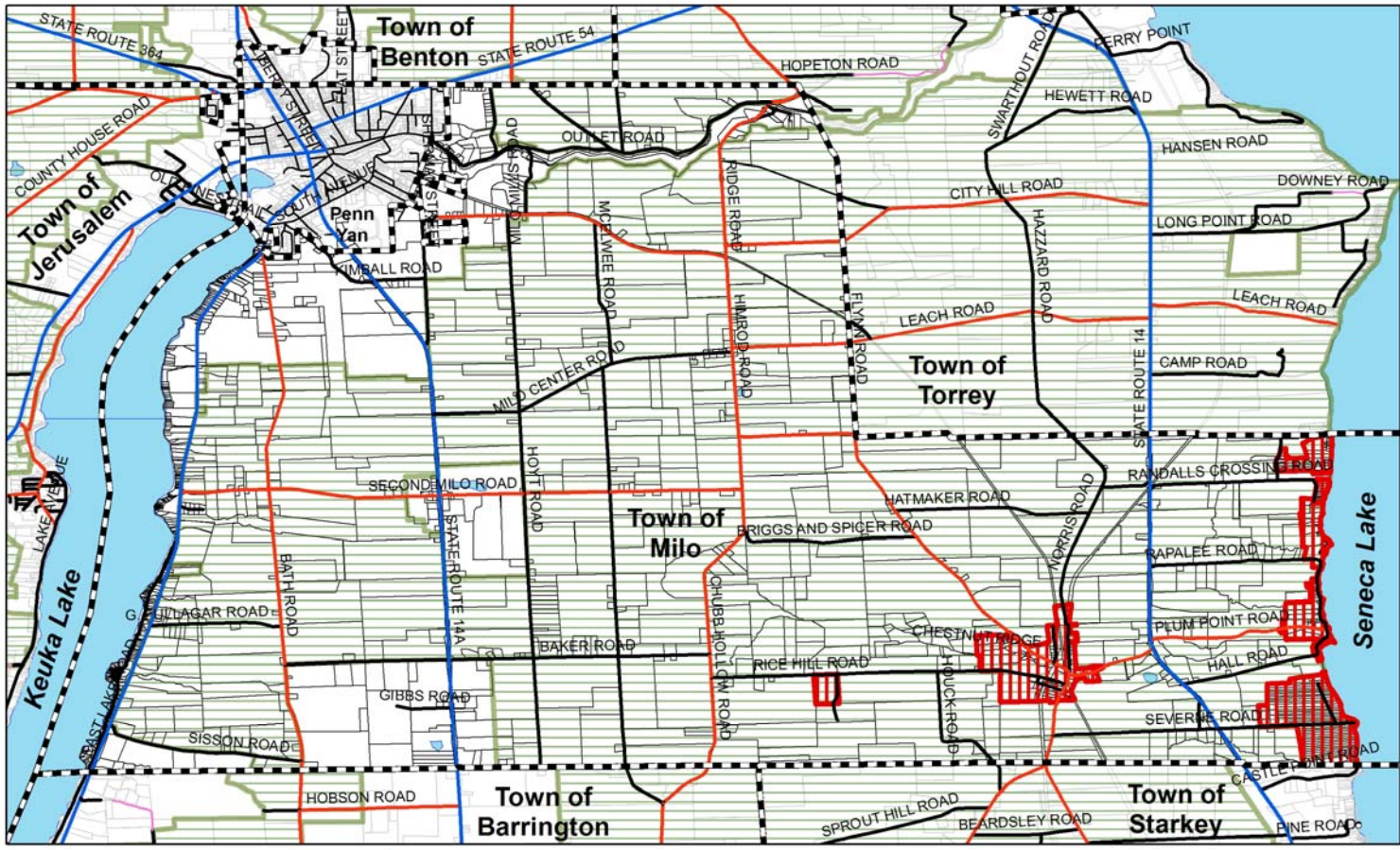


### XIII. EXECUTIVE SUMMARY

This chapter of the Comprehensive Plan is a short summary of the recommendations made in the remainder of the plan. It does not present the process, supporting data, or reasoning for the recommendations made in the plan, only the recommendations made in the plan. It is intended, along with Chapter XII Implementation Schedule, to be able to be published separately as a short guidebook to the plan and the actions the town should take to implement it. Recommendations are organized here in accordance with topic, especially in regard to a local laws or policy that must be created or modified to implement the recommendations. Thus, their organization is significantly different that what is presented in the body of the Comprehensive Plan.

#### **Agriculture**

1. County Agriculture District:
  - a. Request the following changes to the County Agricultural district at the next 8-year review by Yates County scheduled for 2009 – 2010:
    - (1) Recommend removal of residential property fronting on Seneca Lake and the hamlet of Himrod from the County Agricultural District. See Map 19 on the next page.
    - (2) Recommend that other Town owned property, such as the Town gravel mine and former landfill, should also be removed from the County Agricultural District.
  - b. Areas that are active agriculture should remain within the County Agricultural District
2. Within Zoning, the Town should define an ‘Enhanced Agriculture Zone’ where Agriculture is the preferred use with the intent of preserving both the agricultural soil resources and rural character of the Town.
  - a. Residential housing density in this area should average about 1 house for every 40 to 50 acres. This should be controlled not by requiring large lot sizes, but by specifying that only lots of 50 acres or more can be subdivided for uses other than agriculture.
  - b. Lots under 40 or 50 acres should not be allowed to be subdivided. One residential unit may be permitted on such a lot. Additional housing units providing housing for the owners and/or agricultural workers shall be allowed.
  - c. Lots of 80-100 acres may have only one lot for residential purposes divided from the parent parcel.
  - d. Lots of more than 80-100 acres may have 1 residential subdivision lot for the first 40-50 acres, and one additional residential unit for each unit of 40-50 acres of the lot over 80-100 acres.
  - e. The Boundaries of the Enhanced Agriculture District should conform to those shown in Map 22.
  - f. Agriculture should be the primary principal use within the district. Setbacks of homes, tree plantings, and other amenities associated with residential land uses should be set at levels that enhance adjoining agricultural uses.
    - (1) Large shade trees should be set back a sufficient distance from property lines to ensure that they do not impact field crops.



**Legend**

County	Parcels Outside Milo	Ag District Exclusions
Seasonal-Town	Milo Tax Parcels	County Ag District
State		
Town		
Village		

N

Feet

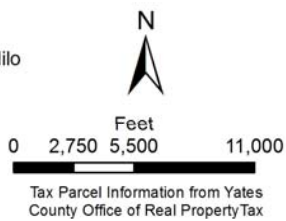
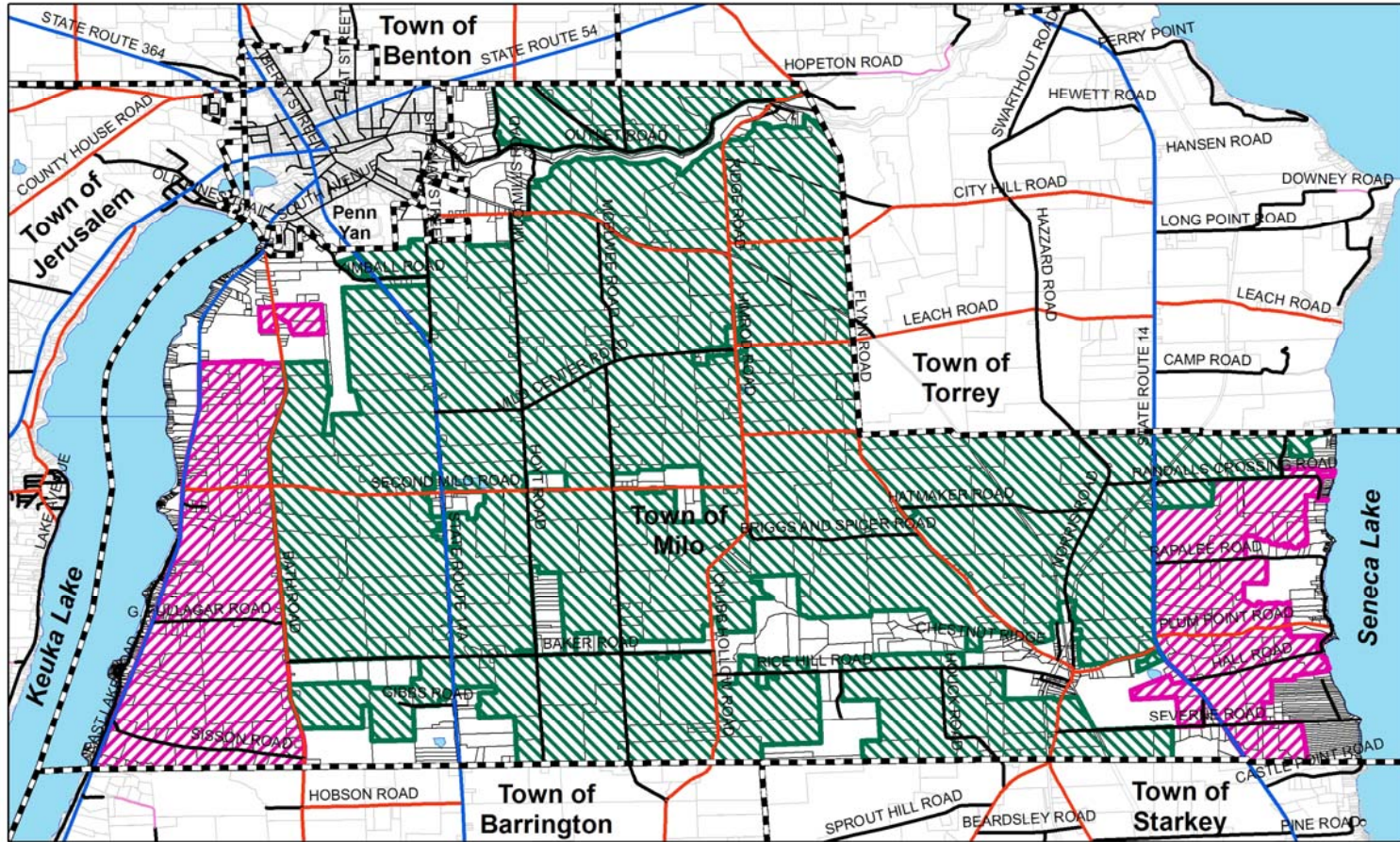
0 2,750 5,500 11,000

Tax Parcel Information from Yates  
County Office of Real Property Tax

Town of Milo  
Comprehensive Plan  
Proposed Exclusions to  
County Agricultural District  
Source of Tax Parcel Data: Yates County

**MAP 19: Recommended Changes to County Agricultural District**

- (2) Pools should be setback from property lines and located so that dust and debris from harvesting activities does not impact them. During the application for construction of a pool in such areas, non farmers should be notified of the potential impact by adjacent agricultural activities such as harvesting, and they should be required to sign an acknowledgement that the residential owner bears the responsibility of any damage or inconvenience resulting from normal agricultural activities on such pool or the use thereof.
- g. Multiple residences should be allowed on single parcels with a site plan review by the Planning Board to ensure that properties can be subdivided in the future in a conforming manner.
- h. Auxiliary businesses related to agriculture should be permitted. These uses should
  - (1) Provide a service to agriculture.
  - (2) Sell agricultural products or crafts produced on the premises.
  - (3) Ancillary sales of products not produced on site, but related to the main business should be allowed as long as it is not the primary portion of the business. For example, a farm implement repair shop should be able to sell lubricants, or a quilt shop selling cloth and thread.
  - (4) Have primarily employees that are the owners or the immediate family of the owners of the related agricultural business. A limit of 4 employees shall not be family members.
  - (5) Be ancillary to an agricultural use of the property.
  - (6) Be limited in size to a 2,500 square foot building.
  - (7) Design standards for such uses should be established to ensure that the character of the buildings used protects the rural character of the area. These should emphasize 'farm like' buildings, including gambrel roofs, wood siding, and a rustic appearance.
3. Within Zoning, the Town should define a 'Hillside Agriculture Zone' where Agriculture, especially, vineyards, is mixed with other compatible uses in an effort to maintain the special character of the rural areas overlooking Keuka and Seneca Lake.
  - a. The boundaries of the Hillside Agriculture District should conform roughly to the boundaries shown in Map 22 on the following page.
  - b. The district should allow a mix of vineyards and other agricultural, winery, and scattered (low density) single-family residential uses. Wineries and other tourism based businesses should be allowed but widely scattered in Hillside Agriculture areas.
  - c. Wine production should be allowed as part of winery sales businesses.
  - d. Wineries should be allowed to host special events, such as wedding receptions, inside as long as the number of vehicles and noise is confined to the property (is not disruptive to the neighborhood).
  - e. Bed and breakfasts, inns, and spas, should also be allowed in this area. Bed & breakfast operations should require owners be occupants and have no more than 4 bedrooms for rent, and inns and spas should have no more than 20. All should be designed to reflect the rural character of the area, including reflecting the Town's predominate mid to late 19<sup>th</sup> century architectural style. Special attention should also be paid to the appearance of the property from the public road right-of-way, including screening of the parking area and minimizing the massing of the building



**Town of Milo  
Comprehensive Plan  
Proposed Agricultural Zoning**

Source of Tax Parcel Data: Yates County

**MAP 22: Proposed Agricultural Zoning in the Town of Milo**

form, to protect the town's rural character. A visual assessment should be required as part of the zoning review and environmental assessment to ensure the proposed development does not interfere with significant views and does not negatively impact the character of the town as viewed from surrounding areas.

- f. Alert residents in this district of the special needs of both vineyard operations as an agricultural use and of wineries for tourist attraction, sales, and special event hosting.
  - g. Clear standards should be established for;
    - (1) The density and lot sizes for residential development.
    - (2) Public access to wineries.
    - (3) Special events hosting, such as live music, festivals, and party hosting (such as, but not limited to wedding receptions).
  - h. Residential housing density in this area should average about 1 house for every 20 to 25 acres. This should be controlled not by requiring large lot sizes, but by specifying that only lots of 40 acres or more can be subdivided for uses other than agriculture.
  - i. Lots under 40 acres should not be allowed to be subdivided. One residential unit can be developed on such lots.
  - j. Lots of 40 acres may have only one lot for residential purposes divided from it.
  - k. Lots of more than 40 acres may have 1 residential subdivision lot for the first 40 acres, and one additional residential unit for each unit of 20 acres of the lot over 40 acres.
  - l. The rules established for additional residences for farm owners and farm workers as described under the "Enhanced Agriculture" recommendations above should also apply to this district.
  - m. Erosion control plans should be required for new construction disturbing more than 1,500 square feet of surface area.
  - n. Site plan review by the Planning Board should be required for non-agricultural related activities disturbing more than ½ acre, and for non-agricultural activities disturbing more than 800 sq. ft. within 20 feet of a permanent or intermittent stream draining directly to Keuka or Seneca Lake.
4. Whole parcel planning with an eye to preserving the agricultural viability of fields and agricultural operations should be required as part of subdivision and site plan review for new residential and farm building construction.

### **Communication**

1. Publicize land use training programs for municipal staff and board members.
2. Support ongoing public education/outreach programs about lake water quality.
3. Create a directory of resources that are common to the municipalities that will encourage greater intermunicipal coordination.
4. Participate in an annual watershed-wide "conference" among local officials and board members to discuss land use issues, trade information, network, review the current status of major development projects, and serve as a "clearing house" of information about land use issues in the watershed.

5. Provide information (in the form of brochures, flyers, and Internet resources) about water quality protection to residents and landowners. Cooperate with other municipalities and regional agencies for the development of the materials.
6. Publicize the availability of the revised *Keuka Lake Book*, which includes Best Management Practices (BMP) for homeowners in the watershed.
7. Cooperate with other municipalities and agencies to develop a series of educational publications (brochures/flyers/pamphlets) about sustainable development issues for the public. Make these publications available to residents.

### **Design Standards and Guidelines Manual**

1. The Town should hire an engineer to update all its design standards and guidelines, and incorporate them into a single published manual approved by resolution of the Town Board. This will make updating easier.
2. The following chapters of the town code should be revised to reference the Design Standards & Guidelines Manual:
  - a. Chapter 110: Sewers
  - b. Chapter 114: Streets and Sidewalks.
    - (1) This Chapter should be eliminated and its contents revised and incorporated into the Design Standards and Guidelines Manual.
    - (2) The design standards for streets should include provision for concrete gutters, ditches, pedestrian crossings, sidewalks, trails, and storm water management (pipes, inlets, the alignment of new streets, intersections, driveway access, etc). The town should engage an engineer and perform a comprehensive review of the materials and construction standards it needs to promulgate in its new Design Standards and Guidelines Manual. Much of this information can be borrowed from similar manuals adopted by other municipalities.
    - (3) § 10 of chapter 114 states that erosion control is required for subdivisions. This standard needs to be moved to the Subdivision Regulations and also added to site plan requirements in the zoning code. The Design Standards and Guidelines Manual should reference and require compliance with the state's stormwater regulations, and compliance with a new town erosion and sedimentation control local law.
  - c. The site plan provisions of the zoning local law should reference and require conformance to the Design Standards and Guidelines Manual of the Town of Milo.
  - d. The subdivision regulations should reference and require conformance to the Design Standards and Guidelines Manual of the Town of Milo.
  - e. Chapter 136: Water
  - f. Zoning
    - (1) Include design guidelines for maintaining neighborhood character. The guidelines should require complimentary architecture for tourism commercial areas, businesses in all districts, rural buildings for businesses in agricultural areas, and for wineries, spas & inns. The design guidelines should require architecture echoing or complimentary to the predominant 19<sup>th</sup> century architecture prevalent in the town. The character of the architecture and site design must reflect the Town's rural character. Natural siding, sloped roofs, requiring the use of architectural styles based upon or echoing the predominant

late 19<sup>th</sup> century architectural styles prevalent in the area, and the avoidance of recognizable ‘corporate architectural styles (like McDonald’s famous golden arches) should be established as design standards.

- (2) Existing Appendix I, Performance Standards, needs to be reviewed, revised, and updated. Some of its standards are not legally enforceable on agriculture and other uses. It needs to be referenced in the text of the zoning code, and the standards differentiated by zone and in some cases by type of use. Some of the standards need to be held at the use’s property line as opposed to the zoning district boundary.
3. Standards for smaller scale rear access lanes, shared driveways, and other conservation subdivision techniques should be added
4. The Geometry and structural standards for new roads in Chapter 114 should take into account emergency vehicle access.
5. Outdoor lighting
  - a. The town should implement a standard for outdoor lighting that is sufficient for security and minimizes light spillage onto adjacent properties, public and private roads, and to the sky. This standard should apply to all land uses, especially those in close proximity to or within the higher density residential areas of the town. A reasonable standard should be developed especially for the higher density areas of the town, such as the lakeshore and hamlet areas.
  - b. Consideration of light fixture placement, fixture design, and spillage on adjacent property should be part of every site plan review for energy efficiency, the character of residential neighborhoods, and the safety of drivers.

### **Erosion Control**

1. The Town should adopt a soil erosion and sedimentation control local law to protect the quality of our surface waters. These requirements should require implementation of erosion control measures when the area disturbed is as little as 800 square feet within ¼ mile of the lake shore or adjacent to surface streams. These regulations should provide for filing periodic inspection of erosion control measures with the town, as well as providing surety to the town both for the erosion control measures and the maintenance of them throughout the construction cycle.
2. The town should review its standards for lot coverage in the near lakeshore area, and provide incentives for providing on site detention, retention, and recharge of ground aquifers, and discourage direct discharge into the lakes or adjacent streams. These standards should apply not only to new construction, but any time a building permit, special use permit, or site plan approval is necessary—especially for a major rebuild or expansion.
3. Submit proposed development projects to County Soil and Water Conservation Districts for review and comment prior to approval.
4. Potentially include a requirement that calls for selectively removing non-native plant species from slopes that are being built on and replacing them with native species.
5. Require selective removal of non-native plant species from steep slopes that are being built on and replacing them with native species.
6. Protect watercourses by requiring setbacks from streams and gullies that feed into the lake. No construction or significant disturbance of soils and/or vegetation would be

allowed within the 50-foot wide area. This leaves a “buffer” in place to help prevent pollutants from running into the watercourse.

7. Enact municipal stormwater management regulations to reduce stormwater runoff.
8. Consider the location of existing and proposed roadways and roadway access (driveways) when reviewing and permitting new development. Transportation infrastructure can be challenging to design and build, especially when building on slopes where erosion and drainage issues are special concerns. Local zoning, site plan, and subdivision laws should ensure that private roads and driveways are built to minimize slope disturbance, provide sufficient space for drainage infrastructure, be well marked and easy to see, and be at safe intervals from intersections and other driveways.

### **Flood Damage Prevention**

1. The Town should consider adding a paragraph D. to §16 that adds the following requirements to variances issued by the Zoning Board of Appeals:
  - a. No obstruction in the floodway shall be allowed that impacts the volume and rate of flood flows within the floodway.
  - b. At the very least cut and fill grading must be balanced within the limits of Zone AD (commonly referred to as the 100-year floodplain). Preferably, grading plans should have more cut than fill within Zone AD to ensure that any construction does not decrease the storage capacity for water in Zone AD nor raise flood levels within Zone AD.

### **Hamlets**

1. The Town should investigate grants for infrastructure and community development to provide improvements and amenities to the hamlets in Town. This should include things such as sidewalks, parks, walking trails, as well as utility services (the latter only if there is an identified need and it makes financial sense).

### **Intermunicipal Cooperation**

1. The Town should investigate the establishment of a joint Planning Board and a joint Zoning Board of Appeals with the Village of Penn Yan.
2. Work with the Village of Penn Yan and with other municipalities to develop a joint composting/yard debris facility.

### **Junkyards**

1. The Town needs to replace this local law with one adapted from the current model junkyard ordinance published by the New York State Department of State, Office of Local Government Assistance. This will address:
  - a. Establishing a firm time frame for compliance by existing junkyards, instead of depending upon a variance procedure to be reviewed by the Town Board.
  - b. Coordinate the location limitations for junkyards in this chapter with provisions contained in the Zoning Local Law.
  - c. Establish a well-defined variance process with guidelines to assist in the decision making process.
  - d. Provide an up to date definition of junk and junkyard.

2. Coordinate the new Junkyard Local law with Zoning. The Town should consider adding a “Salvage” District to the Zoning Local Law and map to include property where junkyards already are located. If the Town has no active salvage yards, they should consider creating a Salvage District as a floating zone so that new junkyards require a rezoning for that use.

Make all junkyards subject to site plan review by the Planning Board

### **Keuka Lake Level Control**

1. The Town should communicate to KLOC that Keuka Lake levels should more consistently meet the guide curve, especially during the fall. Lower fall lake levels will provide residents with an opportunity to perform maintenance on seawalls, docks, and shorelines.
2. The Town should communicate with KLOC that its lake level management should more closely follow the guide curve to reduce the threat of a catastrophic flood event.

### **Municipal (Public) Water Issues**

1. The town should seek ways to extend municipal water service along State Rt 14A from the village line to the area near Mac’s Dairy Bar business.
  - a. Care must be exercised in limiting the boundaries and capabilities of the water district so that water service cannot be extended to agricultural areas creating opportunities for new high density residential or other incompatible development that would disrupt the rural character.
  - b. During any consideration to extend municipal water service, the Town should carefully explain the link between the provision of municipal service and development.
2. Extension of water to the Second Milo area to the bulk food business should be considered only if grant funds can be identified to make the cost reasonable, if local land owners and residents report issues with drinking water quality, and if restrictions are placed on the water district preventing future non-agricultural connections to the district in the area from the intersection of Old Route 14A south to the hamlet of Second Milo.

### **Noise Local Law**

1. The Town should develop a comprehensive noise local law with different standards throughout the Town that reflect both the density of residential development in that area and the proximity of denser residential areas.
2. Careful attention should be paid to establishing easily identifiable standards so that violations may be easily identified making enforcement simpler.
3. Reasonable accommodation must be made for outdoor functions at local wineries and the country club that are in close proximity to high density residential lake front areas, while also protecting local resident’s right to peace and quiet.
4. Construction and agricultural operations should not create elevated noise levels in residential areas between the hours of 9 PM and 7 AM. Any such requirements will not apply to generally acceptable agricultural practices occurring within the limits of a County Agricultural District, as those are defined by the New York State Department of Agriculture and are protected by the state’s various 'Right to Farm' Laws.

5. Within the residential areas of the town, noise levels should not be allowed to exceed reasonable nationally recognized standards. Thus, different standards should be established for day, evening, and night time periods to reflect the normal human activity pattern.

### **Open Burning/ Lawn Debris**

1. The Town should adopt a local law to prohibit open burning:
  - a. In and in close proximity to it's densely populated residential areas.
  - b. In close proximity to the village of Penn Yan.
  - c. In close proximity to the County airport.
  - d. Where it would create a nuisance to vehicular transportation.
2. The Town should consider working with the County Soil and Water Conservation District to provide residents with locations to deliver leaves and other yard debris to local farmers for plowing into the soil. The Town should cooperate in this endeavor with the village of Penn Yan to provide the village with a new means to dispose of yard debris.
3. The Town should regulate detached wood boilers and furnaces.
  - a. They should be required to be located a reasonable distance, such as 250 feet, from adjacent residences.
  - b. They should be prohibited in dense residential areas such as the lakefront and in the hamlets of Milo Center and Second Milo.
  - c. Where outdoor boilers and furnaces are installed with chimneys at least 2 feet higher than the highest point of all buildings within 250 feet, they should be allowed to be closer than 250 feet from adjacent residences.
  - d. Burning of solid waste (garbage) should be prohibited.
  - e. Fuel used in detached, outdoor wood boilers and furnaces must conform to manufacture's recommendations, such as wood, wood pellets, and grain derived products (for example corn).

### **Property maintenance**

1. The town should enforce the property maintenance provisions of the current New York State Uniform Fire Prevention and Building Code.

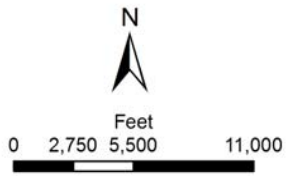
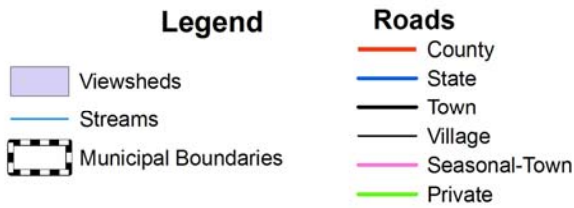
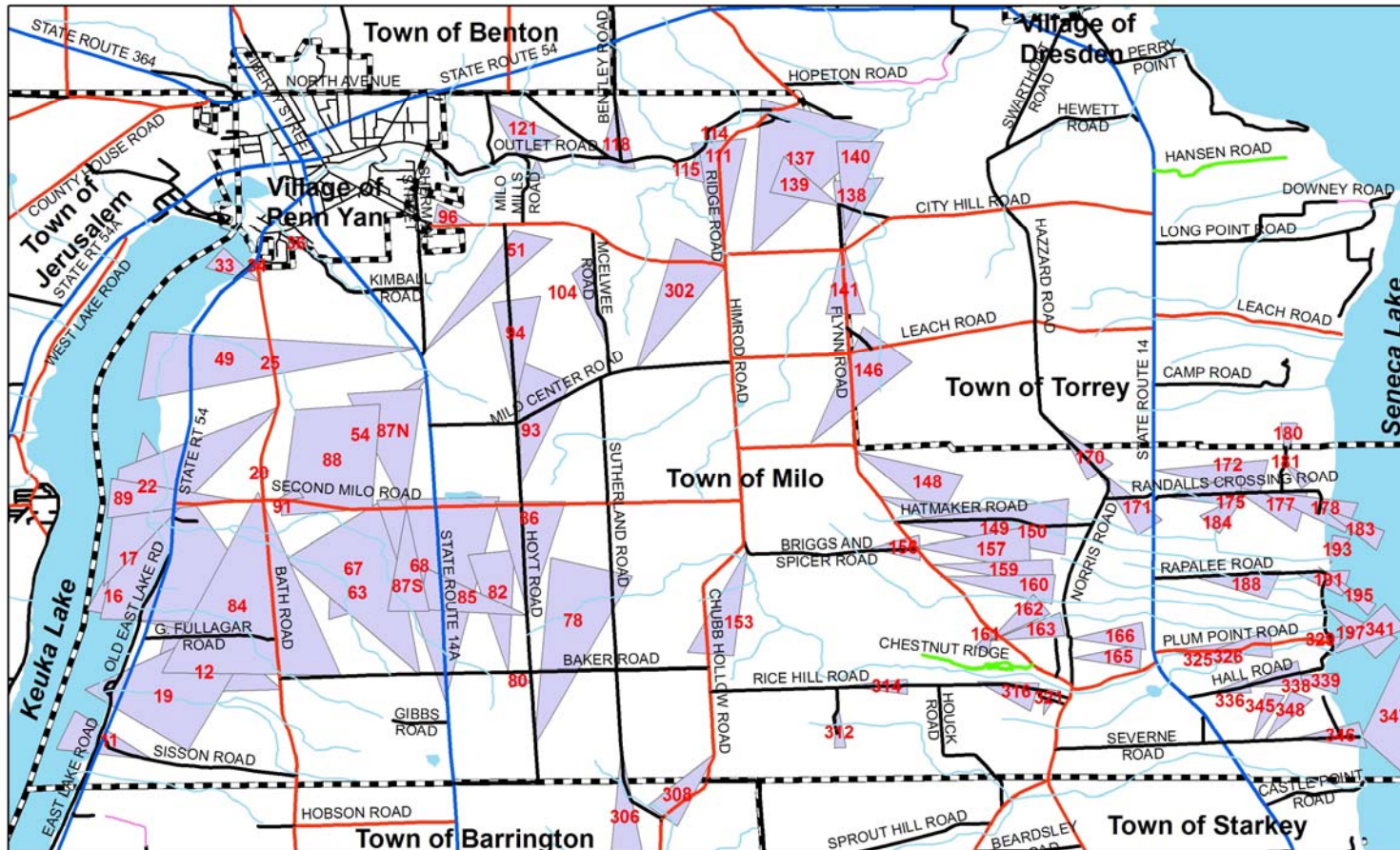
### **Registration of Rental Properties**

1. The Town should adopt a local law requiring a business license to rent residential property.
2. Owners of residential rental property should be required to register their contact information with the town. This will provide the town with verified contact information to resolve any issue that may develop with the rental property.
3. Provide the Town with a method to revoke the right to rent where property condition, behavior of tenants, violation of town laws and/or ordinances, and/or violation of state codes exist for an unreasonable period of time.
4. Provide landowners with rental property copies of important local laws, such as noise ordinances, that the town may require to be posted or provided to renters.
5. Require the landowner to provide all renters with the town recognized street address for the property that agrees with local 9-1-1 records.

6. Require landowners of rental property to display properly sized and located house numbers on the rental property, including any unit numbers to provide better field identification for emergency service providers (police, fire, and emergency medical services).

### **Subdivision Regulations**

1. Adopt new Subdivision Regulations in compliance with this Comprehensive Plan.
2. Revise the subdivision review criteria to incorporate protections for Scenic Views and Vistas (see Map 7 on the following page).
3. Seek out advice and input from state agencies when reviewing proposed development projects that have the potential to severely impact natural resources, state highways, and local historic/cultural resources.
4. When creating building lots, a subdivider should pay attention to the location of sensitive environmental features such as wetlands, steep slopes, and mature native tree stands and ensure that there will be sufficient space within each lot to build while not disturbing these features.
5. Require an assessment of water supply and treatment capabilities as a component of the review of proposed development projects. The Planning Board should consider the sources of the water supply (typically public water lines, wells, or Keuka Lake) and should also consider how wastewater from the development will be treated (typically public sewer lines or septic systems). The reviewing board should ensure that water supply and treatment are properly addressed before approving any proposed development project.
6. Include provisions in Subdivision laws that, in designated locations, support the creation of small building lots for hamlet developments. While small building lots may be inappropriate in rural areas, they are necessary in village/hamlet areas because they encourage a greater density of development.
7. All property line changes should be included in the definition of subdivision and be subject to some level of review as follows:
  - a. Administrative Review (the subdivision plat must still be signed by Planning Board Chairman after CEO's certification that all zoning dimensional requirements have been met). These should consist of:
    - (1) Subdivisions resulting in lots of 10 acres or more for agricultural purposes.
    - (2) The recombination of two or more parcels into a single parcel that does not result in any violation of the zoning code.
    - (3) Lot line adjustments between adjoining property owners that do not result in the creation of new lots nor create any conditions that do not comply with zoning requirements (such as creating lots without sufficient frontage).
    - (4) Lot line adjustments that remedy pre-existing non-conforming lots, as long as no new non-conformities are created as a result.
    - (5) Other subdivisions as the town may define that are so minor in nature that they will not impact adjacent property or the general health, safety, and welfare of the community.
  - b. Minor Subdivision: This should include up to 4 lots from a parent parcel existing at the time of adoption of the new subdivision regulations as long as no extension of public utilities or roads are involved. The process for a minor subdivision should



**Town of Milo  
Comprehensive Plan  
Significant Viewsheds**

Based on photographic inventory of the Town  
Conducted in the fall of 2007.  
See Photo Appendix E.

MAP 7: Significant Views

- include a public hearing before the Planning Board, an environmental review conducted pursuant to the New York State Environmental Quality Review Act, a standard set of submission requirements, and a vote by resolution to approve, approve with modifications, or deny for reasons the application for subdivision.
- c. Major Subdivision: This should include all other subdivisions (thus anything more than 4 lots or involving extension of public utilities or roads). The major subdivision should have additional submission requirements and include both a preliminary and a final approval process with a public hearing at each. The Planning Board should have the authority to waive the second public hearing if the subdivision application is not controversial and the final subdivision application complies with the preliminary subdivision application as approved by the Planning Board (including any modifications).
8. A single, simple time frame for all applications should be established, based upon the statutory time frames (62 days from application to public hearing, 62 days after the public hearing until board decision). A statement should be included that the subdivision review time frames are suspended until the environmental review process is completed, and another that they may be suspended by mutual consent of the applicant and the board.
  9. The sketch plan process should be encouraged, but no vote nor should any written recommendations be made beyond the recording of the discussion in the minutes of the Planning Board. Sketch plans should be informal working sessions and the results not binding on either party.
  10. Subdivision designs should be required to:
    - a. Respond to topography
    - b. Protect significant local views, historic resources, and site features, including preservation of views of Keuka and Seneca Lake
    - c. Protect and leave undisturbed trees and other natural ground cover
    - d. Comply with the state and any town soil erosion, sedimentation, and/or stormwater control local law; with the goal to minimize erosion and nutrient flow from the site during and after construction to the maximum extent practical
    - e. Respect or improve existing community and neighborhood character
    - f. Document energy conservation measures and other efficiencies in design and construction
    - g. Preserve adjacent property values
    - h. Provide a buffer to any adjacent agricultural land and operators
    - i. Provide a significant amount of open space to preserve the rural character of the town
  11. Major subdivisions should incorporate recreational facilities appropriate to the target population. This can vary with the size of the development from simple sidewalks or trails to ball fields and other active recreation activities. Minor subdivisions should contribute facilities or payments to the town in lieu of the provision of recreational facilities or land. The town may only use such fees for the acquisition, maintenance, or enhancement of existing recreation facilities.
  12. The town should require a certain percentage of every subdivision to be preserved as open space to preserve the rural character of the town. This can be accomplished

through dedication, homeowners' association ownership, development easements, and similar tools.

13. The Planning Board should be given the explicit duty of voting on whether an application before it is complete to initiate the time clock for the review period.
14. The Planning Board should be given authority to accept or require clustered or 'conservation' subdivision designs in order to maximize property values, reduce development and maintenance costs, and preserve open space and rural character. As part of this authority, the Planning Board should be authorized to permit reductions in required lot sizes, lot widths, and lot depths in order to create efficient conservation subdivisions. In no case should the number of lots allowed in a conservation subdivision exceed the number that would be allowed in a conventional subdivision design.
15. The letter of compliance process described in §19 should be deleted. The approval of a final subdivision plat which shows the field location of corner pins for each lot, along with agency design approvals is sufficient for Planning Board action. The final plat should contain a statement that any variation from this plat shall render approval null and void. The subdivision regulations must require recording of the approved signed plat within 6 months of the approval action by the Planning Board. At this point it is not legal for any realtor, attorney, owner, or party to sell a lot that does not comply with the approved subdivision. Finally, the subdivision regulations should include a statement that the CEO may not issue a building, occupancy, or compliance permit for any proposed or completed improvements for any property that is shown on a final subdivision plat approved by the Planning Board where such lot does not comply with said approved plan as recorded in the office of the County Clerk.
16. The town should require percolation tests be conducted that show acceptable percolation rates for the construction of on-site septic disposal system, or the design of alternative means of sewage disposal be submitted with every application for subdivision. These should be attached to or shown on the final subdivision plat and if approved by the Planning Board, filed with the County Clerk as part of the subdivision map filing. Subdivisions for agricultural use should not be subject to this requirement, but the plan should be stamped that the agricultural lot has not been certified by the town as suitable for any use other than agriculture.
17. The Town should require a well or other source of potable water be specified on the application for final subdivision plat approval. If approved by the Planning Board, this information should be required to be filed with the subdivision map at the office of the County Clerk. Subdivisions for agricultural use should not be subject to this requirement, but the plan should be stamped that the agricultural lot has not been certified by the town as suitable for any use other than agriculture.

#### **Vehicles, Outdoor Storage Of (Existing Chapter 130 of the Town Municipal Code)**

1. The definitions in this local law need to be made consistent with those of chapter 98 Junkyards, and the Zoning Local Law.

#### **Waste Water Issues**

1. The Town should adopt local laws requiring inspection of septic systems upon sale.
2. The Town should work with the County and Village of Penn Yan to investigate creation of county sewer districts to serve the near shore area around Keuka Lake.

3. The Town should work with the village to extend municipal sewer service to the industrial properties on and near the County airport and the commercial strip along State Rt 14A from the southerly village boundary to Friendly Chrysler Jeep property.
4. Cooperative efforts between the Village, the Town, and the County to identify grants for infrastructure improvements should be made both for the extension of sewer line and for improvements to the village treatment plant.
5. Continue to promote effective municipal and private wastewater management practices through the KWIC in the Keuka Lake Watershed.
6. Chapter 110 of the Town Code should reference a separate 'Design Standards and Guidelines Manual,' and require compliance to the latest version adopted by resolution of the Town Board.
7. Chapter 134: Wastewater Management
  - a. Keep this local law updated in coordination with other municipalities within the Keuka Lake & Seneca Lake watersheds.

### **Zoning**

1. Adopt a New Zoning Local Law incorporating the intent of this comprehensive plan.
2. See Agriculture Section for changes pursuant to agriculture.
  - a. Zoning in Agricultural areas should allow a mix of ancillary and primary businesses as long as the rural character of the area is preserved.
  - b. Home occupation businesses such as but not limited to lawyers, real estate agents, or certified public accountants, should be allowed by right. These should be defined as having no more than two non-resident employees and located in an existing residence or occupying less than 500 square feet in an existing or separate out-building. A site plan submission showing adequate parking, public road access and signage, should be required, and processed through an administrative review process by the Code Enforcement Officer. The town should provide a simple checklist for the Code Enforcement Officer to use in performing the administrative site plan review. Further, the zoning law should allow the Code Enforcement Officer the authority to refer the application to the Planning Board for site plan review where there is any question or concern over the application meeting the requirements of the checklist or if there are any other issues regarding the application not covered by the checklist. Formal review of the site plan by the Planning Board should be required any time the application involves a non-conforming lot, structure, or any variances. Home based businesses should be allowed on the same parcel as the residence and/or farm.
  - c. Small Agricultural related businesses and services limited to 1,000 square feet in area and no more than 4 non-resident employees should be allowed with a Site Plan Review by the Planning Board. Agricultural businesses and services are things such as, but not limited to, agricultural seed sales, welding, farm implement repair, and small farm equipment sales involving 10 or fewer full size tractors or the equivalent. This type of business is not intended to include things like lawn tractor sales to the general public. Small Agricultural related businesses should be located mostly in existing buildings on the same property as the residence or agricultural buildings whenever possible. Small shops selling primarily products produced on the premises, including agricultural products, should also be included in the definition

of small agricultural related businesses. They are distinct from roadside stands due to their size, location in a permanent structure, and/or year-round existence.

- d. Larger businesses and industry should be allowed by special use permit and require a site plan review by the Planning Board. These are businesses that are larger than 1,000 square feet, but no more than 5,000 sq. ft. in size, and/or involve more than 4 employees. Performance standards should be clearly spelled out in the zoning law to ensure minimal impact on neighbors, surface & ground water, traffic, scenic views & vistas, and neighborhood character.
  - e. Whole parcel plans should be required for all such land uses to ensure that the business does not occupy prime agricultural soils, and is located in a manner that does not interfere with the agricultural use of the property or adjacent property.
  - f. Design standards for all uses should be clearly stated and mandate maintenance of the rural character. Small Agricultural related businesses and larger businesses, especially manufacturing buildings, should look like a barn or be hidden from view from the public right-of-way with landscape plantings. The pictures on the following page show examples of buildings with agricultural character. Uses that require a special use permit should be reviewed to ensure they are located outside of scenic view sheds or are designed to reduce visibility and impact on rural character from both the buildings and any parking lots or storage areas.
  - g. Retail sales should be limited to businesses that cater to agriculture, or to the sale of craft, agricultural, food, or similar items produced or manufactured on the premises.
  - h. Roadside stands should be an allowed use of right, with clear standards for access, parking, size, and signage established. All signage must be on the premises. The majority of sales must be of items produced on the premises. All roadside stands should require the submission of a site plan to the town. Road side stands, defined as those with up to 200 sq. ft. of display area and having up to 4 off street parking spaces, should be allowed with an administrative site plan review by the Code Enforcement Officer, to ensure the location, parking, visibility (especially site distance from the access point along the public right-of-way), and other dimensional requirements established in zoning are met. Businesses that have a sales area of more than 200 sq. ft. are not considered a roadside stand.
  - i. Multiple residences and elder cottages should be allowed, along with associated family owned agricultural businesses, on a single large agricultural lot. Allowing multiple uses should be tied to whole farm and parcel planning to ensure preservation of agricultural assets and maintenance of rural character, as well as performance standards in regard to runoff, erosion, traffic, and noise
3. Lakeshore Mixed Use
    - a. Zoning should allow a mix of residences and water related businesses such as lakefront restaurants, marinas, boat launches, hotels, and motel businesses in the areas of the town near Keuka and Seneca lakes where such mixes currently exist.
    - b. Allow businesses the ability to expand as long as they don't negatively impact adjacent residential properties and neighborhoods.
    - c. Use performance measures, such as traffic levels, noise levels, and impacts on lake views to determine the suitability of proposed expansions of existing businesses or construction of new businesses. This can be accomplished through requiring site plan review for construction and/or changes of use in this zoning district.

- d. Allow multiple uses on a single lot, as long as access, parking, and utilities are adequate.
4. The hamlets of Second Milo, Milo Center, and Himrod should be zoned Hamlet Residential, reflecting their character and mixed land uses.
  - a. Allow the creation or redevelopment of small building lots for hamlet developments. Small building lots are necessary in village/hamlet areas because they encourage a greater density of development.
  - b. Include provisions that support the development of street and pedestrian-oriented buildings.
  - c. Require buildings and infrastructure to be laid out in a traditional village pattern with traditional design features.
5. Encourage the use of “Cluster Development” practices in rural areas.
6. The zoning schedule should be referred to in the text of the zoning code, and the schedule itself expanded to include not only lot size, dimensions and setback requirements, but also permitted principal uses by district.
7. The off street parking schedule in section 29 should be a requirement for uses that are not subject to site plan review, but used as guidelines for the Planning Board’s review. This will provide the Planning Board with flexibility in dealing with site design, sharing facilities, and fostering conservation subdivision practices.
8. Other non-agricultural areas of the town remote from the lakefront should be zoned as rural/conservation areas with low residential density permitted.
9. Site plan review
  - b. A site plan review section needs to be added, including procedures, application requirements, and review criteria.
  - c. Include a sketch plan phase that is suggested but not mandatory. Sketch plan submission requirements should be sufficient to provide a general understanding of the project for the Planning Board and allow them to enter into informal discussions with the applicant.
  - d. Include criteria to incorporate protections for Scenic Views and Vistas (see Map 7).
  - e. Policy statements need to be added to reflect and enhance neighborhood character. This is especially important for commercial uses in the heavily traveled tourism corridors of State Rt 14 and 14A, and along the lakeshore. Include reference to the Design Standards and Guidelines Manual.
  - f. The town should require site plan review by the Planning Board for new construction and even minor construction in the denser residential areas of the town, near the lakeshore, and in the hamlets.
  - g. Development of commercial and industrial properties should require site plan review by the Planning Board.
  - h. Include environmental considerations as a component of Site Plan approvals. Site Plan review laws should be written to require developers to integrate environmental considerations, such as geology, topography, soil characteristics, vegetation, micro-climate, surface drainage, erosion, ground water, wetlands, and flood hazard areas, into proposed site plans. Furthermore, such regulations should require the reviewing board to consider the environmental impacts on those resources when reviewing proposed site plans
10. Lot coverage

- a. Lot coverage standards need to be reduced and the definition of coverage needs to include the entire ‘footprint’ of the roof area of the principal and all accessory buildings (not just the area inside the foundation of the primary building), and impervious paved areas in the lake front and near lake areas to ensure the area doesn’t become too densely developed and impact the lake through increased run off and the character of the area.
  - b. Lot coverage standards need to be applied to all portions of a lot where it is bisected by public or private right-of-ways.
11. The height of new or remodeled buildings needs to be regulated based upon the size of the lot, especially the width of the lot.
12. Residents should have the right to rebuild existing homes, even relocating them on the lot, without variances where the size (floor area and height) of the new or reconstructed home does not exceed that of the existing home and where any relocation of the building causes the home to be located more to the center of the lot and improves any existing, non conforming, setbacks.
13. Section 31, Signs, needs to be rewritten in its entirety. The existing section does not differentiate between residential and commercial signs, does not regulate off-premises signs, and does not address temporary signage. Off premises directional signs should be allowed to direct tourists to local businesses, but they should be standardized and coordinated in style and location. This may take administration by the town or possibly coordination through the local chamber of commerce.
14. Existing Appendix I, Performance Standards, needs to be reviewed, revised, and updated. Some of its standards are not legally enforceable on agriculture and other uses. It needs to be referenced in the text of the zoning code, and the standards differentiated by zone and in some cases by type of use. Some of the standards need to be held at the use’s property line as opposed to the zoning district boundary.
15. Excavation and Top Soil Removal
  - a. The Town should revise and update its existing local law, Town Code chapter 140-31(1) (2), relating to the extraction of stone, sand, and gravel. Changes in regard to ongoing inspection, the posting of security instruments to ensure compliance with required improvements and other conditions, including reclamation plans, and the removal of abandoned equipment, are obvious areas that need to be addressed. Consideration should be given to placing reasonable requirements on existing operators as well as for new operations.
  - b. Regulation of mining and extraction operations in section 31 should be amended to recognize the current standards for pre-emption by the New York State Department of Environmental Conservation and the State’s Mined Lands Act. Such uses should be subject to issuance of a special use permit. The town is allowed to regulate extraction operations below 1,000 cubic yards per year. During revision of the zoning law, the town should determine a reasonable standard for the size of operations to be regulated below the 1,000 cubic yard standard
  - c. The town should consider prohibiting new surface excavation operations in areas where scenic views and vistas have been identified.
16. Steep Slopes
  - a. The Town should establish a Steep Slope Overlay District to establish special density, erosion control, and stormwater management requirements for uses in this

district. This should encompass all areas in the town with steep slopes and in proximity to streams draining directly to and areas within 500 feet of Seneca or Keuka Lakes.

- b. The Town should require site plan review, including submission of an erosion control plan for non-agricultural disturbance of ground cover of as little as 800 square feet in these areas.
- c. The Town should require treatment of stormwater runoff from impervious surfaces prior to discharge from the site.

#### 17. Regulation of Signs

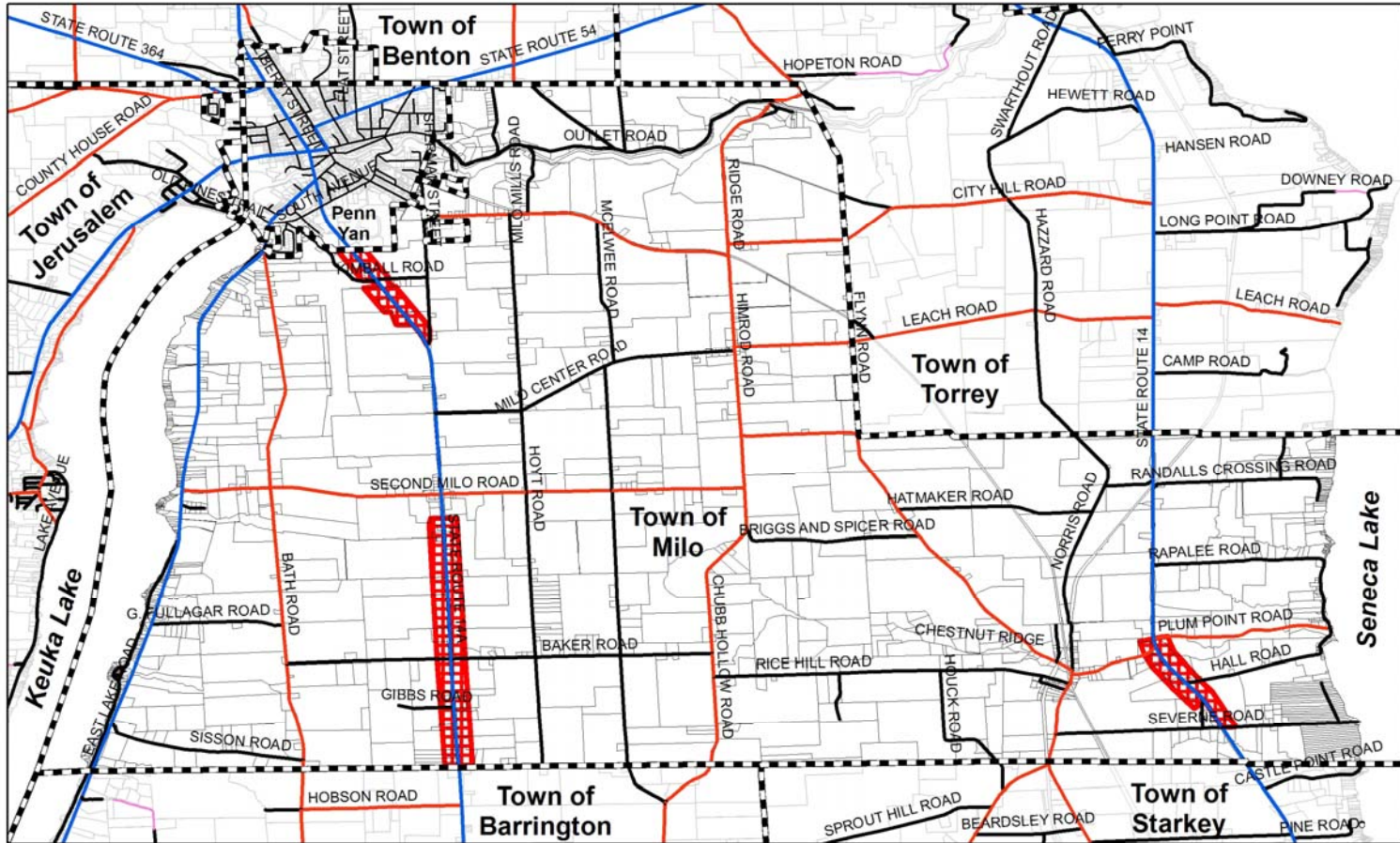
- a. The Town needs to adopt a comprehensive new sign regulation within its zoning local law to standardize the location, appearance, and type of signage allowed in the Town.
- b. The new regulation should also address the removal of disused, outmoded, and non-conforming signs. A reasonable amount of time should be established before mandatory removal of signs made non-conforming by the new zoning law, in order to allow amortization of the sign owner's investment.
- c. Standards for size, location, and appearance of business signs should be established based upon local speed limits.
- d. Interior illuminated signs should be either forbidden or the intensity of the lighting strictly regulated.
- e. Flashing, moving, and otherwise distracting signs should be prohibited, as they can become a distraction for drivers and thus a safety issue.
- f. The town should establish rules for temporary signs, including those for occasional events such as garage sales, special business events, etc. This is not the same as requiring a permit for such signs. Such temporary signs should be allowed a specified length of time to be displayed during the calendar year. This will allow the town to require removal of non-conforming signage.
- g. Rules must be established for if and under what circumstances off premises business signs will be allowed.
- h. The town should consider creation of unified business district, resort, or winery area signage on main roads to direct tourists and other interested customers to the areas where businesses are clustered.

#### 18. Townhouses and Multi-Family Dwellings

- a. Townhouses, apartments, and similar multifamily dwellings should not generally be allowed within the Town.
- b. Adequate provision must be made for the conversion of existing, large housing to be converted into multifamily use (apartments) where on-site water and waste-water disposal systems are adequate to support the use. Such conversions can preserve existing large residences that may otherwise be cost prohibitive for single occupancy.

#### 19. Tourist overlay businesses

- a. Tourist based businesses such as rural dining, especially family restaurants and higher end establishments catering to tourism, need to be allowed in tourist overlay districts located as shown on Map 26 on the following page.
- b. The size of such businesses and restaurants should be no more than 3,000 square feet or a capacity to serve no more than one hundred patrons.



**Legend**

 Tourist Commercial Overlay



Tax Parcel Information from Yates County Office of Real Property Tax

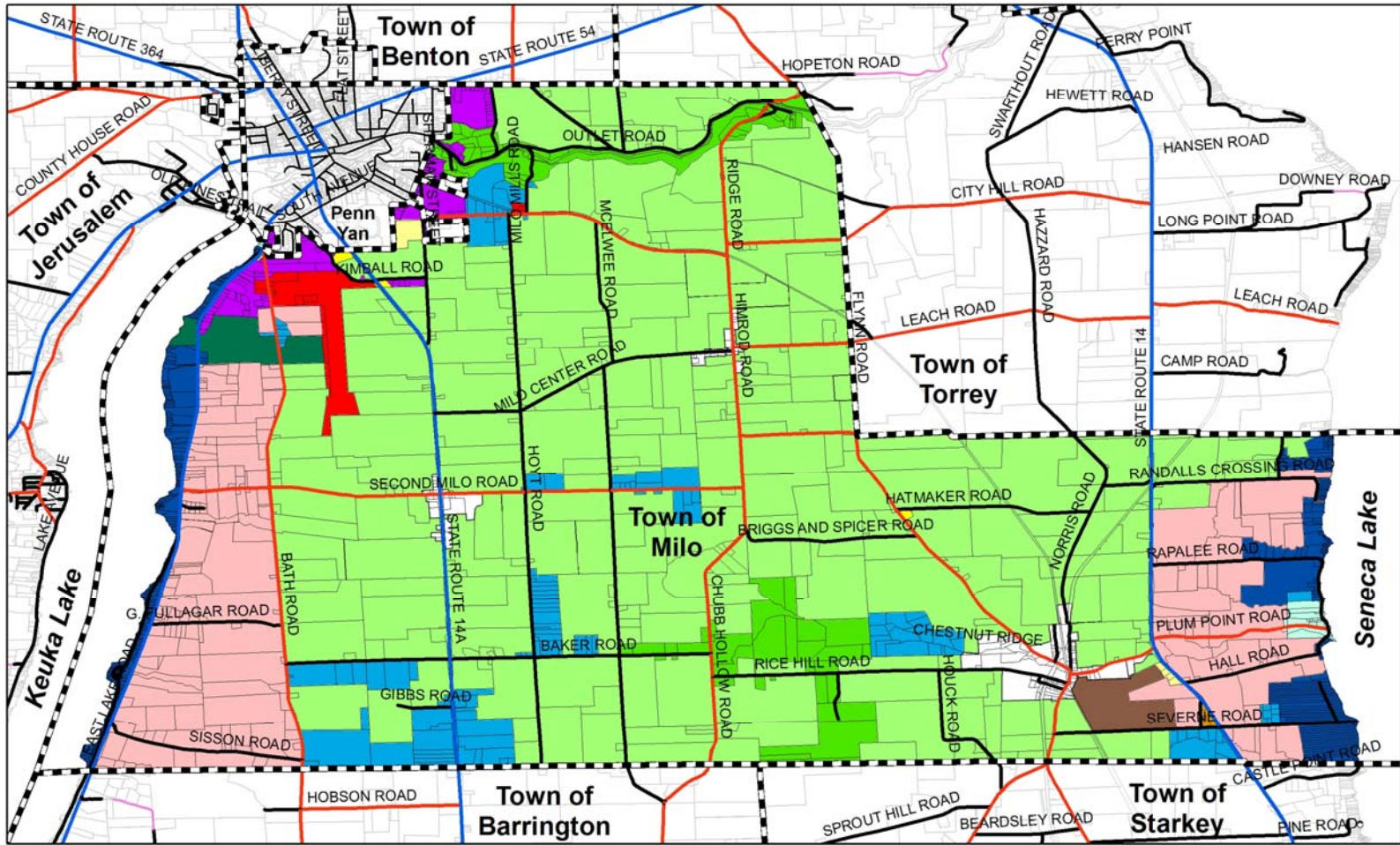
**Town of Milo  
Comprehensive Plan  
Future Land Use Plan  
Tourist Commercial Overlay**

**Map 26: Tourism Commercial Overlay Areas**

- c. The character of the architecture must reflect the Town's rural character. Natural siding, sloped roofs, requiring the use of architectural styles based upon or echoing the predominant late 19<sup>th</sup> century architectural styles prevalent in the area, and the avoidance of recognizable 'corporate architectural styles (like McDonald's famous golden arches) should be established as design standards.
  - d. Outside of the hamlets of Second Milo and Himrod, density should remain low to ensure the rural character of the area.
  - e. While driveways should be clearly visible, parking must be required to be visually screened from the public right-of-way and adjoining properties.
20. Encourage the use of "Green Building" techniques.
- a. For example, "green" developments may use native vegetation for surrounding landscaping instead of non-native species, reduce the "heat island" effect through the use of certain materials on roofs and paved surfaces, and reduce or eliminate stormwater runoff from the site.
  - b. Zoning laws should not discourage the residential development of permitted and commonly accepted alternative energy solutions, to the degree that such solutions do not infringe on the quality of life of neighbors and other residents. Examples include alternative energy infrastructure such as solar panels, small-scale wind turbines, geothermal heating systems, combined heat and power generating systems, and other innovative green energy systems.
21. Each identified special use in the zoning chapter must be provided with its own unique set of requirements and standards. Special use permit review authority should be transferred to the Planning Board. All special use permits should also be subject to site plan review. It should be at the option of the applicant as to whether to prepare and submit both a special use and site plan application at the same time and hold both public hearings simultaneously.
22. Regulation of industry and commercial uses, as well as other uses, should be tied to performance criteria—to mitigate the impact on adjacent properties—rather than just on the number of employees or type of business as the current zoning does.
23. The town should establish dimensional and appearance standards for residential construction to eliminate unsightly homes and build neighborhood character. It is not the goal of the Town to prohibit singlewide mobile homes on individual lots, but to maintain the character of neighborhoods where such homes would be incompatible. Within the confines of the County Agricultural District, the use of mobile homes or any type to provide housing for agricultural workers is protected by the New York State Department of Agriculture and Markets, and cannot be prohibited. The location, screening, and appearance of such housing, including a requirement for site plan review, can be controlled by the Town and should be to protect community character. For non-agricultural related housing, standards for 4 on 12 or 3 on 12 roof pitch, the appearance of a full perimeter masonry foundation, and horizontal siding can be established for all homes to meet. These are vitally important in some of the lakefront areas where a small, oblong rectangular, flat roof, one story structure would not be compatible with the neighborhood character.
24. The uses allowed in the Commercial district should be carefully reviewed to eliminate competition with the commercial districts within the village. A different mix of commercial uses should be allowed in the commercial area along State Rt 14 as opposed

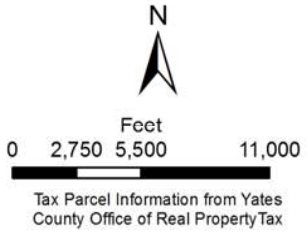
to other areas of the town because it is relatively remote from the Village of Penn Yan, and will not directly compete with commercial enterprises there. The scale of the commercial uses on State Rt 14 should still be controlled to serve the local and tourist population. It is important to allow wineries and their associated food and craft businesses, the sale of agricultural products, and even small hotels and bed and breakfast uses in the Town as these are all tourism based industries, support tourism, and don't generally compete with Village businesses.

25. Commercial uses along the State Rt 14A corridor should mostly be geared toward agriculture and tourism. Bulk foods and associated crafts businesses are the closest businesses within the town should be allowed to compete with the large grocery business within the village. Convenience stores should not be allowed.
26. Adopt a new Zoning Map complying with the Future Land Use Map (Map 25 on the following page).



**Legend**

- |                      |                               |
|----------------------|-------------------------------|
| Hillside Agriculture | Planned Commercial/Industrial |
| Enhanced Agriculture | Lakefront Residential         |
| Hamlet               | Lakefront Mixed Use           |
| Conservation         | Small Lot Residential         |
| Rural Residential    | Industry                      |
| Rural Industry       | Recreation                    |
| Tourist Commercial   | Commercial                    |



**Town of Milo  
Comprehensive Plan  
Future Land Use Plan**