

# Local Law Filing



New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

(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  Town  Village  
(Select one.)

of Henderson

FILED  
STATE RECORDS

DEC 29 2023

Local Law No. 2 of the year 2023

DEPARTMENT OF STATE

A local law Changing the Zoning Description/Classification of 15530 Hoveys Island from Island  
(Insert Title)  
District to Planned Development District.

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

County  City  Town  Village  
(Select one.)

of Henderson

as follows:

See Attachment.

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

(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. 2 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Henderson was duly passed by the Town Board on December 28 2023, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 chairperson 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.)**

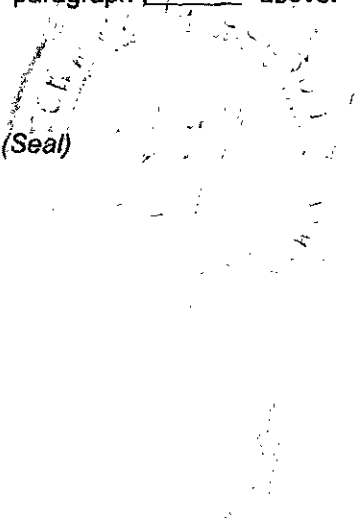
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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.



(Seal)

Wendy M. Stage  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/29/2023

**Town of Henderson**  
**Local Law 2 of 2023**

**A local law Changing The Zoning Description of 15530 Hoveys Island  
from Island District to Planned Development District.**

Be It enacted by the TOWN BOARD of the TOWN OF HENDERSON as follows:

- SECTION 1. The zoning designation of 15530 Hoveys Island in the Town of Henderson (part of Tax Parcel #97.00-1-11) is hereby amended to change it from Island District to Planned Development District, and the Town's Zoning Map is hereby amended accordingly. The legal description of said parcel is attached hereto as Exhibit A.
- SECTION 2. The new Planned Development District shall hereafter be known as the Hoveys Island Planned Development District and the uses allowed thereon are as set forth on the Plans, Maps and Sheets listed on Exhibit B hereto (Incorporated by reference) and shall consist of the uses set forth on Exhibit C.
- SECTION 3. The water distribution system shall be constructed in accordance with any applicable New York State Department of Health Permit issued therefore. The sewage treatment and collection facilities shall be in accordance with any New York State Department of Environmental Conservation SPDES Permit issued therefore.
- SECTION 4. The applicant shall comply with all Town, County, State and Federal regulations regarding the development of the Project including but not limited to road construction, erosion and sedimentation control, flood regulations, building construction, and all other aspects of said project.
- SECTION 5. This Local Law is adopted pursuant to the Municipal Home Rule Law and, in accordance with Section 22 thereof it is determined that, to the extent that any procedural or substantive portions of this Law are inconsistent therewith, the provisions of Chapter 150 of the Code of the Town of Henderson, particularly Section 150-11 thereof as well as any provisions of Article 16 of the Town Law Including, but not limited to, Section 263, 264, 265 and 274-a thereof are hereby superseded by the substantive and procedural aspects of this Law.

SECTION 6. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

**EXHIBIT A**  
**15530 Hoveys Island**

"A piece or parcel of land situated in the Town of Henderson, County of Jefferson, and State of New York, being known as Hoveys Island, being a part of tax parcel 97.00-1-11 (but excluding Association Island), comprising 39.10 acres, bound northerly by Lake Ontario, southerly by Henderson Bay aka Snowshoe Bay, westerly by the eastern most connecting point of the bridge [after the small channel (the cut)] to Hoveys Island, including Hoveys Island itself, continuing until a point northeasterly at the closest point Hoveys Island connects to the road or causeway (at which connection point Hoveys Island ends, but the road or causeway proceeds thereafter to Association Island to the northeast). The foregoing description shall be further supplemented by Sun and accepted by the Town."

**EXHIBIT B**

60% Draft Plans for Hoveys Island PDD for Sun Communities Inc., Hoveys Island, Town  
of Henderson, Jefferson County, New York,

Dated November 27, 2023, Sheets 1 thru 35

Prepared by Colliers Engineering & Design

## EXHIBIT C

Allowed structures, amenities and responsibilities:

1. Maximum of 117 cabins/cottages for residential use.
2. One community center building will be a maximum of 3,000 square feet.
3. One maintenance building will be a maximum of 1,500 square feet.
4. One swimming pool.
5. Two pickle ball courts.
6. One playground area.
7. One parking area with 11 spaces and 2 handicap spaces.
8. One dock with maximum of 10 slips.
9. One boat launch 40± feet x 60± feet.
10. Trees, shrubs and ground cover will be preserved to maximum extent possible, especially in the 75-foot setback from the Mean High-Water Mark (MHW) to preserve the scenic quality of the island.
11. Cabin/cottage sites will be a minimum of 5,000 square feet.
12. All proposed lot areas are 5,000 square feet (greater than the campsite requirement of 2,500 square feet). A majority of the lots will meet the Planning Board's recommendations of 50 feet width x 100 feet depth. However, a small minority of the lots will not be perfectly rectangular due to the existing topography of the island and therefore those lots are permitted exceptions to the 50 feet width x 100 feet depth recommendations.
13. No structures will be located in the 75-foot setback from the Mean High-Water Mark except walking paths, boat launches and docks (all of these elements are allowed under the current zoning).

14. All cabins/cottages will be permanently installed on a suitable foundation.
15. All cabins/cottages will have a minimum setback of 10 feet on each side (ensuring at least 20 feet between each cabin/cottage) and rear, and 10 feet from the front camp site boundaries.
16. Fire pits will be a minimum of 10 feet from any structure.
17. No sites for RVs or similar vehicles are allowed.
18. The owner is responsible for the proper maintenance and care of the proposed development.
19. The Owner shall maintain accurate records of campground residents including names, addresses and vehicles, to extent required by law and otherwise in compliance with all laws, including Fair Housing Laws.
20. Wastewater collection and water distribution systems shall be installed and operated per NYS DEC and NYS DOH regulations and as reviewed and approved by the town engineer.
21. The setback area shall not be included as part of the recreation area. A minimum of 20% of the net area will be allocated for recreational use. The total site area is 39.1 acres, setback area is 7.5 acres which provides a net area of 31.6 acres ( $39.1 - 7.5 = 31.6$ ). The site has an 8.9 acres recreation area; therefore, 28% of the net area is available for recreational use ( $8.9/31.6 = 28\%$ ).
22. Total area owned by Sun Communities (including Association Island): 98.3 acres; Area of the proposed site on Hovey Island: 39.10 acres; and portion of the proposed site to be disturbed on Hovey Island: 29.20 acres.
23. The Applicant's reports to the NYSDEC and NYSDOH shall be copied to the Town Supervisor.
24. The Applicant shall not use herbicides or insecticides during its excavating, grading, or overall site construction activities (Sun's EAF mistakenly provided that herbicides or insecticides may be used during those activities).

25. No separate storage/accessory buildings are permitted on a lot other than the cabin/cottage.
26. Plans shall be revised to permit public walking access to a sunset viewing area (no parking shall be permitted), subject to all laws, and further subject to revocation of such public walking access due to any violation of law, including but not limited to, obstruction of traffic, breach of the peace, or Sun's rules.
27. The Applicant and/or its successors and/or assigns shall use best efforts to repair, maintain or reconstruct existing bridge(s) and/or abutments to preserve existing boating area(s) and do nothing to obstruct navigability through "the cut" except as may be reasonably necessary during repairs or maintenance of bridge(s) and/or abutment(s). The Applicant shall use best efforts to cooperate with any Federal, State or Local authorities that might dredge "the cut" from time to time.
28. Contingent upon approval of a Road Use Maintenance Agreement in such terms as are acceptable to the Town Board.
29. The Town Board and Applicant shall separately consider a limited public walking access agreement to provide the public limited walking access to the walking trails only on Hoveys Island, subject to revocation of such public access due to violation of laws, including but not limited to, obstruction of traffic, breach of the peace, or Sun's rules.