

**TOWN OF SPAFFORD
LOCAL LAW 2013-1**

**A Local Law Amending the Town of Spafford Zoning Code
and Creating the Burns Planned Development District No. 1 as “PDD-1”**

Section 1. Title

The title of this local law shall be: “A Local Law Amending the Town of Spafford Zoning Code and Creating the Burns Planned Development District No. 1 as ‘PDD-1’”.

Section 2. Legislative findings, intent, and purpose

The Town Board is permitted to establish zoning districts known as Planned Development Districts (“PDD”) to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. The Town Board hereby finds and determines that the application submitted by Finger Lakes Land Trust, Inc., as contract purchaser of all or a portion of certain lands currently owned by William and Leonard Burns and known as the Burns Tract, which lands are located along N.Y.S. Route 41 in the Town of Spafford and further identified as Tax Map Nos. 29-1-15.1, 31-1-1, 31-1-3, 31-1-23.1, and 31-1-25 (the "Premises"), has undergone the applicable process and meets the requirements for a PDD as set forth in Section 6-4 of the Town Zoning Law.

Section 3. Statutory authority

This local law is created under the authority of Municipal Home Rule Law § 10, Municipal Home Rule Law § 22, General Municipal Law Article 12-B, and Spafford Town Code Section 6-4, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

Section 4. Intent to Amend Existing Zoning Law

This Local Law No. 2013-1 is intended to amend the existing Town of Spafford Zoning Code (as amended May 12, 2011) and the corresponding Zoning Map that accompanies that Zoning Law.

Section 5. Body of Local Law

1. The foregoing recitals are incorporated herein as if set forth at length.
2. The Town of Spafford hereby establishes as PDD-1 the Burns PDD No. 1, a change of zoning for the Premises from Residential-Agricultural to Planned Development District.
3. The Premises shall be used as a public conservation area, shall be accessed via Covey Road, and shall consist of a parking area for twelve (12) vehicles, an interpretive kiosk and benches for visitors to the Premises, and associated hiking trails and pathways as depicted on the Trail Plan provided by the Applicant. Three small fields may continue to be used for agricultural purposes.
4. The following special conditions shall apply to PDD-1:
 - A. The Town of Spafford Code is amended to establish the Burns PDD No. 1; and

B. The Applicant shall comply with all representations as set forth in the Plans, except as specifically addressed below; and

C. The minimum permitted frontage of the Premises along Covey Road shall be 49 feet.

D. The Applicant shall comply with the trail construction sequence and details as set forth in the Plans; and

E. All hiking trails and associated pathways shall be set back from neighboring property lines a minimum of 100 feet, with the following exceptions: the portions of the trail west of N.Y.S. Route 41 that include an existing stream crossing just south of the parking area, an area in the vicinity of a scenic vista at the southern end of the trail system, and an area located near the remains of a historic home site north of the parking area shall maintain the maximum setback practicable while still providing access to or views of the aforementioned resources; and

F. The Applicant shall not construct any buildings for use or occupancy by itself or the public on the Premises, with the exception that one structure shall be permitted for the storage of maintenance equipment, supplies, and related materials provided such structure shall not exceed a size of 240 square feet or a height of 15 feet and shall maintain a minimum setback of 40 feet from all property lines; and

G. The Premises shall be open to the public during daylight hours only unless otherwise permitted in subsection H below; and

H. Camping and/or similar overnight usage of any kind is prohibited on the Premises, with the exception that the Boy/Girl Scouts or similar organizations or groups may be permitted to camp on the Premises with the permission of the owner; and

I. The use of the Premises for hunting is allowed provided that anyone wishing to hunt obtain permission from the owner, all applicable New York State hunting laws and regulations are complied with, and the owner develop and implement a hunting management plan specific to the Premises and consistent with such laws and regulations; and

J. No lighting of any kind shall be erected on the premises; and

K. Signs designating parking and the location of trails shall not exceed a total area of six (6) square feet. The interpretive kiosk shall not be considered a sign for the purpose of complying with this provision; and

L. The appearance and location of any temporary signage shall be reviewed and approved by the Town of Spafford Code Enforcement Officer; and

M. The demolition of the existing structure located on the Premises and the construction of the aforementioned parking area improvements shall require review and approval by the Town of Spafford Code Enforcement Officer.

N. The Applicant shall coordinate with the NYS Department of Transportation, the Onondaga County Department of Transportation, and/or the Town of Spafford Highway Department to ensure that all required signage and road markings are placed and properly maintained at the intersection of Covey Road and N.Y.S. Route 41; and

O. No utilities or restrooms of any kind shall be extended to, brought onto, or constructed

on the Premises; and

P. No trash receptacles and no more than three (3) picnic tables shall be allowed on the Premises; and

Q. Public access to the Premises shall be limited to the Covey Road entrance off of N.Y.S. Route 41. Under no circumstances shall public access be permitted via Spafford Landing Road; and

R. The Burns PDD No. 1 and its associated uses shall not be expanded to adjacent properties in the Town of Spafford unless all required approvals for any such expansion or use are obtained from the Town of Spafford; and

5. The Town Zoning Map shall be amended to reflect the establishment and location of the newly established PDD-1 as depicted on the Plans.

Section 6. Severability

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

Section 7. Effective date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

Lisa Valletta, Town Clerk

RESOLVED AND ORDERED, that said Local Law shall be in full force and effect as provided by law upon the filing of this Local Law with the Secretary of State.