

TOWN OF MILO, NEW YORK

Department of Code Enforcement and Administration
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APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE

Part 1. Contact Information.

Property owner(s) name:
Property owner(s) address:
Property owner(s) telephone:

Part 2. Real Property Information:

(Note. If you are unsure of the property's tax map identification numbers and zoning district, the Code Enforcement Officer can provide this information to you.)

Address of property:
Tax Map Identification No.:
Zoning District:

Part 3. Scope of Work.

(Note. For signs, please complete the Application for a Certificate of Zoning Compliance – Signage.)

- Agricultural Building Addition Alteration Change of Use Fence
 Home Occupation New Structure Relocated Structure Retaining Wall Shed
 Other (please describe)

Description of proposed work:

C. Estimated cost of proposed work: US Dollars.

(Note. Estimated cost should not include purchase price of land, Registered Design Professional fees or any other fees that are not applicable to the actual cost of construction.)

Part 4. Zoning Information.

(Note. Please complete the following information and write "N/A" if it does not apply to your proposed project.)

A. Is a survey attached?

Yes No N/A

(Note. If "No," please answer the following questions pertaining to the lot of record and the proposed work.)

Front Yard: feet Side #1 Yard: feet Building Height: feet
Rear Yard: feet Side #2 Yard: feet Building Coverage: (%)

(Note. Please understand that any new structures or additions thereto need to comply with the applicable provisions of the Zoning Law of the Town of Milo. For that reason, please review the attached figures that should help you provide these required dimensions in order for the Code Enforcement Officer to ascertain compliance. In addition, the building coverage is the ratio of the total footprint area of all structures, whether defined as an accessory structure or principal building, on a lot of record to the area of such lot, which shall be expressed as a percentage (%). Lastly, the Code Enforcement Officer can assist you if any concerns or questions arise.)

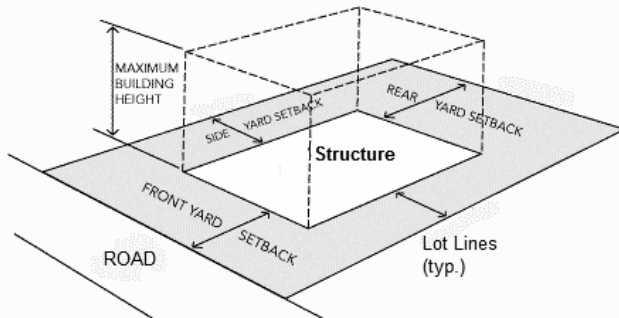


Figure 1 – Yards

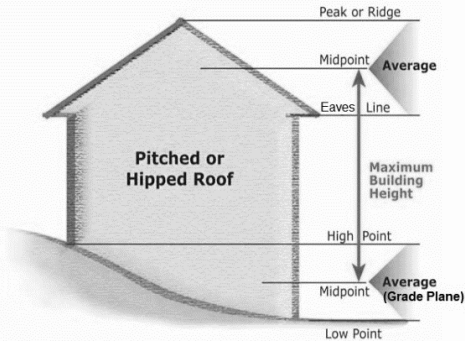


Figure 2 – Maximum Building Height

B. Is the proposed project location accessible by an approved road?

Yes No N/A

(Note. Please understand that §280-a of the Town Law of NYS prohibits permits to be issued for the erection of a structure unless it is accessible by an approved road, which can be a private road or a public road. Please further understand that access is defined as the lot of record, which the proposed work is proposed to be performed, abuts an approved road. Landlocked lots of record that have access by easement only does not conform to this requirement.)

C. Fire Separation Distance (FSD) between structures:

feet

(Note. The Uniform Code has requirements pertaining to fire separation distances between structures on a same lot of record as well as lot lines. Please contact the Code Enforcement Officer to ascertain the applicable requirements of the Uniform Code.)

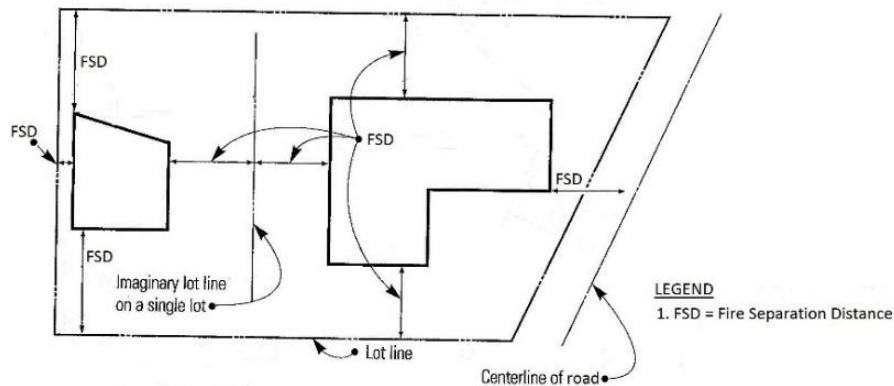


Figure 3 – Fire Separation Distance (FSD) between Structures

D. What is the amount of off-road parking spaces that exists or is being created at this lot of record?

parking spaces

(Note. The Zoning Law of the Town of Milo requires off-road parking spaces to be provided and the amount of such spaces depends on the occupancy/use of such structure. For example, a single unit dwelling is required to have a minimum of 2 off-road parking spaces.)

E. Does the existing or new driveway have a length greater than 150 feet for nonresidential uses or 300 feet for residential uses, which such measurement is taken from an approved road?

Yes No N/A

(Note. If "Yes," the driveway shall conform to the applicable provisions of the Fire Code of NYS. If a building is protected by an automatic sprinkler system, the length of the driveway can increase to 300 feet for nonresidential uses or 500 feet for residential uses.)

F. Is the location of the work in a designated flood hazard Zone A per the Flood Insurance Rate Map?

Yes No N/A

(Note. If "Yes," compliance with the Flood Damage Prevention Law of the Town of Milo is required and a FEMA Flood Elevation Certificate might need to be completed. Please contact the Code Enforcement Officer to ascertain the applicable requirements for work conducted within a designated flood hazard Zone A.)

G. Is the location of the work in a designated wetland?

Yes No N/A

(Note. If "Yes," compliance with state and/or federal laws are required. Please contact the applicable state and/or federal regulatory agency and obtain all necessary approvals.)

H. Is the location of the work on the lake side of the mean high water line/mark? Yes No N/A
 (Note. If "Yes," such lands are owned by NYS. Please contact the NYSDEC, Region 8, at (585) 226-5366 and obtain all necessary approvals.)

I. Is the location of the work less than ten (10) feet from a perennial stream? Yes No N/A
 (Note. If "Yes," erosion and sediment control drawings shall be incorporated into the construction documents and such drawings shall be sealed/signed by a registered design professional. Any alteration of a perennial stream requires approval from the NYSDEC. The Town of Milo highly recommends contacting Yates County Soil and Water at (315) 536-5188 if such work is located within such setback distance.)



Figure 4 – Minimum Stream Setback

J. Will the scope of work disturb a steep slope (i.e., slopes greater than 15%)? Yes No N/A
 (Note. If "Yes," erosion and sediment control drawings shall be incorporated into the construction documents and such drawings shall be sealed/signed by a registered design professional. The Town of Milo highly recommends contacting Yates County Soil and Water at (315) 536-5188 to assist you in protecting such steep slopes.)

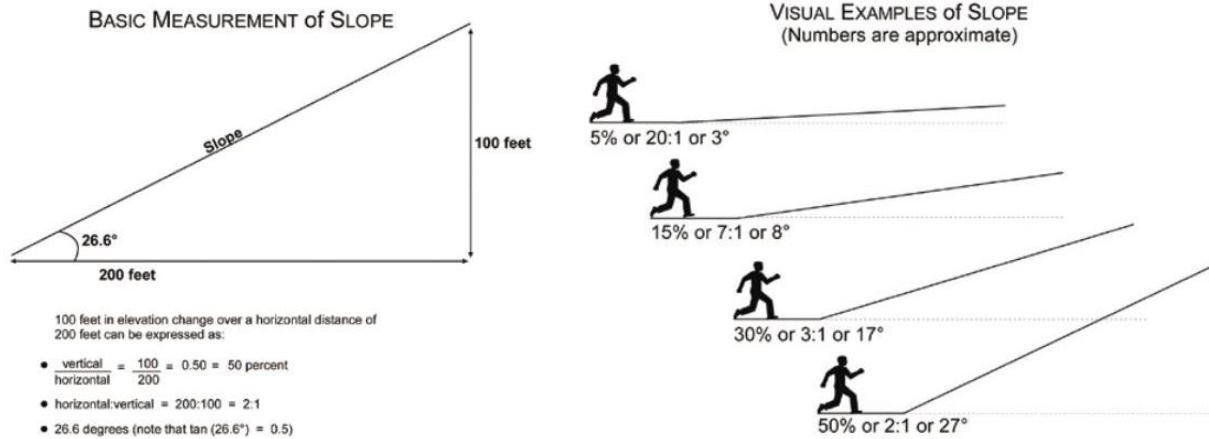


Figure 5 – Examples on How to Determine Slope

K. Will the scope of work create a soil disturbance of one (1) acre or more at the lot of record? Yes No N/A
 (Note. Prior to the issuance of a Certificate of Zoning Compliance, the owner or operator must obtain coverage under the NYS Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity. A copy of the NYSDEC issued Notice of Intent as well as the Stormwater Pollution Prevention Plan shall be submitted to the Code Enforcement Officer to document compliance and recordkeeping purposes. Please contact the NYSDEC, Region 8, at (585) 226-5366 to obtain more information pertaining to such state regulations.)

Part 5. Attestation by the Owner of the Lot of Record.

THE UNDERSIGNED HEREBY ATTESTS that he/she/they is/are the owner of the lot of record that is the subject of this application and is requesting a Certificate of Zoning Compliance to be issued by the Town of Milo. Additionally, the owner hereby certifies that the information contained in this application is accurate, true and complete to the best of his/her/their knowledge, and understands that any false statements made in this application are subject to the applicable provisions of the Penal Law of NYS. Furthermore, the owner comprehends that he/she/they is/are ultimately responsible for compliance with all local, state and/or federal laws regardless of any contractual agreements. Lastly, the owner has read this entire application, including but not limited to the attached appendixes and information sheet, and agrees to comply with the instructions contained herein.

Owner's Signature:

Date:

Appendix A. Stipulations of an Application for a Certificate of Zoning Compliance.

1. Disclosure affidavit. The owner hereby understands and agrees that he/she/they have read §809 of the General Municipal Law of NYS, 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 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. For the purpose of this disclosure affidavit, 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:
 - i. Is the applicant; or
 - ii. Is an officer, director, partner or employee of the applicant; or
 - iii. Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
 - iv. 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 service rendered, dependent or contingent upon the favorable approval of such application, petition or request.
 - b. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York American Stock Exchanges shall not constitute an interest for the purposes of this disclosure affidavit.
 - c. A person who knowingly and intentionally violates this disclosure affidavit shall be guilty of a misdemeanor.

If a Town of Milo officer, employee, or a relative of either as defined herein has an interest in this application, the full particulars shall be provided by the applicant in an attached sheet.

2. Disclaimer of liability. The owner hereby understands and agrees that the Town of Milo is not responsible for the accuracy of applications and its associated documents submitted for review to the Code Enforcement Officer.
3. Indemnity and hold harmless. The owner hereby understands and agrees to indemnify and hold harmless the Town of Milo, its agents, employees and officers from:
 - a. Any claims and liability that may be made against the Town of Milo pertaining to the issuance of a Certificate of Zoning Compliance; and
 - b. Any and all liability, loss or damage that the Town of Milo may suffer as a result of claims, demands, costs or judgement against and arising from the issuance of a Certificate of Zoning Compliance.

Furthermore, the owner hereby understands and agrees to defend, at his/her/their expense, any claims brought or actions filed against the Town of Milo with respect to the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed. Lastly, the owner hereby understands and agrees to reimburse the Town of Milo for any unnecessary expenses, attorney fees or other expenses incurred in the enforcement of this indemnity and hold harmless agreement.

4. Reimbursement of incurred costs. The owner hereby understands and agrees that:
 - a. The Town of Milo has the authority to engage registered design professionals, financial analysts, planners, lawyers and/or other appropriate professionals who can assist the Town of Milo in analyzing an application to ensure compliance with all applicable laws. Such assistance may include but is not limited to review of an application and supporting documents, monitoring and/or inspecting a project during construction and/or installation actions; and
 - b. The Town of Milo may require funds to retain such professionals prior to its review of an application. In the event that such funds are insufficient, the Town of Milo may require additional funds to pay for all incurred costs; and
 - c. Any funds received by the Town of Milo shall be deposited into a line item by the Town Clerk. 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 for which such funds have been collected from the owner. Additionally, the failure of the owner to pay any incurred expenses shall be grounds for the denial of an application. Lastly, any outstanding incurred expenses shall be charged against the property and shall constitute a lien thereon in favor of the Town of Milo, and the amount of such expenses shall be entered on the tax rolls as being due and payable. Such expenses may also be recovered in any other lawful manner; and

- d. At the completion of a project, any excess funds in the line item attributable to such project shall be repaid to the owner. A final report of the line item shall be made available to the owner upon request within a reasonable amount of time; and
 - e. Any owner may take an administrative appeal from the selection of a third party agency to the Town Board. Such appeal shall be in writing and may be taken only within twenty (20) days after the Town of Milo has mailed and/or hand delivered notice to the owner of the selection. The grounds of such appeal shall be limited to the claim that the third party agency selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit of action upon an application by the Town of Milo shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one (1) month following the submission date of the appeal, the selection of the third party agency made by the Town of Milo shall stand.
5. Designated Approval Authority. The Code Enforcement Officer is hereby appointed by the Town Board as the Designated Approval Authority as it pertains to the issuance of a Certificate of Zoning Compliance pursuant to the Zoning Law of the Town of Milo.
6. Amendments. Uses and/or work shall be operated and/or installed in accordance with permitted action prescribed in the Certificate of Zoning Compliance, and any changes that are not in compliance with such certificate shall be submitted as an amended application if such action is warranted by the Designated Approval Authority. Such authority is authorized to waive the submission of an amended application when the change is:
 - a. De minimis revisions; or
 - b. Revisions requested by an AHJ to ensure compliance with its applicable regulations and/or provision of law; or
 - c. Revisions that comply with any applicable standard prescribed in the Zoning Law of the Town of Milo.
7. Conditions imposed upon a Certificate of Zoning Compliance. The Designated Approval Authority may include in a Certificate of Zoning Compliance such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Zoning Law of the Town of Milo.
8. Validity of Certificate of Zoning Compliance. The issuance of a Certificate of Zoning Compliance shall not be construed to be an approval of a violation of any of the Zoning Law of the Town of Milo. Certificates presuming to give authority to violate or cancel the provisions of the Zoning Law of the Town of Milo shall not be valid. The issuance of a Certificate of Zoning Compliance based on a submitted application and other data shall not prevent the Designated Approval Authority from requiring the correction of errors in such application and/or data. The Designated Approval Authority is also authorized to prevent occupancy of a structure or use of a land where it is in violation of the Zoning Law of the Town of Milo.
9. Expiration. A Certificate of Zoning Compliance shall not expire unless the use of land or scope of work proposed in the application is not operated or completed within one (1) calendar year from the date of issuance. The Designated Approval Authority is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than one (1) calendar year each. The extension shall be requested by the owner and justifiable cause demonstrated.
10. Transferable. A Certificate of Zoning Compliance is transferable due to the fact that such certificate "runs with the land" since it applies to a use and/or work at a lot of record, which is not contingent on ownership.
11. Revocation. The Designated Approval Authority is authorized to revoke a Certificate of Zoning Compliance issued under the provisions of this section when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which such certificate was based including, but not limited to, any one of the following:
 - a. The Certificate of Zoning Compliance is used for a use or scope of work other than that for which it was issued.
 - b. Conditions and/or limitations set forth in the Certificate of Zoning Compliance have been violated or not satisfied.
 - c. There have been any false statements or misrepresentations as to the material fact in the application for Certificate of Zoning Compliance or any attached documents.
 - d. The owner failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of the Zoning Law of the Town of Milo within the time provided therein.
 - e. The Certificate of Zoning Compliance was issued in error or in violation of the Zoning Law of the Town of Milo.
12. Inspections. The owner is responsible to ensure that the work authorized by a Certificate of Zoning Compliance is in compliance with the information contained herein and any applicable laws. The Designated Approval Authority does not perform inspections nor survey work as it pertains to the work authorized by a Certificate of Zoning Compliance.