

TOWN OF MILO
137 MAIN STREET
PENN YAN, NEW YORK 14527
Phone: 315-536-8911
FAX: 315-536-9760
clerk@townofmilo.com

John P. Socha, Supervisor
John M. Symonds, Town Justice
Philip G. Strong, Highway Superintendent

Patricia L. Christensen, Town Clerk
Randy Deal, Town Assessor
Daniel King, Code Enforcement Officer

May 14, 2009

Ms. Shawna E. Bonshak
Yates County Planner
Yates County Planning Board
417 Liberty Street
Penn Yan, NY 14527

Re: Proposed Town of Milo Local Law
to amend the zoning laws of the Town of Milo in regard to the special use permit process.

Dear Ms. Bonshak:

Enclosed are the following in regard to the proposed Local Law:

1. Resolution No. 47-09 of the Town of Milo Board, dated April 20, 2009, in regard to above proposed Local Law.
2. Copy of said proposed Local Law.
3. GML §239 Referral document to Yates County Planning Board.

The enclosed documentation is served upon the Yates County Planning Board pursuant to Section 239-m of the General Municipal Law. The Town of Milo would appreciate it if the report of the Yates County Planning Board could be submitted to this office by June 3, 2009.

Very truly yours,

Patricia L. Christensen

Patricia L. Christensen
Town of Milo Clerk

Enc.

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TOWN BOARD
TOWN OF MILO
RESOLUTION # 47-09

At a regular meeting of the Town Board of the Town of Milo, Yates County, New York, held at Town of Milo Town Offices, 137 Main Street, Penn Yan, New York, 14527, on April 20, 2009, at 7:00 p.m. there were:

PRESENT: John Socha, Supervisor

P. Earle Gleason, Councilman

Carroll Graves, Councilman

Dale Hallings, Councilman

Arden Sorensen, Councilman

ABSENT: none

being all the members of the town/village board.

Mr. P. Earle Gleason offered the following Resolution and moved its adoption:

WHEREAS, the Town of Milo previously adopted zoning laws, and

WHEREAS, this town board has been requested to amend and make additions to the Town of Milo zoning laws in regard to Special Use Permits, which proposed amendments and additions are set forth in Schedule AA@, which is attached hereto and made a part hereof,

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Milo shall proceed to consider enactment of this legislation, as set forth in the local law that is attached hereto, and it is further

RESOLVED, that this resolution of the Town of Milo Town Board to amend the special use permit procedure to the Town of Milo zoning laws shall be referred to the Town of Milo

Planning Board and the Yates County Planning Board for their respective reports and recommendations thereon, and it is further

RESOLVED, that the Town of Milo shall commence proceedings under the New York State Environmental Quality Review Act (SEQRA) in regard to the enactment of this legislation to amend the zoning laws of the Town of Milo.

Seconded by Mr. Dale Hallings, and duly put to a vote as follows:

AYES: Socha, Gleason, Graves, Hallings, Sorensen

NOES: none

ABSTENTIONS: none

DATED: April 20, 2009

Patricia L. Christensen
Patricia L. Christensen
Town Clerk
Town of Milo

S E A L

SCHEDULE "A"

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Milo
~~Village~~

Local Law No. _____ of the year 2009

A local law to amend the zoning laws of the Town of Milo in regard to the special use permit process.

Be it enacted by the _____ Town Board _____ of the

County
City
Town of Milo as follows:
~~Village~~

See Schedule AA@, which is attached hereto and made a part hereof.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Schedule "A"

Section 1. TITLE

This local law shall be known as a local law, in 2009, to amend the zoning laws of the Town of Milo.

Section 2. PURPOSE

Under the zoning laws of the Town of Milo, the Zoning Board of Appeals is authorized to review and determine whether an Application for a Special Use permit is to be approved or not. As part of the procedure, the Application is forwarded to the Planning Board for its review and recommendation. Because site plan review is usually part of the process in considering a Special Use application, and site plan review is done by the Planning Board, the Town of Milo believes it would be more efficient that, pursuant to Town Law §274-b, the Town of Milo Planning Board be authorized to review and grant Special Use permits.

Section 3. AMENDMENT OF ZONING LAWS

Chapter 140, entitled "Zoning", of the "Code of the Town of Milo", Section 140-30,F is hereby amended to provide that the Zoning Board of Appeals shall no longer be involved in the review and approval process for Special Use permit Applications and that the Town of Milo Planning Board only shall conduct procedures set forth in said §140-30, F, including the decision to issue or deny a Special Use permit, and shall make the final decision pursuant to the procedures set forth in said section. Accordingly, any Application received after the date of the enactment of this local law shall not be reviewed by the Zoning Board of Appeals. However, applications that are in the process of being reviewed by the Zoning Board of Appeals shall continue to be reviewed, until the decision is made, by the Zoning Board of Appeals. Upon the enactment of this local law there shall be no further involvement by the Zoning Board of Appeals in the Special Use permit process. All references in the Code of the Town of Milo to the Zoning Board of Appeals about being involved with the Special Use permit application process shall be deleted, and instead inserted therein the reference to the Town of Milo Planning Board.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section or a part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or a part thereof directly involved in a controversy in which such judgment shall have been rendered.

Section 5. INTERPRETATION

This local law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect. Whenever the requirements of this law are at variance with the requirements of other lawfully adopted rules, regulations or laws, the law with the most restrictive provisions or those imposing the higher standards shall govern.

Section 6. EFFECTIVE DATE

This Local Law shall be operative immediately and effective upon being filed with the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

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