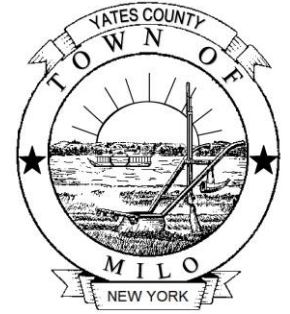


TOWN OF MILO, NEW YORK

Department of Code Enforcement and Administration
137 Main Street
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
Fax No.: (315) 536-9760
Email: codeofficer@townofmilo.com
Website: www.townofmilo.com



APPLICATION FOR A LOT LINE ADJUSTMENT

Part 1. Contact Information.

Authorized Representative

Name:
Address:
City:
State: Zip Code:
Telephone No.:

NYS Licensed Land Surveyor

Name:
Address:
City:
State: Zip Code:
Telephone No.:

Part 2. Lot(s) Information.

(Note. Please provide the legal addresses and tax map identification numbers for all lots involved in this application.)

Lot #1	Address: <input type="text"/>	Tax Map ID No.: <input type="text"/>
Lot #2	Address: <input type="text"/>	Tax Map ID No.: <input type="text"/>
Lot #3	Address: <input type="text"/>	Tax Map ID No.: <input type="text"/>
Lot #4	Address: <input type="text"/>	Tax Map ID No.: <input type="text"/>

Part 3. Approval Criteria and Application Requirements.

1. Does the proposed lot line adjustment comply with the general and lot line adjustment standards prescribed Yes No in the Subdivision of Land Law of the Town of Milo?
Note. If the response is "No," the application will automatically be denied. The applicable sections of the Subdivision of Land Law are located within Appendix A of this application but you may review the Code of the Town of Milo at <http://ecode360.com/MI1633>.
2. Are all application requirements submitted for review as prescribed in the Subdivision of Land Law of the Yes No the Town of Milo?
Note. If the response is "No," the application will automatically be denied. The applicable sections of the Subdivision of Land Law are located within Appendix A of this application but you may review the Code of the Town of Milo at <http://ecode360.com/MI1633>.
3. Has the final plat been prepared by a land surveyor licensed in the State of New York and such plat conforms Yes No to the final plat requirements prescribed in the Subdivision of Land Law of the Town of Milo?
Note. If the response is "No," the application will automatically be denied. The applicable sections of the Subdivision of Land Law are located within Appendix A of this application but you may review the Code of the Town of Milo at <http://ecode360.com/MI1633>.

Part 4. Wastewater System Components and Distance to Lot Lines.

1. Will the proposed lot line adjustment cause a violation of the separation distances from an existing onsite wastewater system (a.k.a. septic system) component to a lot line (a.k.a. property line) as mandated by law? Yes No

For Residential Onsite Wastewater Treatment Systems:

TABLE 2 SEPARATION DISTANCES FROM WASTEWATER SYSTEM COMPONENTS (IN FEET)				
System Components	Well or Suction Line (e)(g)	To Stream, Lake, watercourse (b), or Wetland	Dwelling	Property Line
House sewer (watertight joints)	25 if cast iron sewer pipe, 50 otherwise	25	3	10
Septic tank or watertight ETU	50	50	10	10
Effluent line to distribution box	50	50	10	10
Distribution box	100	100	20	10
Absorption field (c)(d)	100 (a)	100	20	10
Seepage pit(d)	150 (a)	100	20	10
Raised or Mound system (c)(d)	100 (a)	100	20	10
Intermittent Sand Filter (d)	100 (a)(f)	100 (f)	20	10
Non-Waterborne Systems with offsite residual disposal	50	50	20	10
Non-Waterborne Systems with onsite discharge	100	50	20	10

NOTES:

(a) When wastewater treatment systems are located upgrade and in the direct path of surface water drainage to a well, the closest part of the treatment system shall be at least 200 feet away from the well.

(b) Mean high water mark.

(c) For all systems involving the placement of fill material, separation distances are measured from the toe of the slope of the fill.

(d) Separation distances shall also be measured from the edge of the designated additional usable area as described in Section 75-A.4 (a)(5).

(e) The closest part of the wastewater treatment system shall be located at least 10 feet from any water service line (e.g. public water supply main, public water service line or residential well water service line).

(f) When sand filters are designed to be watertight and collect all effluent, the separation distance can be reduced to 50 feet.

(g) The listed water well separation distances from contaminant sources shall be increased by 50% whenever aquifer water enters the water well at less than 50-feet below grade. If a 50% increase cannot be achieved, then the greatest possible increase in separation distance shall be provided with such additional measures as needed to prevent contamination.

For Intermediate Sized Onsite Wastewater Treatment Systems:

Treatment Type	Radial Distance to Existing Downwind Dwellings (On or Off the Property)	Distance to Property Line from Treatment Unit
Wastewater Treatment Processes Open to the Atmosphere e.g. Open Sand Filter, and Oxidation Ditches	400	350
Wastewater Treatment Processes Enclosed ² in a Building, and Buried or Covered Sand Filters	200 ³	150
Facultative and Aerated Lagoons	1,000	800
Effluent Recharge Bed	750	550

Part 4. Stipulations of application.

Stipulation #1. Building Permits and/or Certificates of Zoning Compliance required prior to the start of construction. The owner hereby understands and agrees that a Building Permit and/or Certificate of Zoning Compliance is required prior to the start of any construction activity. Please realize that an approval of a lot line adjustment of land does not grant an owner the right to construct a building and/or structure.

Stipulation #2. Disclosure Affidavit. The owner hereby understands and agrees that he/she/they have read and is familiar with the provisions of Section 809 of the General Municipal Law of the State of New York, 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 of 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 the application, petition, or request (hereinafter called the applicant) to the extent to such applicant.
- b. For the purpose of this section of law, an officer or employee shall be deemed to have an interest in the applicant when he/she, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - i. Is the applicant;
 - ii. Is an officer, director, partner or employee of the applicant;
 - 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 applicant, express or implied, whereby he/she may receive any payment or other benefit, whether or not services are rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- c. Ownership of less than five percent 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 purpose of this section.
- d. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor. The applicant shall disclose the full particulars on an attached sheet of paper if a state officer or any officer or employee of a municipality or relative of either as defined by Section 809 of the General Municipal Law of the State of New York has interest in this application.

Stipulation #3. Disclaimer of liability. The applicant hereby understands and agrees that the Town of Milo is not responsible for the accuracy of an application and its associated documents that are submitted for a determination and does not guarantee that its review will detect all hazards, design defects and/or violations of law.

Stipulation #4. Indemnity and hold harmless. The applicant hereby understands and agrees to release and forever discharge the Town of Milo, and its officers, boards and employees, jointly and severally from any and all:

- a. Claims and liability that may be made against the Town of Milo pertaining to its review and determination of this application; and
- b. Actions, claims and demands for, upon or by reason of damage, loss, liability or injury, which hereafter may be sustained by the review and determination of this application.

This release extends and applies to, and also covers and includes, all unknown, unforeseen, unanticipated and unsuspected injuries, damages, loss or liability and the consequences thereof, as well as those that shall be disclosed and known to exist. Furthermore, the applicant 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 applicant 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.

Stipulation #5. Inspection of property. The applicant hereby understands and agrees to inspection by the Town of Milo's officers, employees, boards or duly authorized representatives at the real property for which an application for review and determination has been submitted to the Town of Milo as well as, to the extent necessary, buildings, and/or structures within such real property that is under the ownership of the applicant. The applicant also understands and agrees that during such inspection, the Town of Milo's officers, employees, boards or duly authorized representatives may, among other things, take measurements, may analyze physical characteristics of the real property including but not limited to, soils and vegetation, and may make drawings or take photographs.

Stipulation #6. Refund of fees. The applicant hereby understands and agrees that any fee paid to the Town of Milo is nonrefundable regardless if whether or not a review and/or determination has been made or if the application has been suspended or abandoned.

Stipulation #7. Reimbursement of incurred expenses. The applicant hereby understands and agrees that:

- a. The Town of Milo has the authority to engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist the Town of Milo's officers, employees, and boards in analyzing this application to ensure compliance with the law. Such assistance may include, but is not limited to, analyzing an application, monitoring or inspecting the proposed action that is the subject of this application, as well as conducting various reviews to ascertain compliance with the law.
- b. The Town of Milo may require funds to retain such professionals prior to its review of this application. In the event that such funds are insufficient, the Town of Milo may require additional funds to pay for all incurred expenses.
- c. Any funds received by the Town of Milo shall be deposited in 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 land use action for which funds have been collected from the applicant. Additionally, the failure of any applicant to pay any incurred expense shall be grounds for the denial of an application. Lastly, any outstanding incurred expenses shall be charged against the real property that is the subject to this application 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.
- d. At the completion of a land use action, any excess funds in the line item attributed to such action that is the subject of this application shall be paid to the applicant. A final report of the line item shall be available to the applicant upon request within a reasonable amount of time.
- e. Any applicant 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 or hand-delivered notice to the application of the selection. The grounds for such appeal shall be limited to claims 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 month following the submission date of the appeal, the selection of the third party agency made by the Town of Milo shall stand.

Stipulation #8. Private Sanitary and Water Systems. The applicant hereby understands and agrees that the approval of a lot line adjustment by the Town of Milo does not constitute that such lands will conform to the applicable regulations governing private sanitary

and/or water systems. It is highly recommended that the owner employ a professional engineer to evaluate if such lands would support such systems prior to lot line adjustment.

Part 5. Signature.

THE UNDERSIGNED HEREBY ATTESTS that he/she/they is/are the owner(s) of the real property that is the subject of this application that has been submitted to the Town of Milo for review and a determination. Additionally, such owner(s) certifies/certify that the information contained in this application and its associated documents 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 the State of New York. Furthermore, such owner(s) comprehends that he/she/they is/are ultimately responsible for compliance with the law regardless of any contractual agreements. Moreover, as the owner of real property that is the subject of this application, he/she/they hereby certify that he/she/they have caused the land described by the attached plat to be surveyed, adjusted, mapped, dedicated, and access rights reserved as represented on the plat. Lastly, such owner has read this entire application, all applicable requirements of the Subdivision of Land Law and agrees to comply with its stipulations as contained herein.

Owner of Lot #1 Signature:	<input type="text"/>	Date:	<input type="text"/>
Owner of Lot #2 Signature:	<input type="text"/>	Date:	<input type="text"/>
Owner of Lot #3 Signature:	<input type="text"/>	Date:	<input type="text"/>
Owner of Lot #4 Signature:	<input type="text"/>	Date:	<input type="text"/>

APPENDIX A. APPLICABLE SECTIONS FROM THE SUBDIVISION OF LAND LAW.

PART 3. APPLICATION REQUIREMENTS.

ARTICLE VI. Lot line adjustment.

§295-32. Applicability. Notwithstanding any other provision of this Chapter, this Article shall govern the requirements for a lot line adjustment.

§295-33. Designated Approval Authority. The Code Enforcement Officer is authorized and empowered to approve lot line adjustments.

§295-34. Application. The owner(s) shall file an application in writing on a form furnished by the Designated Approval Authority for that purpose. An application for a lot line adjustment shall include all of the following:

- A. A nonrefundable application fee.
- B. A completed application form.
- C. One (1) mylar and two (2) paper original and certified final plat(s).
- D. One (1) paper copy of the original and certified final plat.

§295-35. Action on the application. The Code Enforcement Officer shall examine applications for a lot line adjustment to ascertain compliance with the application requirements and applicable standards prescribed in this Chapter. If the application does not conform to the application requirements and applicable standards of this Chapter, the Code Enforcement Officer shall reject such application in writing, stating the reasons therefor. If the Code Enforcement Officer is satisfied that the application conforms to the application requirements and applicable standards prescribed in this Chapter, the Code Enforcement Officer stamp the official submission date on the application.

§295-36. SEQRA. A lot line adjustment shall be classified as a Type II action pursuant to §617.5(c)(19) of SEQRA. A Type II action has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review pursuant to Article 8 of the Environmental Conservation Law of NYS.

§295-37. Determination criteria. The Designated Approval Authority shall review all facts and information that is the subject of an application for a lot line adjustment to determine whether or not to approve such application. In doing so, the Designated Approval Authority shall consider all of the following criteria:

- A. The proposed lot line adjustment is in compliance with the applicable standards prescribed in this Chapter.

§295-38. Conditions imposed upon an approval. The Designated Approval Authority may include in an approval of an application for a lot line adjustment such terms and conditions as such authority deems necessary or appropriate to ensure the safety or to further the purposes and intent of this Chapter or any other applicable law.

§295-39. Endorsement of approval on final plat. The following officers of the Town are authorized to endorse approval on the final plat for a lot line adjustment:

- A. Code Enforcement Officer.

PART 4. FINAL PLAT AND MONUMENTS.

ARTICLE VIII. General requirements.

§295-50. General. The final plat, if required by this Chapter, shall conform to the applicable requirements of §334 of the Real Property Law of NYS as well as §276, §277, §278 and §279 of the Town Law of NYS as well as the NYS Land Surveying Practice Guidelines that is approved by the NYS Board of Engineering and Land Surveying. Such plat shall illustrate the information obtained from an actual field survey of all of the lands that are the subject of an application, giving complete descriptive data by bearings and distances,

the location and type of all monuments, and referenced corners of such lands; and shall be made and certified to be true and accurate by a land surveyor.

Exemption(s):

- A. Survey of a lot of record greater than four (4) acres. The final plat does not have to illustrate all of the lands of a lot of record greater than four (4) acres, which such lot is the subject of an application. However, such plat shall illustrate the lands of such lot that are affected by the application, giving complete descriptive data and bearings and distances, the location and type of all monuments, the location and types of buildings or structures within fifty (50) feet of the lands affected by the application, and referenced corner of such lands; and shall be made and certified to be true and accurate by a land surveyor.

§295-51. Size and form.

- A. The mylar and two paper original and certified final plat(s) shall be prepared in compliance with the applicable provisions of §334 of the Real Property Law of NYS. The paper copies of the original and certified final plat(s) are permitted to be on a reduced scale but the minimum size shall be 8 ½" x 11".
- B. When more than one sheet is utilized, the following procedure is to be followed:
 1. Each sheet is to be labeled with the sheet number and the number of sheets. (Example: Sheet 1 of 3)
 2. Each sheet will have match lines indicating the position of adjoining sheets. The lines will be labeled with "MATCH LINE" and the adjoining sheet number. The ends of the match line should have perpendiculars on them so that the adjoining sheets may be properly positioned. Each sheet is to match horizontally and vertically with all adjoining sheets.
 3. A separate title sheet is required for all final plats made on more than one sheet. A location map keyed to the project area portraying the positions of each sheet shall be shown on the title sheet.
 4. Each sheet will include a separate title block and all required certifications, endorsements, notes, legends, etc.

§295-52. Information on the final plat. The information on the final plat shall be clear, legible, and sufficient in nature so when associated with the record description, the lot lines are evident without supplemental data or information. Such plat shall also depict the mathematical and physical features of a parcel of land with relation to deeds of record, lot lines, and/or other pertinent reference data based upon an actual field survey. Lastly, the final plat shall:

- A. Identify the owner or project name; and
- B. Identify the surveyor, the surveyor's address and license number; and
- C. Be affixed with the land surveyor's NYS approved seal and his/her signature; and
- D. Identify the instruments affecting title to the parcel surveyed; and
- E. Identify the north reference and/or basis of bearings; and
- F. Provide sufficient data for the mathematical closure of the lot lines depicted with the area enclosed indicated; and
- G. Clearly relate the record description calls to the parcel including deviations; and
- H. Identify record documents (i.e. mapping or other information) utilized in the establishment of the lot lines surveyed; and
- I. Reference the parcel to the local political or municipal entities and/or boundaries (i.e. county, town, village, street lines, tax map parcel numbers); and
- J. Reference a datum and a specific benchmark or reference point when elevations are shown; and
- K. Identify the scale and any conversion factor necessary; and
- L. Identify character and location of visible physical features with reference to lot lines (i.e. encroachments, easements, driveways, roads, location of structures and setbacks from lot lines, visible utilities); and
- M. Indicate date of field survey completion and date of map preparation; and
- N. Identify and describe monuments found or set on the property being surveyed; and
- O. Identify all revision dates to original map with changes clearly stated; and

- P. Reference apparent easements, rights of way and lease lines; and
- Q. Indicate applicable ties (i.e. building corners, intersections, other monuments); and
- R. Identify water rights lines (a.k.a., littoral zones) for lands contiguous to Keuka Lake or Seneca Lake.

The Designated Approval Authority may waive any of the requirements in this section in the event that the information is not applicable or necessary.

§295-53. Special markings.

A. Mandatory markings. The following special markings shall be affixed on the final plat:

1. CERTIFICATION OF ACCURACY. The land surveyor certifies that this final plat is accurate and was prepared in accordance with the applicable requirements of §334 of the Real Property Law of NYS as well as §276, §277, §278 and §279 of the Town Law of NYS as well as the NYS Land Surveying Practice Guidelines that is approved by the NYS Board of Engineering and Land Surveying.
2. CERTIFICATION OF MONUMENTATION. The land surveyor certifies that monuments have been set as shown on this final plat.
3. ENDORSEMENT OF APPROVAL. This final plat has been reviewed and is approved pursuant to the applicable provisions of the Subdivision of Land Law of the Town of Milo. Any modifications to this final plat voids said approval.

Signed this ___ day of _____ (month), _____ (year).

By: _____
(Signature and Title)

4. IMPROVEMENTS. Approval of this final plat does not constitute acceptance by the Town of any indicated, referenced and/or stated improvements.

B. Applicable markings. The following special markings shall be affixed on the final plat if such markings are applicable:

1. FLOODPLAIN REGULATIONS APPLY. Parcel(s) _____ (identify parcels) are subject to applicable regulations prescribed by the National Flood Insurance Program, Flood Damage Prevention Law of the Town of Milo and/or the NYS Uniform Fire Prevention and Building Code.
2. LOT LINE ADJUSTMENT. Parcel(s) _____ (identify parcels) shall be merged into parcel _____ (identify parcel.) No new lot of record is being created by this lot line adjustment.
3. WETLAND REGULATIONS APPLY. Parcel(s) _____ (identify parcels) are subject to applicable regulations prescribed by Article 24 of the Environmental Conservation Law of NYS.

§295-54. Monuments.

- A. General. Permanent monuments shall be set by a land surveyor at the boundaries at all corners and other necessary points as may be deemed necessary by the land surveyor, which such monuments shall be illustrated on the final plat. Such monuments shall be of either iron rods or pipes, or concrete.
- B. Problematic locations to set monuments. In those locations where the monuments to be placed will not be readily visible, cannot physically be set (i.e. tree in the way) or where they are in a vulnerable position and likely to be disrupted, reference marks or line markers of a permanent nature should be placed. It is often desirable to set a permanent reference mark to a corner for use as orientation in extending the survey from that corner at some future date. The

bearing and distance to this point shall be clearly shown on the final plat.

PART 5. STANDARDS.

ARTICLE IX. General standards.

§295-55. General. A cluster development, lot consolidation, lot line adjustment and/or subdivision shall be of such character that it can be developed without danger to public health or safety; the final plat shall be in harmony with the Comprehensive Plan; and all improvements, whether private or public, shall be constructed and installed in conformance with the specifications of the AHJ.

§295-56. Compliance with the Code of the Town. A cluster development, lot consolidation, lot line adjustment and/or subdivision shall comply with any applicable provision of the Code of the Town (e.g., Flood Damage Prevention Law, Highways and Private Roads Law, Waste Management Law, Water Law, Zoning Law, etc.).

§295-57. Public improvements. The creation of, extension of or the modification to a public improvement that is proposed in an application for a cluster development, lot consolidation, lot line adjustment or subdivision shall be approved by the AHJ (e.g., Town Board, County, NYSDOT, etc.) prior to the Designated Approval Authority making any determination on such application.

§295-58. SPDES General Permit for Stormwater Discharges from Construction Activities.

- A. When required. An owner submitting an application for a cluster development, lot consolidation, lot line adjustment or a subdivision, where the total anticipated land disturbance is greater than one (1) acre, is not required to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities provided such application satisfies all of the following conditions:
1. The individual lots are for single unit dwellings only; and
 2. The total anticipated land disturbance for the subdivision is less than five (5) acres; and
 3. The cluster development, lot consolidation, lot line adjustment or subdivision does not require the construction of roads or common driveways; and
 4. The cluster development, lot consolidation, lot line adjustment or subdivision does not require municipal sewer and/or water system extensions as part of their local approval; and
 5. The cluster development, lot consolidation, lot line adjustment or subdivision will not connect to an existing subsurface storm sewer system; and
 6. The owner is not required, as part of their cluster development, lot consolidation, lot line adjustment or subdivision approval at the local level, to prepare engineering plans showing the individual lot layout (e.g. house, drive, septic system, water supply, etc.) on the final plat.
- B. SWPPP and NOI. If an application for a cluster development, lot consolidation, lot line adjustment or subdivision requires coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities, the owner shall include in such application a SWPPP, which shall conform to the applicable SMPS that are approved by the NYSDEC, and a NOI issued by the NYSDEC.

§295-59. Self-imposed restrictions. Nothing in this Chapter shall prohibit an owner from placing self-imposed restrictions that are not in violation of the law. Such restrictions, however, shall be indicated on the final plat.

PART 5. STANDARDS

ARTICLE XII. Standards for a lot line adjustment.

§295-76. General standards. A lot line adjustment shall comply with the general standards prescribed in this Chapter except as permitted otherwise by this Article.

§295-77. Impact on a nonconformity. A lot line adjustment shall not create a violation of the Zoning Law or increase a nonconformity at the lots of record proposed to be adjusted. However, a lot line adjustment is permitted to decrease an existing nonconformity at the lots of record proposed to be adjusted.

§295-78. Lots shall be contiguous. Lots of record proposed to be adjusted shall be contiguous to each other.

§295-79. Lots shall be wholly located within the Town. Lots of record proposed to be adjusted shall be located wholly within the Town unless permitted otherwise by the Town Attorney.

§295-80. NYS certified agricultural district. Lots of record located within a NYS certified agricultural district cannot be adjusted with lots of record that are not located within a NYS certified agricultural district.

§295-81. Roads. Lots of record proposed to be adjusted shall not create a new or modify an existing road.

§295-82. School district. Lots of record proposed to be adjusted shall be located in the same school district.