

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Lyme
Town of
~~Village~~

Local Law No. 3 of the year 1993
establishing Planned Development District No. 1 for the Town of Lyme, thereby
A local law amending the Zoning Ordinance of the Town of Lyme, Local Law No. 1 of 1989,
(Insert Title) as amended by Local Law No. 3 of 1989.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Lyme as follows:
Town of
~~Village~~

Article 1. - Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 16 of the Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Findings and Purpose. The Town Board of the Town of Lyme has previously enacted a zoning ordinance which in Section 415 allows for a Floating Planned Development Overlay District. An application has been received for a project known as The Barges to be located off County Route 57 in the Town of Lyme on twenty-seven acres, which property is now or previously owned by Alan E. Strasser and Patricia E. Strasser pursuant to deed dated June 25, 1976 and recorded in the Jefferson County Clerk's Office at Liber 873 of Deeds at Page 993. The Town Board has determined that such project is in accordance with the requirements of Section 415 of the Zoning Law of the Town of Lyme and is consistent with the comprehensive plan for the Town. It is the purpose of this local law to create Planned Development District No. 1 on the aforesaid property subject to certain conditions.

Article 3. - Enactment. The Town Board of the Town of Lyme hereby amends the Zoning Ordinance of the Town of Lyme known as Local Law No. 1 of the year 1989 as amended by Local Law No. 3 of 1989 by creation of a new section 420 to be known as Planned Development District No. 1 as follows:

Section 420 - Planned Development District No. 1 - "The Barges".

- a) Area included. The Planned Development District No. 1 shall include twenty-seven acres of land bordered on the west by County Route 57 and on the east by Lake Ontario (Chaumont Bay) and known as

(If additional space is needed, attach pages the same size as this sheet, and number each.)

lands now or formerly of Alan E. and Patricia E. Strasser pursuant to deed dated June 25, 1976 as shown on deed recorded in the Jefferson County Clerk's Office at Liber 873 of Deeds at Page 993.

- b) Project scope. The project be in accordance with the narrative and map submitted to the Town Board and shall include two portions as follows:
- 1) Portion I, 24.5 acres on which may be developed up to 72 single family homes clustered off of private roads and serviced by private water and sewer facilities. Ownership of all open spaces, roads, water and sewer services, and any other infrastructure improvements in common areas shall be under the control and ownership of the Homeowners Association to be created and approved by the developer. Homes may be either attached or detached. All construction in this area shall be subject to the terms and conditions set forth herein.
 - 2) Portion II shall include the remaining acreage and will include an 82 slip marina.
- c) Other approvals. Prior to commencing any construction in either phase of the Planned Development District the owner must obtain Special Use Permit approval from the Zoning Board of Appeals of the Town of Lyme.
- 3) Flood hazard development permit from the Town of Lyme.
 - 4) Sewage system/SPEDES permit from the New York State Department of Environmental Conservation.
 - 5) Water supply/water system permit from the New York State Department of Health.
 - 6) Subdivision approval from the New York State Department of Health.
 - 7) Highway right of way approval from the County Highway Department.
 - 8) Permit for construction in navigable waters from the United States Army Corps of Engineers.
 - 9) Such other and further permits as may be applicable by other agencies including the St.

Lawrence Eastern Ontario Commission, and further review by the Jefferson County Planning Board pursuant to Section 239-m of the General Municipal Law.

d) Special conditions. The Zoning Board of Appeals in reviewing any project in Planned Development District No. 1 for a special permit shall consider and provide for the following specific conditions and items:

1) Roads.

a) Width. Road width should be a minimum of 35 feet for a length of 200 feet from County Route 57 on any access road into the project. Further requirements should be reviewed with the Jefferson County Highway Department.

b) Road width within the project should be designed to assure access for emergency vehicles.

c) Roads within the project must be paved to a width found to be appropriate by the Zoning Board of Appeals. Such paving however, may be phased to coincide with development of the project as the Zoning Board of Appeals shall direct.

2) Drainage. The Zoning Board of Appeals shall specifically require that a drainage plan be provided and that a drainage study be provided to show how surface water runoff will be handled. Specific attention should be given to how such surface water drainage may affect the road system within the project. All drainage facilities should be designed to minimize erosion and discharge of particulate matter into Lake Ontario.

3) Noise. The Zoning Board of Appeals shall determine what is appropriate buffering along the southerly boundary of the project, including evergreen barriers if appropriate along such boundary. A landscaping plan and time table for planting must be submitted and approved by the Zoning Board of Appeals.

4) Water and Sewer. The Zoning Board of Appeals shall require the developer to create a water district and a sewer district for the project. Such water and sewer district shall remain

inactive unless and until there is a default by the developer and/or the Homeowner's Association in the proper maintenance of water and sewer service to project residents. The developer shall sign an agreement agreeing to deliver full right, title, and interest to all water and sewer facilities servicing the project to the water and sewer district for \$1.00 in the event of a default as aforementioned. Such agreement shall be set forth in a contract to be entered into between the Town of Lyme and the developer and/or the Homeowner's Association in a form acceptable to the Town Board and the Town Attorney.

- 5) The Zoning Board of Appeals shall consider what provisions must be made for fire protection to adequately service the project.
- 6) Other. The Zoning Board of Appeals may also consider such other factors as it deems appropriate, including potential impacts of the project upon wetland areas and wild life habitats.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1993 of the ~~(County)(City)(Town)(Village)~~ of Lyme was duly passed by the Town Board on 09/02 1993, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Neil E. Walker

~~Clerk of the County or legislative body, City, Town or Village Clerk
or officer designated by local legislative body~~

(Seal)

Date: September 10, 1993

~~(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)~~

STATE OF NEW YORK
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Paul G. Gage

Signature

Town Attorney

Title

~~County~~

~~City~~

Town

~~Village~~

of Lyme

Date: September 8, 1993