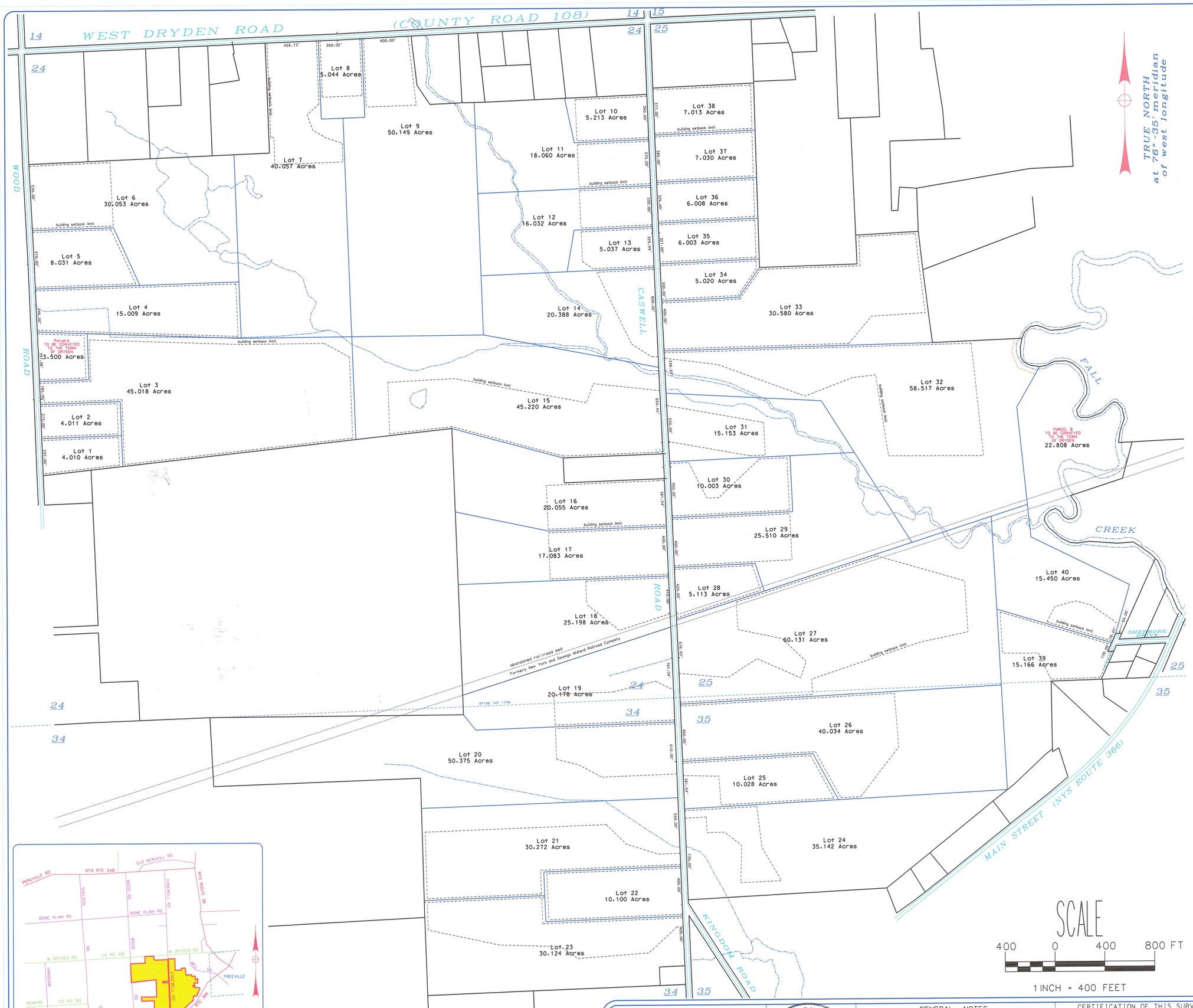

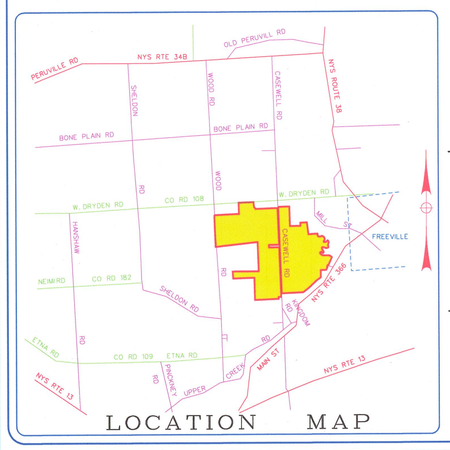

DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
for the MILL CREEK PRESERVE SUBDIVISION

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 Oneanta, 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,
Declarants heirs, successors and assigns and shall inure to the benefit of each owner 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 must 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, 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.

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
Oneanta, 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 setback limit (BSL)
- unique natural areas

SCALE
400 0 400 800 FT
1 INCH = 400 FEET

APPROVED BY: _____ DATE: 9/26/19
TOWN OF DRYDEN PLANNING BOARD CHAIR

DEED REFERENCE
INSTRUMENT NO. 509373-001

MAP DATE: JULY 30, 2019
MAP NO. 13410-1

SHEET 1 OF 3
SUBDIVISION OVERVIEW

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

STATE OF NEW YORK · PAUL B. KOERTS · LICENSED LAND SURVEYOR · #9580
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 inked seal and signature shall be considered to be valid true copies.
3) Certifications indicated hereon 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 hereon, 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 covenantes or restrictions affecting the surveyed premises. If any. All visual above ground evidence of easements are as 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
-Lawyers Title Insurance Corporation
-EPL Properties, LLC
-Town of Dryden
-True, Walsh & Sokoni, LLP

REVISIONS
1)
2)
3)
4)
5)
6)

LEGEND
- ⅝"rebar with plastic yellow cap tagged "Paul 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
- easement line
- water course or boundary
- fenceline
- stonewall & stonewall remains
- edge of wooded area
- edge of paved drive or road
- edge of unpaved drive or road
- minor elevation contour lines
- major elevation contour lines
- deciduous tree
- coniferous tree

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

z:\dgn\13410-1.dgn Sep. 23, 2019 13:03:06