

Town of Milo, New York

Department of Buildings
137 Main Street – Town Hall
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
Facsimile No.: (315) 536-9760
Email: codeofficer@townofmilo.com

GUIDE FOR APPLICANTS APPLYING FOR A SPECIAL USE PERMIT

This publication has been written to aid potential applicants in understanding and appreciating the Special Use Permit process, and to provide an explanation of the rules and standards under which Special Use Permit decisions of this Town's Planning Board (PB) must be made.

What is a Special Use Permit?

A variety of terms are used to describe Special Use Permits. They can be called "conditional use permits," "special exemption permits," or "special permits." All such terms refer to what State law terms Special Use Permits. State statute defines Special Use Permits as "authorization of a particular land use that is permitted in a local zoning law, subject to requirements imposed by such law to assure that the proposed use is in harmony with such law and will not adversely affect the neighborhood if such requirements are met."

In simpler terms, the Code of the Town of Milo list certain uses that are allowed but only after review and approval by the Town's Planning Board. This extra level of review is based upon a determination that some property uses require additional restrictions or conditions placed upon them to prevent unreasonable interferences with other properties. This permitting scheme recognizes that some uses are acceptable near others, but only if properly regulated.

Application Checklist: Please make ten (10) collated copies of each document, except for the application fee, and submit the application package to the Town's Code Enforcement Officer.

- Completed application that is signed by the owner of the property subject to such application.
- Application fee made payable to the "Town of Milo, New York."
- Complete the attached "Statement of Operations."
- Site plans that conform to the requirements of Section 140-30 of the Code of the Town of Milo.
 1. Such plans do not have to be prepared, signed or sealed by a registered professional or land surveyor but need to clearly show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine how the special use conforms to the applicable requirements of the Code of the Town of Milo. Please understand you're your failure to provide clear and accurate information might cause delays or even a denial of your application.
- Environmental Assessment Form. In accordance to state law, the Town of Milo, New York will execute an environmental review of your application. We have attached the short environmental assessment form (Short EAF) to this application but your proposal might be classified as a Type 1 action, which would require the full environmental assessment form (Full EAF) to be completed. For more information, please refer to the NYSDEC's website at <http://www.dec.ny.gov/permits/357.html>.
- A valid certificate issued by the Town Clerk of the Town of Milo that there are no tax liens on the property subject to the application and all taxes have been paid to date.

SPECIAL USE PERMIT – APPLICATION FORM

TOWN OF MILO, NEW YORK

Contact Information:

Owner(s) Name:

Owner(s) Address:

Owner(s) Telephone No.:

Real Property Information:

Address of Property:

Tax Parcel ID Number(s):

Brief Summary of Special Use Permit Request:

Occupancy Classification:

Existing occupancy classification of parcel:

Proposed occupancy classification of parcel:

Infrastructure:

Type of road access: Private Town County State

Type of water system: Private (well) Public

Type of wastewater system: Private (septic) Public

Miscellaneous Information:

- Is the area of proposed construction located on a steep slope? Yes No
- Does the property abut Keuka or Seneca Lakes? Yes No
- Does the property abut Keuka Lake Outlet or Plum Point Creek? Yes No
- Is the property located in a NYS certified agricultural district? Yes No
- Are any state and/or federal approvals required for this project? Yes No

Does this special use conform to the Town’s Schedule of Bulk and Coverage Controls?

- Yes No

Note: Please submit the required area variance application to the Town of Milo as part of this application if you answered “No” to this question. The Town’s Zoning Board of Appeals is required by state law to make a final determination pertaining to this variance prior to the Town’s Planning Board making its final determination for the proposed special use.

Are there any deed restrictions, covenants, etc.?

- Yes No

Note: If “Yes,” please submit a copy of all deed restrictions, covenants, etc. for this Board’s review and be prepared to explain them during the application review process.

STANDARDS APPLICABLE TO SPECIAL USES

The owner shall answer the following questions to the best of their knowledge and be prepared to justify their response to the Town of Milo, if requested during the review process.

Is it your opinion that the location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof?

- Yes No

Is it your opinion that the operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use?

- Yes No

CODE OF THE TOWN OF MILO – SECTION 140-30 / SPECIAL USES

The property owner and/or licensed land survey is hereby advised to review the requirements for the special use of land as prescribed within Section 140-30 of the Code of the Town of Milo. Such chapter is available for review at the Town’s website, which is located at <http://www.townofmilo.com> under the Code Officer’s section.

STATEMENT OF OPERATIONS

Please give a brief statement describing the existing and proposed uses at this property:

Please describe the proposed hours of operation for each use at this property:

Please describe the capacity of each use at this property:

1. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour or shift).

2. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour or shift).

Where are and how many parking spaces of each type will be provided at this property:

1. Standard parking spaces:
2. Accessible (a.k.a. handicap) parking spaces:
3. Loading platforms:

If any hazardous materials or organic compounds, as defined by state or federal law, will be handled, stored or generated at the property, please describe the name, quantity and disposal method of such material and/or compound.

AGREEMENT TO PAY FEES FOR CONSULTANT SERVICES 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 account for this purpose. Expenditures from this account may be made at the direction of the Town Clerk without further appropriation. Expenditures from this account 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 account attributable to a specific project shall be repaid to the property owner in interest. A final report of said account 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 (GML SECTION 809)

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

- A. 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.
- B. 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:
 - 1. is the applicant;
 - 2. is an officer, director, partner or employee of the applicant;
 - 3. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
 - 4. 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.
- C. 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.
- D. 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.

SIGNATURE OF PROPERTY OWNER

The contents of this entire application is hereby subscribed by the property owner, all matters understood and agreed to, and is hereby affirmed by the property owner as true under the penalties for perjury.

Property Owner's signature

Date:

Property Owner's name:

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER
1

Reset

TOWN OF MILO, NEW YORK

Agricultural Data Statement

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____

1. Type of Application: Special Use Permit; Site Plan Approval ; Use Variance;
(circle one or more) Subdivision Approval

2. Description of proposed project: _____

3. Location of project: Address: _____
 Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? NO YES (Check with your local assessor if
 5. If YES, Agricultural District Number _____ you do not know)
 6. Is this parcel actively farmed? NO YES
 7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____ Date _____
 Signature of Municipal Official

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

