

**TOWN OF MILO • YATES COUNTY**

**LOCAL LAWS REVIEWED:**

- Code of the Town of Milo, New York, v13. Updated: 09-15-2007
  - Includes Subdivision (Ch. 120) and Zoning (Ch. 140) among others (see Appendix D for full list)
- Comprehensive Plan for the Town of Milo. April 1971

<b>TOWN OF MILO LOCAL LAND USE ASSESSMENT</b>			
<b>Issues to Consider</b>	<b>Law Citation</b>	<b>Summary</b>	<i>Notes</i>
<b>Adult Entertainment Uses</b>			
<b>Aesthetic and Scenic Resources</b>	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Agriculture/Conservation, page 8.	“Retain the rural character of the town and the scenic beauty of the farmlands and . . . prevent proliferating scattered roadside development.”	
	Town Code, Ch 120 Subdivision of Land. §120-17 (E) Preservation of Natural Features	(3) Where a subdivision is traversed by a natural lake, pond, or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes shall be in accordance with the NYS Stream Conservation Law or successor law and/or regulations in effect at the time of the approval of the final subdivision plat.	
	Town Code, Ch 120 Subdivision of Land. §120-17 (E) Preservation of Natural Features	(4) Unique physical features, such as historic landmarks sites, rock outcroppings, hilltop lookouts, desirable natural contours, and similar features, shall be preserved if possible.	
	Town Code, Ch. 140. Zoning, § 140-22. General landscaping regulations.	Establishes rules pertaining to fencing and other vision obstructions; any unenclosed permitted use shall be obscured from view from abutting R and RR Districts and from the public right-of-way.	
<b>Affordable Housing</b>			

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<b>Agricultural Practices</b>	Town Code, Ch 85, Farming.	Recognizes farming as an essential enterprise and important industry. States that agricultural practices should not be considered to be a nuisance if they are conducted: in a manner which is not negligent or reckless; in conformity with generally accepted and sound ag. practices; in conformity with local, state, and federal laws; and conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways. Creates an Agricultural Advisory Committee to: discuss issues pertaining to farming; report annually to the Town Board; advise the Town Board in relation to the agricultural district; review developments that may affect Town ag. zoning districts; tend to Dispute Resolutions by committee.	
<b>Alternative Energy</b>			
<b>Brownfields</b>			
<b>Critical Habitat and Species Protection</b>			
<b>Commercial Dog Breeding Operations</b>	<i>See notes re: Chapter 59, Animals</i>		Chapter 59, Animals, includes extensive language on kennels and dog control; this does not conform to the parameters of the issue 'commercial dog breeding operations' however.
<b>Commercial Wind Energy</b>			
<b>Docking and Mooring</b>	Keuka Lake Uniform Docking and Mooring Law (included as Chapter 83, Docking and Mooring).	Regulates "lakeshore docks, moorings and other structures in or on the waters of Keuka Lake" including regulating placement and configuration of mooring and berthing facilities and dock configuration. Additional requirements are based on the use of each lakefront property.	
<b>Driveways</b>	Town Code, Ch 140, Zoning. Article VI, Supplementary Regulations Governing Certain Uses, § 140-29.1. Private Roads	Establishes construction standards and approval process for the construction of private roads.	
<b>Erosion and Sediment Control</b>	Town Code, Ch. 66, Building Construction and Fire Prevention, Article II, Steep Slope Construction, §66-9. Compliance with erosion control methods	That the Town of Milo will require all applicants who file for building permits on properties containing slopes in excess of 10% to comply with erosion control methods as set forth in the following publications: (A) New York State Dept. of Transportation, Standards Spec's (latest ed.) and (B) Model Grading and Sediment Control Ordinance, with Procedure to Estimate Soil Loss Resulting from Water Erosion and Conservation Practice Standards and Spec's for Urban Area.	

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	Town Code, Ch 120 Subdivision of Land. §120-17 (E) Preservation of Natural Features	(1) Topsoil shall be removed and stockpiled during construction from all areas where soil is to be either cut or filled. Said stockpile is to be seeded if it is not reused as specified herein within 14 days. After construction, all areas not built or paved upon shall be covered with topsoil applied to a depth of not less than six inches. All said covered areas shall be established by seeding or planting. At no time shall topsoil be removed from the subdivision without written permission from the Planning Board.	
<b>Farmland Preservation</b>	Town Code, Ch. 140. Zoning, § 140-10. AC Agricultural Conservation District.	Creates a zoning district to “reserve land for agriculture purposes by inhibiting urban growth and development; to conserve the scenic beauty of the town.”	
	Yates County, New York Agricultural Development and Farmland Enhancement Plan (2004)	Sets forth general policies and goals for the preservation and enhancement of farmland within Yates County	
	Comprehensive Plan, Summary Narrative, Land Use Policies, Agriculture, page 2.	“Some of the upper slopes overlooking Seneca and Keuka Lakes should be conserved because of the combination of factors making these areas suitable for the growing of grapes. Agriculture in other areas of the . . . should be encouraged and conserved through the use of development controls.	
	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Agriculture/Conservation, page 8.	“Preserve good agricultural areas in the town and insure that farming . . . will not be disrupted by ill-planned development.”	
<b>Filling and Grading</b>	Town Code, Ch. 90 Flood Damage Prevention, § 90-2. Purpose.	One of the stated purposes of this law is to “control filling, grading, dredging and other development that may increase erosion or flood damage.” However, no specific mention of filling, grading, or dredging exists in this chapter.	
<b>Flag Lots</b>	Town Code, Ch. 140. Zoning, 140-23. Resort Residential lake frontage	(A) Rights-of-way and/or easements. No person...shall deed, grant, sell, give, permit or lease a right-of-way or an easement to the lakeshore...of less than 100 feet minimum width for each dwelling unit served. The minimum required area for a dwelling unit in an RR District shall not include the area of any right-of-way or easement deeded, granted, sold, permitted, conveyed, given or leased. (B) Multiple-dwelling development or planned subdivision. Any multiple-dwelling development or planned subdivision with RR District lakeshore land used as a common recreation area shall have a minimum of 50 feet of lot width for each dwelling unit served.	
<b>Flood Prevention</b>	Town Code, Ch 120 Subdivision of Land. §120-17 (F) Floodplain.	If any portion of the land within the subdivision is subject to inundation or flood, as shown on the US Department of Housing and Urban Development Flood Insurance Rates map, such fact and portion shall be clearly indicated on the preliminary plat and the prominent note on each sheet of such map whereon any such portion shall be shown.	

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<b>Flood Plain Management</b>	Town Code, Ch. 90. Flood Damage Prevention	This chapter is adopted in response to revisions to the National Flood Insurance Program. Any construction or development requires within areas of special flood hazard, as shown on the Flood Insurance Rate Map, a floodplain development permit. Certain design requirements regarding utilities, anchoring, construction materials/methods, and drainage must be met as conditions for permit approval. The Code Enforcement Officer is appointed local flood plain administrator. This administrator is in charge of reviewing all floodplain development permits for development to be undertaken in areas of special flood hazard within the town.	
<b>Forest Management</b>			
<b>Green Infrastructure</b>			
<b>Growth Management</b>	Town Code, Ch. 140. Zoning, § 140-28.Planned Unit Developments.	(1) The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open space. (2) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.	
	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Residential, page 5.	““Provide for a variety of housing types in the community,” “Include a ‘planned unit development’ provision in the zoning ordinance,”	
	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Commercial, page 6.	“Encourage consolidation of highway oriented uses into and appropriate and prominent location;” “Designate a main highway commercial center;” “Encourage development of a special area to serve the seasonal needs of tourists and vacationers as well as the general traveling public.”	
<b>Harbor Management</b>			
<b>Historic Preservation</b>	Town Code, Ch 120 Subdivision of Land. §120-17 (E) Preservation of Natural Features	(4) Unique physical features, such as historic landmarks sites, rock outcroppings, hilltop lookouts, desirable natural contours, and similar features, shall be preserved if possible.	

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<b>Impervious Surfaces</b>	Town Code, Ch. 140. Zoning, § 104-29. Off-street parking.	Enumerates dimensional standards and minimum quantity requirements for parking spaces based on use.	Note: these sections should not be construed as a Best Management Practices. Such regulations may, in fact, result in excessive parking and unnecessary impervious surface area.
<b>Intermunicipal Cooperation</b>	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems; management of other additional threats to Keuka Lake; drafting of model ordinances; and meeting Part 157.1 of Title 10 of the New York Code of Rules and Regulations, as promulgated by the Dept. of Health under authority of section 1100 of the Public Health Law.	
	Keuka Lake Uniform Docking and Mooring Law.	Cooperative agreement with all Villages and Towns surrounding Keuka Lake that regulates “lakeshore docks, moorings and other structures in or on the waters of Keuka Lake.”	
<b>Junkyards</b>	Town Code, Ch. 98, Junkyards.	Establishes licensure for the operation or establishment of a junkyard within the town. Requires public hearing on the application. Junkyards must conform to established aesthetic regulations.	
	Town Code, Ch 130, Vehicles, Outdoor Storage of. §130-2 Purpose.	The outdoor storage of unlicensed/unregistered and junked motor vehicles on privately owned property or within a public right-of-way within the Town of Milo is detrimental to the health, safety and general welfare of the community. The same also constitutes an attractive nuisance to children and in many ways imperils their safety. Such storage also endangers the person and property of members of the community, since fuel tanks still containing gasoline fumes may easily explode. Such storage is unsightly and depreciates all property values...	
	Town Code, Ch. 140. Zoning, Miscellaneous uses. § 140-31(E) Outdoor storage areas, including junkyards and automobile wrecking.	“Such uses shall not be located within 300 feet for the nearest R District and the operation thereof shall be governed by the regulations contained in Chapter 98, Junkyards.	
<b>Lake Access</b>	Comprehensive Plan, Summary Narrative, Land Use Policies, Residential, page 1.	“The lakeshore area should have improved access roads and the placing of lakeshore public use areas are important goals.”	
<b>Mining</b>	Town Code, Ch. 140. Zoning, Miscellaneous uses. § 140-31(A) Extraction of stone, sand and gravel.	Limits extractive operation to more than 300 feet to the adjacent property unless the adjacent property owners are in signed agreement. Additional a plan for restoration and possible future uses shall be included shall be filed with the Planning Board. Upon approval, the Zoning Board of Appeals shall issue a use permit for a period of two years.	
<b>Mobile Homes &amp; Mobile Home Parks</b>	Town Code, Ch 140 Zoning, Article VII Mobile Homes. §140-33	Sets forth basic standards and specifications for mobile home parks.	

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<b>Nonpoint Source Pollution</b>	Town Code, Ch. 134. Wastewater Management	Creates several regulations for the disposal of wastewater including, but not limited to: rules and regulations for the disposal of human excreta; standards for wastewater systems for new construction; standards for replacement wastewater systems; inspections and surveys; holding tanks; and aerobic tanks. Establishes two water quality protection zones: Zone 1 or the "critical water protection zone" includes all lands within 200 feet of a lake and/or watercourse. All other lands within the town are considered Zone 2. Systems in Zone 1 are required to have an inspection every three to five years.	
<b>Onsite Wastewater</b>	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems...	
	Town Code, Ch. 134. Wastewater Management	Creates several regulations for the disposal of wastewater including, but not limited to: rules and regulations for the disposal of human excreta; standards for wastewater systems for new construction; standards for replacement wastewater systems; inspections and surveys; holding tanks; and aerobic tanks. Establishes two water quality protection zones: Zone 1 or the "critical water protection zone" includes all lands within 200 feet of a lake and/or watercourse. All other lands within the town are considered Zone 2. Systems in Zone 1 are required to have an inspection every three to five years.	
	Comprehensive Plan, Planning Policy Chart, Commercial Facilities Plan, Utilities and Refuse Disposal, page 9.	"Prevent future pollution of Seneca and Keuka Lakes and also prevent surfacing of sewage effluence into roadside ditches."	
<b>Open Space Preservation</b>	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Agricultural/Conservation, page 8.	"Convert uneconomic agricultural land such as marshy areas and steep slopes, to suitable alternatives" such as open space preservation.	
<b>Purchase of Development Rights</b>			
<b>Recreation</b>	Town Code, Ch. 120. Subdivision of Land, Article IV, development Standards for Subdivisions, § 120-17. Design Standards (I) Parks, Playgrounds or Open Space.	(1) Land shall be preserved for park, playground, open space, or other recreational purposes in locations designated on the Comprehensive Plan, Town Master Plan, or elsewhere where the Planning Board deems that such reservations would be appropriate. Each reservation shall be of an area equal to 30% of the total land within the subdivision... (2) Where a subdivision is too small to establish an adequate recreation site; where the land in a subdivision is unsuitable in character; or where the Town Comp. Plan or good planning judgment would not locate a recreation area, the applicant will be required to provide a cash equivalent to be determined by the Town Board...	
	Town Code, Ch. 140. Zoning, § 140-36. Campsites.	Enumerates requirements for privately owned campsites regarding drainage, improvements, garbage, recordkeeping, and inspections.	

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	Comprehensive Plan, Summary Narrative, Community Facilities Policies, page 2.	“The Keuka Lake Outlet should be designated for recreational use. It should be set aside for conservation and recreational uses with the possibility of future, development for picnicking, camping, and other attractions.”	
<b>Riparian Buffers</b>			
<b>Road Layout &amp; Design</b>	Town Code, Chapter 114, Streets and Sidewalks	Intended to manage the development and construction of new road and sidewalk facilities within the town. Sets design and construction specifications for facilities.	
	Town Code, Ch. 120. Subdivision of Land, § 120-17. Design Standards.	States required design standards for subdivisions with regard to street layout. These standards include: curvilinear street pattern design; design to allow access to adjacent properties; other considerations pertaining to transportation safety and access management.	
	Comprehensive Plan, Summary Narrative, Thoroughfare Policies, page 2.	“In order that . . . land use objectives can be achieved, a network of modern thoroughfares is necessary throughout the area. Route 14, 14A, and 54 should be maintained as important arteries in this area, in order to constantly serve a countywide and regionwide function. County Roads 604, 605, and 904 should be maintained as the main links to the major arteries and to the rest of the township.”	
<b>Road Ditching</b>			
<b>Senior Housing</b>			
<b>Sewer and Water Infrastructure</b>	Town Code, Ch 136, Water	Establishes use regulations for the Milo Water District No. 1 and extensions.	
	Town Code, Ch 110, Sewers	Establishes use regulations for the Milo Sewer District. Connection to the system is mandatory. Sets regulations for managing discharges to the system and system maintenance.	
	Comprehensive Plan, Summary Narrative, Community Facilities Policies, page 2	“Utility services should provide for an adequate level of services for present development and should be programmed, also, to serve future land use.”	
<b>Sign Control</b>	Town Code, Ch 140, Zoning. Article VI, Supplementary Regulations Governing Certain Uses, § 140-31. Miscellaneous Uses. C. Signs	Signs may be erected and maintained only when in compliance with the following provisions: (10 Prohibited signs. The following signs are prohibited: (a) signs which are structurally unsafe or in disrepair. (b) signs located in such a manner as to obscure, obstruct or otherwise interfere with the effectiveness of any official traffic sign, signal or device.  Law further delineates acceptable sign design and placement	

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<b>Sourcewater Protection (or wellhead protection)</b>			
<b>Steep Slopes</b>	Town Code, Ch. 66, Building Construction and Fire Prevention, Article II, Steep Slope Construction, §66-8. Provisions for sloped land	Future construction on parcels of land within the Town of Milo having slopes in excess of 15% will include measures to mitigate potential environmental impacts resulting from said construction.	
<b>Streambank Protection and Restoration</b>	Town Code, Ch 120 Subdivision of Land. § 120-17 (E) Preservation of Natural Features	(3) Where a subdivision is traversed by a natural lake, pond, or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes shall be in accordance with the NYS Stream Conservation Law or successor law and/or regulations in effect at the time of the approval of the final subdivision plat.	
<b>Stormwater Management and Drainage</b>	Town Code, Ch. 120. Subdivision of Land, § 120-17. Design Standards. (C) Easements	Easements shall be provided for all natural drainageways...All easements shall be plotted on the preliminary plat and final subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of 20 feet. Where a subdivision is traversed by a drainageway, channel, or stream, a drainage way easement conforming substantially with the lines of such watercourse shall be provided. The easement shall be a minimum of 20 feet wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance...	
	Town Code, Ch 120 Subdivision of Land. Article V, Improvements §120-18 Improvements Required	(b) Storm drains, culverts, catch basins, and other drainage structures. Shall be installed in accordance with the standards and specifications on file in the Town of Mile Code Enforcement Office and in accord with the final map approved by the Planning Board.	
<b>Traditional Neighborhood Development</b>	Town Code, Ch. 140. Zoning, § 140-28.Planned Unit Developments.	(1) The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open space. (2) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.	
	Comprehensive Plan, Summary Narrative, Land Use Policies, Residential, page 1.	“Residential development should be channeled into” the areas South an East of the Village of Penn Yan. “The residential areas should be clustered in logical sub-neighborhood units separated and served by open green areas.”	
<b>Transfer of Development Rights</b>			

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<b>Transit Supportive Development</b>			
<b>Vegetation Retention</b>	Comprehensive Plan, Summary Narrative, Land Use Policies, Agriculture, page 2.	“. . . the conservation of woodlands should be encouraged and conserved through the use of development controls.	
	Town Code, Ch 120 Subdivision of Land. §120-17 (E) Preservation of Natural Features	(2) To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. No tree with a circumference of 25 inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street or in a construction area as shown on the final subdivision plat...	
<b>Waste Storage</b>	Comprehensive Plan, Planning Policy Chart, Commercial Facilities Plan, Utilities and Refuse Disposal, page 9.	“Correct the nuisances of the present town dump, particularly pollution of Seneca and Keuka Lakes, and provide sufficient capacity for future waste disposal requirements.”	
<b>Watercourses, Permitted Uses of</b>			
<b>Waterfront Development and Management</b>	Comprehensive Plan, Summary Narrative, Land Use Policies, Residential, page 1.	“Development controls (around the lakeshore) are needed to insure a good standard of development.”	
	Comprehensive Plan, Planning Policy Chart, Land Use Plan, Residential, page 6.	“Encourage concentrated housing development along the east side of Route 54 on Keuka Lake.”	
	Town Code, Ch. 140. Zoning, § 140-14. RR Resort Residential District.	Creates zoning “districts best suited for resort and residential development because of access, location, existing uses and facilities and natural features.” Principal and special uses are listed in this section.	
	Town Code, Ch. 140. Zoning, § 140-23. Resort Residential lake frontage	Limits any right-of-way to the lakeshore to at least 100 feet in width for each dwelling served and any common recreation area for a multiple-dwelling development or planned subdivision to at least 50 feet in width for each dwelling unit served.	
<b>Wells</b>			
<b>Wetlands</b>			