

RESOLUTION _____ Release of Restriction on deed for 438 Lake Road, Tax parcel 49.-1-30.24

WHEREAS, the Town of Dryden Planning Board (“Planning Board”) on June 22, 2017 reviewed and approved a final subdivision plat (“Bluebird Subdivision”) pursuant to the conservation subdivision provisions outlined in the Town’s Zoning Law which plat was recorded with the Tompkins County Clerk as Instrument Number 2017-09729 on August 22, 2017, and

WHEREAS, the plat noted fourteen (14) Restrictive Covenants that applied to each property with Covenant #11 stating: “The designated conservation easement shown on the survey maps along Lake Road is restricted against any house construction. The area allows for agricultural purposes including fencing and run-in sheds not to exceed 10’ in height and 800 sft in area.”, and

WHEREAS, this Covenant was intended to protect the public’s viewshed from Lake Road, and

WHEREAS, the owners of Lot 4, now 438 Lake Road, built their house encroaching approximately 50 feet into the Conservation Easement area stated above, and

WHEREAS, the owners propose now the following conditions as mitigation for the impact of this encroachment:

1. No further encroachment into the conservation easement area (CEA)
2. No structures can be placed within 40 feet of the side lot lines within 350 feet of the centerline of Lake Road (this additional area beyond the current CEA is mitigation for the change of the view that was caused by the house encroaching into the easement area)
3. Owner has planted 20 arborvitae shrubs in CEA as well as 10 flowering fruit trees and these trees will be maintained. (This measure is intended to show use of the CEA for environmentally friendly use by the owner), and

WHEREAS, at a duly convened meeting on September 24, 2020, the Planning Board reviewed this proposal and supports this solution to the encroachment.

BE IT NOW RESOLVED, that the Town Board finds that the proposed conditions provide protections to the viewshed that are equivalent to those provided by the original Covenant and agrees to execute a release of this restriction number 11 as embodied in the attached agreement, and be it further

RESOLVED, that the Town Supervisor is authorized to sign the said agreement of release of the restrictive covenant.