

# Town of Milo, New York

Department of Buildings  
137 Main Street – Town Hall  
Penn Yan, New York 14527  
Telephone No.: (315) 531-8042  
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## GUIDE FOR APPLICANTS APPLYING FOR A BUILDING PLAN EXAMINATION AND BUILDING PERMIT

*This publication has been written to aid potential applicants in understanding and appreciating the building permitting process, and to provide an explanation of the rules and standards under which a Building Permit can be issued by this Town's Code Enforcement Officer.*

**What is a Building Permit?** A Building Permit gives you legal permission to start construction of a project in accordance to accepted construction documents.

**When do you need a Building Permit?** The best way to find out if you need a Building Permit is to call us before beginning construction to determine whether you need a Building Permit. Even if a Building Permit is not needed, the Code Enforcement Officer will answer construction questions and may provide valuable advice. Please understand that the Code Enforcement Officer wants your project to be a success and will help you avoid potential problems that could cost you time and money. You will be asked some basic questions, advised of any requirements, and, if necessary, refer you to other departments for their approval. Lastly, the Code Enforcement Officer will provide you with the resources and information needed for compliance with applicable building codes.

**Why do I need a Building Permit?** Your home or business is an investment. If your construction project does not comply with applicable building codes, the value of your investment could be reduced. Additionally, property insurers may not cover work done without permits and inspections. If you decide to sell your home or building that has had modifications without a permit, you may be required to make costly repairs that could have been avoided. The truth is that Building Permits are very beneficial to you. By working with the Code Enforcement Officer, you will benefit from his or her knowledge of building codes to ensure that your construction project is built right and will be safe to occupy.

### ***When is a registered architect (RA) or professional engineer (PE) required?***

Please understand that New York State Education Law §7307 and Title 19 NYCRR Part 1203(a)(3)(1) requires that all plans, drawings and specifications relating to the construction or alteration of buildings or structures which must be filed with a Code Enforcement Officer must be stamped with the seal and signature of an registered architect or professional engineer. The following types of projects are exemptions to these laws:

- Farm buildings and other buildings used solely and directly for agricultural purposes;
- Single family residential buildings 1500 square feet or less, not including garages, carports, porches, cellars or uninhabitable basements or attics; and
- Alterations, costing \$20,000 or less, if these alterations do not involve changes affecting the structural safety or public safety of the building or structure.

### ***What construction documents are required to be attached to this application?***

The required construction documents will depend on the size, nature, and complexity of the project. To assist you, this Town's Code Enforcement Officer has compiled a number of Building Guides that can be used to provide the necessary information. Please visit our website at <http://www.townofmilo.com> and click on the "Code Officer" tab on the left hand side of your computer screen. These guides are labeled by their type of construction and you simply fill in the appropriate information. Lastly, a "Basic Site Plan" has been attached to this application and needs to be completed to ensure compliance with the Zoning Law of the Town of Milo.

• OWNER MUST INITIAL ALL PAGES AT THE GRAY AREA ON TOP OF EACH PAGE AND SIGN PAGE #5 •

**APPLICATION FOR BUILDING PLAN EXAMINATION AND BUILDING PERMIT**

**SECTION 1: Contact Information.**

Property owner's name:

Property owner's address:

Property owner's telephone:

Contractor's name:

Contractor's address:

Contractor's telephone:

Architect/Engineer name:

Architect/Engineer address:

Architect/Engineer telephone:

**SECTION 2: Location of project.**

Legal address of project:

**SECTION 3: Type and cost of project.**

**Type of project:**

- New structure   
  Accessory   
  Addition   
  Alteration   
  Change of Occupancy  
 Demolition   
  Relocated structure   
  Replacement   
  Repair   
  Other

If "Other" was checked, please explain:

Total Construction Cost:  (US Dollars)

*Note: Total construction cost is the material and labor costs associated with project. Such cost does not include land acquisition fees, registered design professional fees, etc.*

**SECTION 4: Type of Occupancy.**

*Structures or portions of structures are required by State law to be classified with respect to occupancy in one or more of the groups as described in the New York State Uniform Fire Prevention and Building Code, specifically Chapter 4 of the Building Code of New York State. Please check the occupancy groups that are applicable to your project, which more than one group can apply. If you are unsure of the type of occupancy group proposed for this project, the Town's Code Enforcement Officer can help you check the appropriate occupancy groups.*

- Assembly Group A   
  Business Group B   
  Education Group E   
  Factory Group F   
  High-Hazard Group H  
 Institutional Group I   
  Mercantile Group M   
  Residential Group R   
  Storage Group S  
 Utility/Miscellaneous Group U

**SECTION 5: Selected characteristics of a structure.**

Instructions: Write "N/A" if it is not applicable to your project. For demolition work, please skip this section entirely.

**Dimensions:**

Length (feet):  Width / Depth (feet):   
 Max. Height (feet):  Gross total floor area (square feet):

**Residential Occupancy specific information:**

Number of bedrooms:  Number of bathrooms: Full:  Partial:   
 Number of kitchens:

**Number of off-street parking spaces:**

Enclosed:  Outdoors:

**Principal type of frame:**

- Masonry     Reinforced concrete     Structural Insulated Panels (SIPs)     Structural steel  
 Timber     Wood     Other

If "Other" was checked, please explain type:

**Principal type of foundation:**

- Insulated Concrete Forms     Masonry     Permanent Wood     Reinforced concrete     Slab-on-ground  
 Other

If "Other" was checked, please explain type:

**Principal type of heating fuel:**

- Coal     Electricity     Gas     Oil     Wood     Other

If "Other" was checked, please explain type:

**Type of water system:**

- New Private Well     Existing Private Well     Public System

**Type of wastewater system:**

- New Private Septic     Existing Private Septic     Public System

**Type of mechanical:**

- Air conditioning     Elevator     Forced air     Hot water     Other

If "Other" was checked, please explain type:

**PERMISSION TO INSPECT PROPERTY**

By signing this application, the owner consents to inspection by Town staff or duly authorized representatives of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. The owner further agrees that during an inspection, Town staff or duly authorized representatives may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs. Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

**AGREEMENT TO PAY CONSULTANTS' FEES INCURRED BY THE TOWN**

When reviewing an application for, or when conducting inspections in relation to, an application, the Town of Milo, New York may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the application. Whenever possible, the Town of Milo, New York shall work cooperatively with the applicant to identify what scope of work shall require the employment of consultants. Additionally, the Town may require that an applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Town of Milo, New York may require additional deposits.

Let it be understood and the property owner agrees that:

1. In hiring outside consultants, the Town of Milo, New York may engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist the Town in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Town's decision or regulations, or inspecting a project during construction or implementation.
2. Funds received by the Town of Milo, New York pursuant to this section shall be deposited with the Town Clerk who shall establish a line item for this purpose. Expenditures from this line item may be made at the direction of the Town Clerk without further appropriation. Expenditures from this line item shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the property owner. Additionally, the failure of a property owner to pay any fee shall be grounds for denial of an application. Lastly, any outstanding fees incurred by the Town of Milo, New York shall be charged against the property, and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable. Such fees may also be recovered in any other lawful manner.
3. At the completion of the Town's review of a project, any excess amount in the line item attributable to a specific project shall be repaid to the property owner. A final report of said line item shall be made available to the property owner if requested.
4. Any property owner may take an administrative appeal from the selection of the outside consultant to the Town Board. Such appeal must be made in writing and may be taken only within twenty (20) days after the Town has mailed or hand-delivered notice to the property owner of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit for action upon an application by the Town Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one month following the filing of the appeal, the selection made by the Town of Milo, New York shall stand.

**DISCLOSURE AFFIDAVIT (NYS GML SECTION 809)**

The Applicant has read and is familiar with the provisions of the New York State General Municipal Law, Section 809, which states:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section of State law, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
  - a. Is the applicant;
  - b. Is an officer, director, partner or employee of the applicant;
  - c. Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
  - d. Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
3. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

If a Town of Milo officer, employee or relative of either as defined in the General Municipal Law, Section 809 has any interest in this application, the full particulars are provided on an attached sheet.

**OWNER’S AGREEMENT TO CONTENTS OF APPLICATION**

I attest that the information contained in this application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this application are subject to the applicable versions of the New York State Penal Law. Lastly, I understand and agree that I, as the owner of the property subject to this application, am ultimately responsible for the compliance with applicable local, state and federal laws.

**Property Owner’s signature**

**Date:**

\_\_\_\_\_

\_\_\_\_\_



**DAVID A. PATERSON**  
GOVERNOR

STATE OF NEW YORK  
**WORKERS' COMPENSATION BOARD**  
20 PARK STREET  
ALBANY, NY 12207



**ZACHARY S. WEISS**  
CHAIR

December 1, 2008

To all Code Enforcement Officials, Building Departments, and Municipal Entities:

Effective January 18, 1999, Section 125 of the General Municipal Law requires that any individual applying for a building permit must prove to the building department that he/she is in compliance with the mandatory coverage provisions of the Workers' Compensation Law before the building permit is issued.

**General Background**

Under Section 57 of the Workers' Compensation Law, businesses listed as the general contractors on building permits are required to submit proof of compliance with the mandatory coverage provisions of the Workers' Compensation Law to the building department before a building permit is issued. Section 125 of the General Municipal Law is specifically targeted at ensuring that all applicants who list themselves as the general contractors on the building permit are in compliance with the mandatory coverage provisions of the Workers' Compensation Law.

For homeowner applicants, the instruction manual includes a link to form BP-1 Affidavit of Exemption to Show Specific Proof of Workers' Compensation Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence. The law requires homeowners to provide proof of workers' compensation compliance when applying for a building permit. If the homeowner qualifies for an exemption, the homeowner must either complete this form and file it with the local building department; or the homeowner must complete Form CE-200 and file it with the local building department.

**Implementing Section 125 of the General Municipal Law**

*1. General contractors and Business Owners*

Businesses listed as the general contractors on building permits, must prove that they are in compliance with the mandatory coverage requirements and also Section 57 of the Workers' Compensation Law (WCL) by producing ONE of the following forms indicating that they are:

- insured (Form C-105.2 or U-26.3 – the business's insurance carrier will send this form to the building department upon the business's request) All private carriers and their licensed insurance agents are authorized to issue the form C-105.2 as their Certificate of NYS Workers' Comp Insurance. The State Insurance Fund uses the U-26.3 form as its Certificate of NYS Workers' Compensation Insurance.
- self-insured (Form SI-12 -- Certificate of Workers' Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247), **OR** Form GSI-105.2 -- Certificate of Participation in Workers' Compensation Group Self-Insurance) (the business's Group Self-Insurance Administrator will send this form to the government entity upon request).
- exempt (Form CE-200 – {Form CE-200 is available on the Board's website, [www.wcb.state.ny.us](http://www.wcb.state.ny.us), under the heading "Forms." Paper applications for this form are available by writing or visiting any Customer Service Center at any District Office of the Workers' Compensation Board.}

Any residence that is not a 1, 2, 3, or 4 Family, Owner-occupied Residence is considered a business (income or potential income property) and must prove compliance by filing one of the above forms. **(Please note: ACORD forms are NOT acceptable proof of workers' compensation coverage!)**

2. *Owner-occupied Residences*

Homeowners of a 1, 2, 3, or 4 Family, Owner-occupied Residence, must file form BP-1 when applying for a building permit when they are:

- listed as the general contractor on the building permit, and the homeowner:
  - is performing all the work for which the building permit was issued him/herself,
  - is not hiring, paying or compensating in any way, the individual(s) that is (are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
  - has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- If the homeowner of a 1, 2, 3, 4 Family, Owner-occupied Residence is hiring or paying individuals a total of 40 hours or MORE in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may NOT file the "Affidavit of Exemption" form, BP-1, but must either:
  - acquire appropriate workers' compensation coverage and provide, to the government entity issuing the building permit, appropriate proof of that coverage, on forms C-105.2 or U-26.3, OR
  - have the general contractor performing the work provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage, to the government entity issuing the building permit.

**Background on Coordinating the Implementation of Section 125 of the General Municipal Law with Existing Statutes**

To ensure that homeowners are not required to have duplicate workers' compensation coverage, the implementation form attempts to coordinate compliance with Section 125 of the Municipal Law with coverage provided under Section 3420(j) of the Insurance Law, which is the homeowner's policy's workers' compensation insurance rider.

As of March 1, 1985, New York State Insurance Law § 3420(j) provides that every policy of comprehensive personal liability insurance (i.e., homeowner's insurance) on a 1, 2, 3, or 4 Family owner-occupied dwelling (including condominiums) will also provide workers' compensation benefits. This section was added to protect the homeowner from unexpected liability when the Board determines that a person, whom the homeowner did not believe required coverage, is found to be entitled to benefits. To receive benefits under this policy, the employee must be found by the Board to have been injured in employment of the policyholder and employed for less than 40 hours a week in and about the owner's 1, 2, 3, 4 family residence in this State.

*Form BP-1, is available on the Board's website, [www.wcb.state.ny.us](http://www.wcb.state.ny.us), under the heading "Forms."* Please make as many copies of the BP-1 as you require. The BP-1 form reflects the minimum standard to be applied statewide. If a municipality wishes to collect a copy of the certificate of insurance from a building permit applicant's homeowner's insurance policy or obtain a copy of the information page from the building permit applicant's homeowner's insurance policy, the municipality could make that a local requirement which would be in addition to the State requirement.

If you have any questions regarding the BP-1 form, Section 125 of the General Municipal Law or Section 57 of the Workers' Compensation Law, please contact Steve Carbone of the New York State Workers' Compensation Board at (518) 486-6307.

Thank you for your office's cooperation in enforcing Section 125 of the General Municipal Law and Section 57 of the Workers' Compensation Law.

Sincerely,

Peter Michels  
Director of Compliance

**Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence**

**\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\***

**Under penalty of perjury**, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ♦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ♦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

\_\_\_\_\_  
(Signature of Homeowner)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Homeowner's Name Printed)

Home Telephone Number \_\_\_\_\_

Property Address that requires the building permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

# Town of Milo, New York

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## AUTHORIZED REPRESENTATIVE FORM

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Owner's Name:

Owner's Address:

Owner's Telephone No.:

Authorized Representative's Name:

Authorized Representative's Address:

Authorized Representative's Telephone No.:

*The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an application submitted to the Town of Milo, New York. Such Owner also hereby authorizes this department to release any or all information relating to this application to this Authorized Representative.*

Owner's Signature:

Date of Signature:

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STATE OF NEW YORK

}

COUNTY OF

}

SS.:

On this  day of , 20, before me

personally came , to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

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Notary Public

# BASIC SITE PLAN

**Street Name?**  (name of street)

Sidewalks?  yes/no
Sidewalks?  yes/no

**New driveway?**

width?  ft

Distance to Property Line (not to curb)

ft

Distance to Property Line

ft

**House Address?**

(numbers)

**Room Addition?**

Size?

sq ft

**New Deck?**

Size?

sq ft

Distance to Property Line

ft

Distance to Property Line

ft

Distance?

ft

Distance to Property Line

ft

Distance to Property Line

ft

**Shed? Garage?**

Size?

sq ft

Distance to Property Line

ft

Distance to Property Line

ft

Distance to Property Line

ft

**Street or Alley?**

**Street or Alley?**  yes/no