

# Town of Milo, New York

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## GUIDE FOR APPLICANTS APPLYING FOR A PERMIT FOR DOCKING AND MOORING

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

### ***Why must I obtain a permit for docks and moorings at Keuka Lake?***

The Code of the Town of Milo, specifically Chapter 83, requires that a Permit be issued for constructing and reconstructing docks or platforms and installing moorings on, in or above navigable waters to create docking facilities, mooring areas or to facilitate other activities at Keuka Lake. Some examples of activities requiring a permit are:

- installation of a floating dock or dock constructed on piles;
- establishment of a marina consisting of multiple docks and ramps, breakwaters and other in-water structures;
- installation of a platform to accommodate a use or activity on or above the water (i.e., deck, boathouse);
- reconstructing an existing dock, pier, or wharf;
- substantially changing the use of an existing dock or platform; and,
- the installation of mooring devices.

### ***What is a docking or mooring facility?***

A docking facility is any marina, boat basin, marine terminal and any other areas on navigable waters containing a single structure or a collection of related structures such as docks, piers, bulkheads, breakwaters and pilings used for the reception, securing and protection of boats, ships, barges or other watercraft. A mooring facility is defined as any device that is fixed in navigable waters to which a vessel can be made fast including buoys, chains, ropes, piles, spars and dolphins. A platform is generally a flat surface located in, on or over a water body, on which structures can be constructed or activities can be conducted.

### ***What types of activities are exempt from obtaining a permit?***

The most common activities which are exempt from the requirement to obtain a permit for a Dock and Mooring Facility are:

- Temporary anchoring where a boat is not attached to an in-place or fixed mooring device.
- The seasonal replacement or reinstallation of floating docks and other structures.
- The ordinary maintenance and repair of structures such as repainting, re-driving piles or replacing boards in docks. Ordinary maintenance and repair does not include substantial reconstruction or restoration involving 50 percent or more of an existing structure.

***Application Checklist: Please make three (3) collated copies of each document, except for the application fee, and submit the application package to the Town's Code Enforcement Officer.***

- |   |   |
|---|---|
| <input type="checkbox"/> Completed application form | <input type="checkbox"/> Site plan              |
| <input type="checkbox"/> Application fee            | <input type="checkbox"/> Construction documents |

# APPLICATION FOR PERMIT FOR DOCKING AND MOORING

## TOWN OF MILO, NEW YORK

**WHEN TO USE THIS FORM:** *This form is to be used by an owner seeking to construct a permanent dock, wharf and mooring at Keuka Lake.*

### Contact Information:

Owner(s) Name:

Owner(s) Address:

Owner(s) Telephone No.:

Contractor's Name:

Contractor's Address:

Contractor's Telephone No.:

### Real Property Information:

Address of Property:

Amount of Lake Frontage (feet):

*Note: The lake shoreline footage determines the permitted number of docks and the number of moorings for boats. This includes boats attached to docks, boat hoists or stations, mooring buoys or boathouses. The number of docks and moorings permitted is specified in § 83-6 of the Code of the Town of Milo.*

### Type of Activity:

New Facility Construction     Substantial Reconstruction     Expansion     Change of Use

### Existing Docking and Mooring Facilities:

Maximum number of boats that can be docked:

Maximum number of boats that can be moored:

Boat type and size ranges that can be served:

Total surface area of existing facility perimeter:

### New Docking and Mooring Facilities:

Maximum number of boats to be docked:

Maximum number of boats to be moored:

Boat type and size ranges to be served:

Total surface area of proposed facility perimeter:

**Project Information:**

Identify structure types and the use of such structures, including size, type of construction and materials to be used. If substantial reconstruction is proposed, explain extent of activity including percentage of the total structure size affected.

Type of Construction:

Stake     Crib     Pile     Articulating     Other:

Proposed Use of Dock, Wharf or Mooring:

Residential     Commercial     Association     Public     Other:

Utilities to be provided:

Water Supply     Sewage Disposal     Electric Supply     Fuel Supply     Gas Supply for Heating Purposes

**Site Plan:** A site plan shall be submitted to the Code Enforcement Officer for review and shall conform to the following requirements:

1. A site plan shall be drawn to scale and shall contain a description of the existing and proposed berthing and mooring facilities, showing at a minimum: name, address, parcel boundaries, tax map number of the lakeshore parcel; the lake shoreline footage; the water rights lines; the mean high water tie line; the depth of the lakeshore bottom; and the proposed setbacks.
2. A site plan shall be prepared, signed and sealed by a New York State registered architect, landscape architect, engineer, or surveyor in accordance with the New York State Education Law.

**Construction Documents:** Construction documents such as a plan view and cross-section shall be submitted to the Code Enforcement Officer for review and must be drawn to scale with dimensions given and illustrates the location and extent of work.

## **CODE OF THE TOWN OF MILO – CHAPTER 83**

The property owner and his/her/their design professional is hereby advised to review the requirements for docking and mooring facilities as prescribed within Chapter 83 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.

## **DISCLAIMER – STATE AND FEDERAL APPROVALS**

1. The determination that no permit is required or the issuance of a permit from the Town of Milo does not necessarily mean that no permit is required from the NYSDEC and/or United States Army Corps of Engineers. All parties considering constructing projects within the navigable waters of the State should consult directly with the NYSDEC and United States Army Corps of Engineers to accurately determine what requirements apply.
2. The construction, reconstruction or expansion of docking or mooring facilities on, in or above state-owned lands under water requires authorization from the New York State Office of General Services. For application requirements contact: New York State Office of General Services, Division of Real Property Planning, Bureau of Land Management, Empire State Plaza, Corning Tower, 26th Floor, Albany, NY 12242. A permit pursuant to Article 15, Title 5 of the Environmental Conservation Law may not be required from the Department of Environmental Conservation in these circumstances.

## **PERMISSION TO INSPECT PROPERTY**

By signing this application for a permit(s), the signer consents to inspection by Town staff 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. This consent allows Town staff to enter upon and pass through such property in order to inspect the project site or facility, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If Town staff should wish to conduct an inspection at any other times, Town staff will so notify the applicant and will obtain a separate consent for such an inspection. Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes Town staff to disregard such notices or unlocked gates at the time of inspection. The signer further agrees that during an inspection, Town staff 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 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 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 (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.

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

I attest that the information contained in this permit is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit 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:**

**Property Owner's name:**

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## AUTHORIZED REPRESENTATIVE FORM

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**WHEN TO USE THIS FORM:** *This Authorized Representative form is enclosed if the owner wants to authorize someone to represent him/her/they regarding an Application submitted to the Town of Milo. Please complete this form and submit it to this Town's Code Enforcement Officer. Lastly, the designation of an Authorized Representative does not relieve the Owner from his/her/their responsibility to comply with applicable local, state and federal laws.*

Owner's Name:

Owner's Address:

Owner's Telephone No.:

Representative's Name:

Representative's Address:

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 authorizes this Town 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 )

SS.:

COUNTY OF )

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