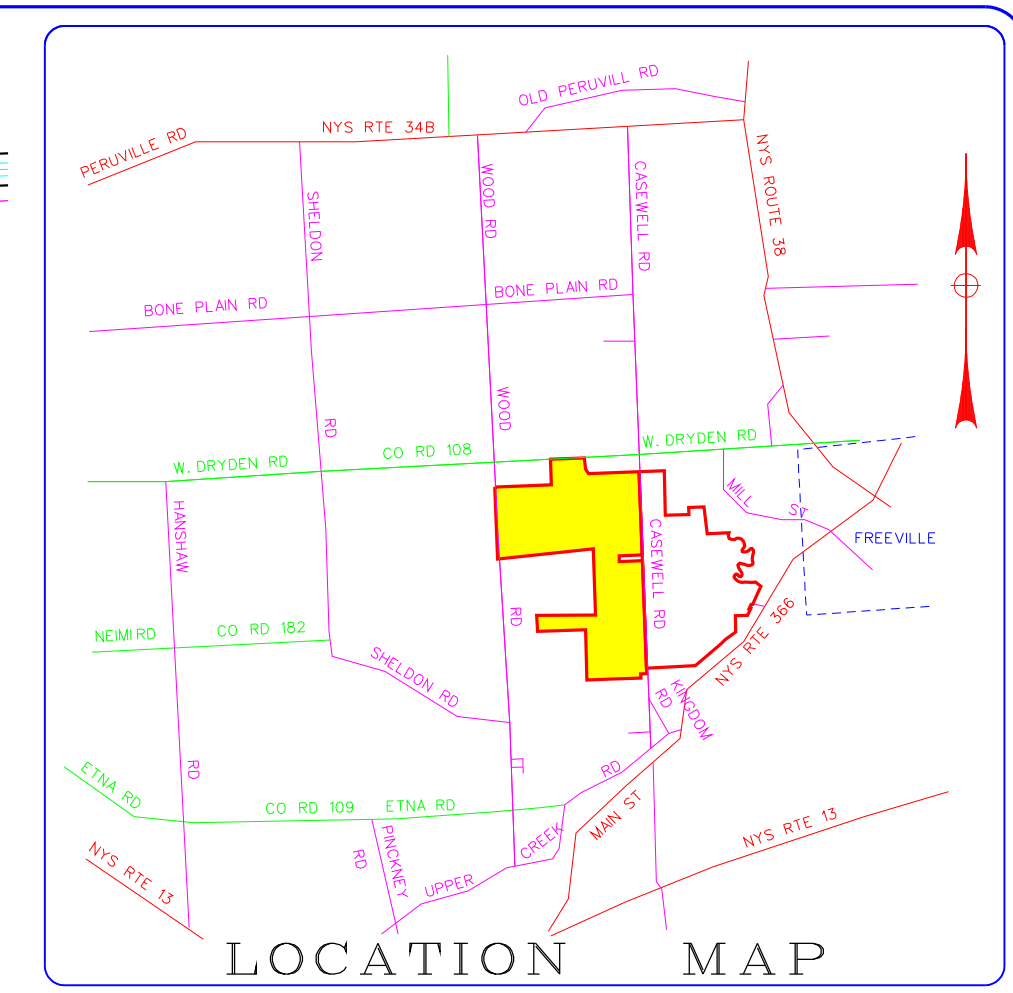
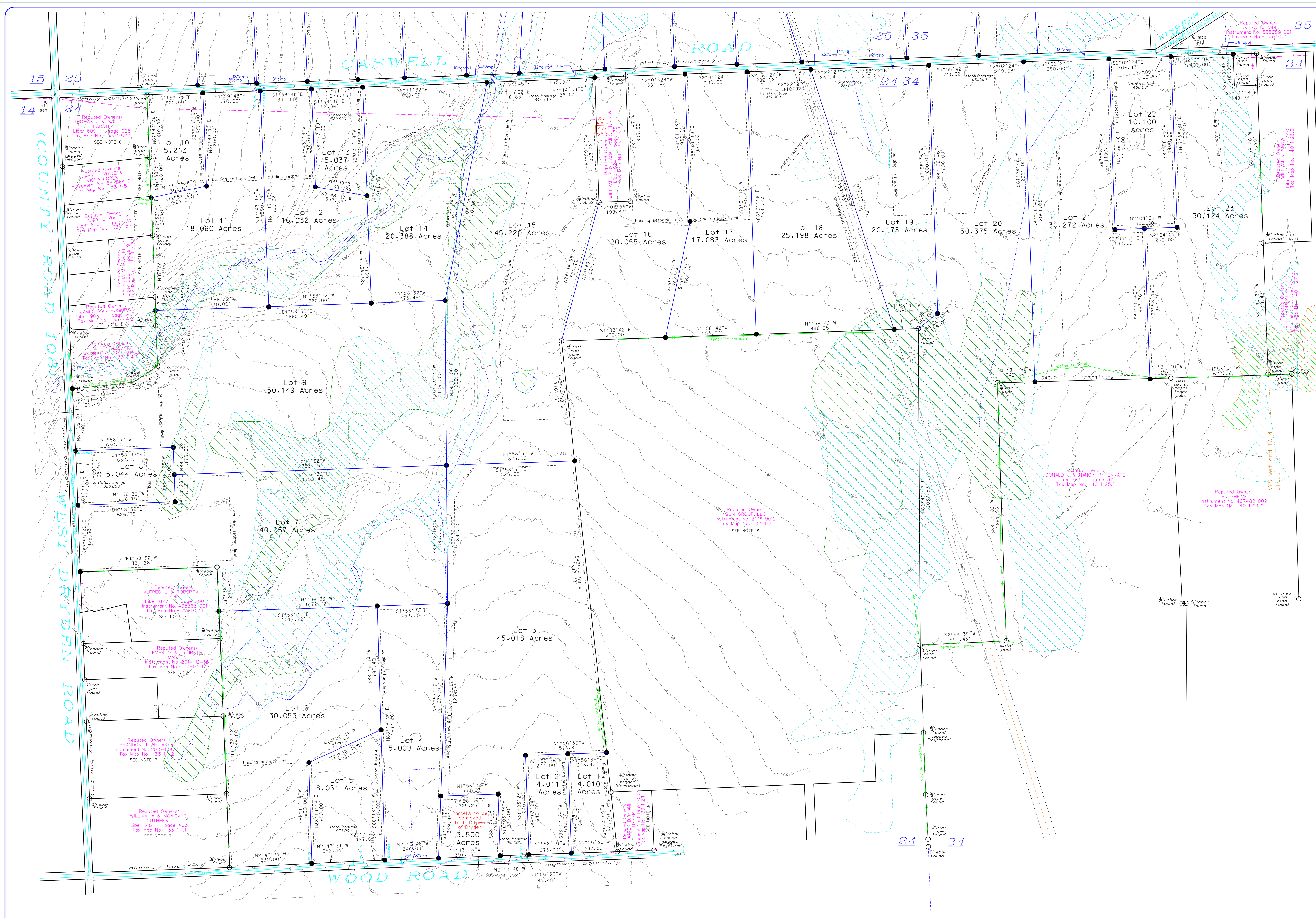
1)	
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**LEGEND**

- 1/2" rebar with plastic yellow cap topped
- 1/2" iron pin or pipe found
- underground testable cable box/marker
- utility pole with overhead
- utility pole with service lines
- property line
- easement line
- water course or boundary
- stone wall & stone wall remains
- edge of wooded area
- edge of paved drive or road
- minor elevation contour lines
- major elevation contour lines
- deciduous trees

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

DEED REFERENCE SHEET 1 OF 3 SUBDIVISION OVERVIEW  
MAP DATE: JULY 30, 2019  
MAP NO.: 18410-1  
INSTRUMENT NO.: 503173-001



**LOCATION MAP**

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

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

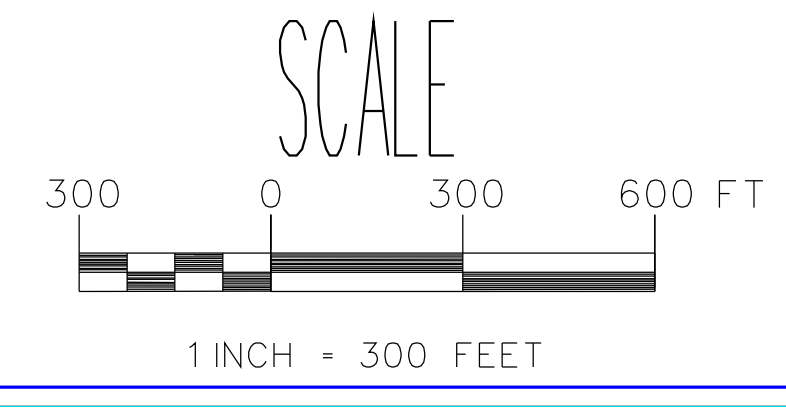
- NOTES:**
- 24 Denotes Great Lot Number in the Military Tract in the Town of Dryden.
  - REFERENCE MAP - "Survey Map of Lands of John A. Cooper, Military Lot 25, Town of Dryden, County of Tompkins, State of New York" as surveyed by Michael John Reagan date April 2013 and filed in the Tompkins County 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 Robert S. Ruster, Jr. date July 4, 1987 and filed in the Tompkins County Clerk's Office on October 16, 2009 in Instrument No. 549595-006.
  - REFERENCE MAP - "Boundary Survey for Aaron D. Lussler, Ami Lussler 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. 549595-006.
  - REFERENCE MAP - "Survey Map of Angie Stetson Boldin Parcels, 267 West Dryden Road, Town of Dryden, Tompkins County, State of New York" as surveyed by Michael John Reagan date July 10, 2001 and filed in the Tompkins County Clerk's Office on August 2, 2016 in Instrument No. 2016-09013.
  - REFERENCE MAP - "Survey for Kazimer L. & Lois L. Machukas, West Dryden Road, M. Lot 25, Town of Dryden, Tompkins County, State of New York" as surveyed by C. George Hordard date December 3, 1984 and revised December 6, 1984 and filed in the Tompkins County Clerk's Office in Map Drawer 5 and relocated in Instrument No. 87038279-001.
  - REFERENCE MAP - "Survey for Peter A. Rhoads C. Curtiss, Town of Dryden, County of Tompkins, State of New York" as surveyed by George Scheidt date December 4, 1985 and filed in the Tompkins County Clerk's Office in Box 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 Reagan date July 10, 2001 and filed in the Tompkins County Clerk's Office in Map Drawer 00, 39 and relocated in Instrument No. 408857-002.
  - REFERENCE MAP - "Survey Map showing lands of Philip E. and Andrea M. Whitney and Corland Doloris Tripp, 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, 1928 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, 1955 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 for a gas pipe line dated December 12, 1952 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.
  - Wellands taken from Tomkins County GIS mapping, no field definition 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 setback limit (BSL)
	unique natural areas

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

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



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

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**GENERAL NOTES**

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- Subject to utility line or other easements covenants or restrictions identified on the surveyed premises. If any, all visible above ground evidence of easements or all shown.
- Subject to any facts a complete, accurate and current abstract of title may disclose.

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

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- Commonwealth Land Title Insurance Company
- Lawyers Title Insurance Corporation
- RPL Properties, LLC

**REVISIONS**

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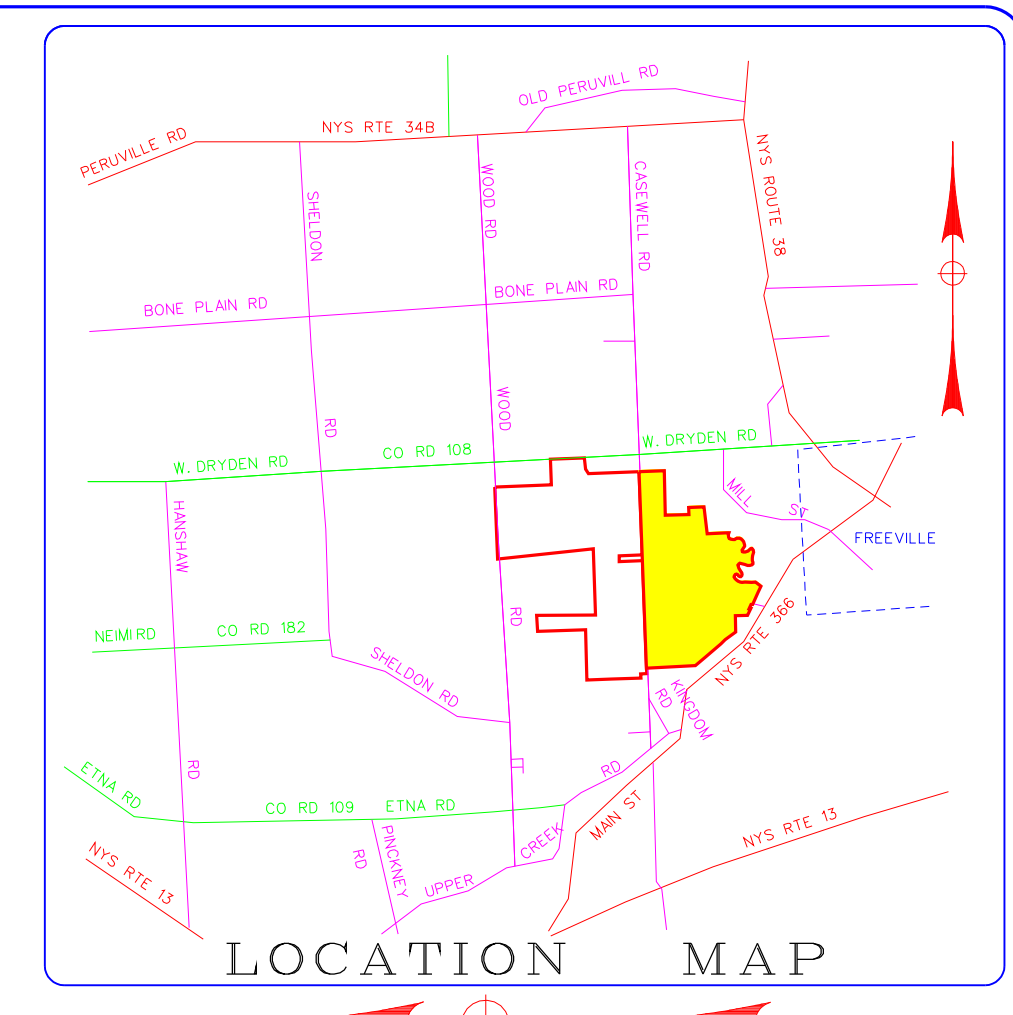
**LEGEND**

	rebar with plastic yellow cap topped
	iron pin or pipe found
	underground telephone cable box/marker
	utility pole with overhead
	disturbance & service lines
	property line
	water course or boundary
	edge of wooded area
	edge of paved drive or road
	minor elevation contour lines
	major elevation contour lines
	contour lines

**FINAL 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 2 OF 3  
 WEST SECTION  
 DEED REFERENCE  
 INSTRUMENT NO. 509373-001  
 MAP DATE: JULY 30, 2019  
 MAP NO.: 18410-2W



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

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

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- REFERENCE MAP - "Survey Map of Lands of Regina L. Rieckenberg and Maureen F. Roach, Lot 25, Town of Dryden, Tompkins County, New York" as surveyed by Michael John Reagan 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.
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- edge of wooded area
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- minor elevation contour lines
- major elevation contour lines
- deciduous tree

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- Resistor Land Title Insurance Company
- Commonwealth Land Title Insurance Company
- Lawyers Title Insurance Corporation
- RPL Properties, LLC

**GENERAL NOTES**

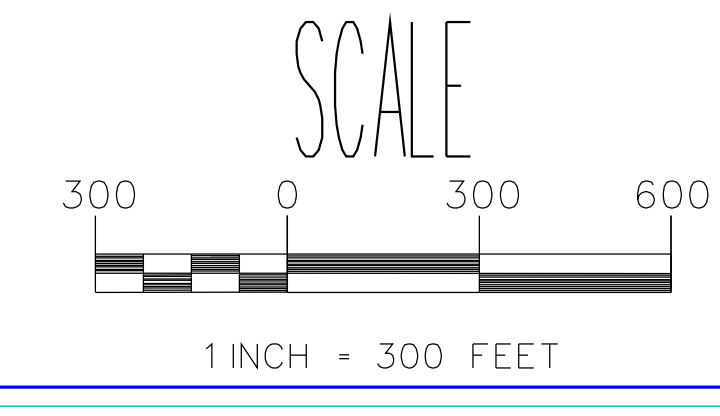
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- Subject to any facts a complete, accurate and current abstract of title may disclose.

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Subdivider: New York Land and Lakes Development LLC  
297 River St Suite 3  
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APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
TOWN OF DRYDEN PLANNING BOARD CHAIR

**FINAL 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

DEED REFERENCE INSTRUMENT NO. 509373-001  
SHEET 3 OF 3  
EAST SECTION  
MAP DATE: JULY 30, 2018  
MAP NO.: 18410-2E