

# Local Law Filing

(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  Village  
(Select one:)

of MILTON

Local Law No. 2 of the year 2024

A local law Adopting changes to Town Code Chapter 154-5; 154-6; 154-7; 154-8; 154-9; 154-21;

(Insert Title)

154-23; 154-24; 154-76 and Chapter 180-44; 180-51; 180-52; 180-53; 180-54; 180-62

180-62; 180-80

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of MILTON

as follows:

SEE ATTACHED

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

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the (County)(City)(Town)(Village) of MILTON was duly passed by the TOWN BOARD on February 18 2024, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

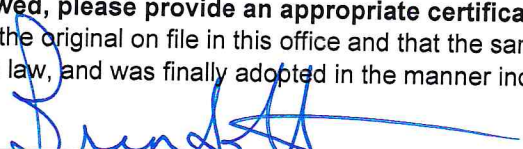
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/29/24

(Seal)

Chapter 154 SUBDIVISION OF LAND  
Article III  
Procedure for Approval of Subdivision

§ 154-5. Preapplication conference.

- A. The property owner or his duly authorized representative shall initially schedule an appointment with the Zoning Enforcement Officer and the Director of Planning to informally discuss the proposed subdivision and become familiar with the requirements of this chapter, Chapter 180, Zoning, and other laws, ordinances, rules, regulations or policies of the Town of Milton, County of Saratoga or the State of New York that may be pertinent to the proposed subdivision.
- B. Discussion at the preapplication conference shall include review of both procedural and submission requirements and the technical application of the standards provided within the regulations as related to lot layout and required improvements. The Zoning Enforcement Officer and the Director of Planning shall make a recommendation to the Planning Board as to the submissions request for a minor or major subdivision.

§ 154-6. Sketch plat review and classification.

- A. Submission of sketch plat. The property owner or his duly authorized representative shall submit to the Clerk of the Planning Board, at least 14 days prior to the regular meeting of the Planning Board, a sketch plat application and 5 print copies and 1 digital (pdf) of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion. If the proposed subdivision includes five or more lots, the sketch plat shall conform to the requirements listed in § 154-22 of this chapter.

§ 154-7. Approval of minor subdivision plat.

- B. Number of copies. The application for approval of a minor subdivision plat, complete with 5 print copies and 1 digital (pdf) of the subdivision plat and all further required data specified within § 154-21, shall be filed with the Clerk of the Planning Board at least 14 days prior to the regular meeting of the Planning Board, at which time it shall be introduced and considered officially received by the Planning Board for purposes of these regulations.
- D. Approval procedure.
  - (3) Notice of the public hearing shall be advertised at least once in the official newspaper of the Town at least five days before such hearing. Submission is the responsibility of the Clerk of the Planning Board.
  - (5) Upon a resolution of approval, ~~two~~ one Mylar and one print copy for Saratoga County, one print copy for the Town of Milton and as many copies as required for the applicant. ~~and four copies~~ of the minor subdivision plat shall be provided by the applicant and properly signed by the Chairman of the Planning Board. The subdivision plat may then be filed by the applicant in the office of the Saratoga County Clerk. Any minor subdivision plat not so filed or recorded within 60 days of

the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void. If conditional approval is granted, the Planning Board shall empower the Chairman of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five business days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, and a copy shall be filed in the Planning Board office, and a copy so certified shall be mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted, for a period not to exceed two additional periods of 90 days each.

§ 154-8. Approval of preliminary plat for major subdivision.

- C. Number of copies. The application for approval of the preliminary plat, complete with 5 print copies and 1 digital (pdf) of the preliminary plat, shall be filed with the Clerk of the Planning Board at least 14 days prior to the regular meeting of the Planning Board, at which time it shall be introduced and considered officially received by the Planning Board for purposes of this chapter. A proposed submission which does not include all the required drawings and documents specified within § 154-23 of this chapter shall not be accepted by the Clerk of the Planning Board.

§ 154-9. Approval of final plat for major subdivision.

- C. Number of copies. The application for approval of the final plat, complete with 5 print copies and 1 digital (pdf) of the final plat, shall be filed with the Clerk of the Planning Board at least 14 days prior to the regular meeting of the Planning Board, at which time it shall be introduced and considered officially received by the Planning Board for purposes of these regulations.
- E. Final approval and filing. Upon completion of the requirements in §§ 154-9, 154-13 and 154-14 and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to warrant final approval. one Mylar and one print copy for Saratoga County, one print copy for the Town of Milton and as many copies as required for the applicant as provided by the applicant shall be properly signed by the Chairman of the Planning Board upon receipt of notification that the required performance guaranty and insurance, as may be requested, have had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Saratoga County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.

## ARTICLE VI

### Documents Required for Submission

#### § 154-21. Submission requirements for minor subdivision plat.

- A. (3) 5 print copies and 1 digital (pdf) of the proposed subdivision plat certified by a licensed land surveyor, including individual stamp/ signature blocks for the Town Planning Board and the New York State Health Department, and suitable for filing in the office of the County Clerk.

#### § 154-23. Preliminary plat submission requirements for major subdivisions.

- A. (3) Five (5) print copies and 1 digital (pdf) of the preliminary plat certified by a licensed land surveyor and/or professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch.

#### § 154-24. Final plat submission requirements for a major subdivision.

- A. (3) One Mylar and one print copy for Saratoga County, one print copy for the Town of Milton and as many copies as required for the applicant of the final plat certified by a licensed land surveyor and/ or professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch. The final plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Town Planning Board and the New York State Health Department and be suitable for filing in the office of the County Clerk.
- B. (1) (a) [5] Street names and street numbers clearly labeled

### Special Permit Uses

#### § 180-44. Special permit application procedure.

- A. Application and fee. All applications must be by the property owner or their agent and made to the Planning Board, shall be in writing on forms and in accordance with the schedule prescribed by the Board and shall be accompanied by 5 print and 1 digital pdf copy the following:
- B. (1) (b) By requiring the Clerk of the Planning Board to provide notice of the public hearing and data regarding the substance of the application to the owners of all property abutting that property held by the applicant and all other owners within 300 feet of the land involved in such application. Notice shall be provided by first class mail at least five business days prior to the hearing, with compliance with the notification procedure certified to by the Clerk
- B (4) If the land involved in the application lies within 500 feet of the boundary of any other municipality, the Clerk of the Planning Board shall also submit at least five business days prior to the public hearing to the Municipal Clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.

## ARTICLE VIII

### Site Plan Review and Approval

#### § 180-51. Plan conferences.

- A. A preplan conference between the Zoning Enforcement Officer, the Director of Planning and the applicant shall be held to discuss the application requirements and the applicability of the site plan review and approval procedure to the intended development for which the building permit or certificate of occupancy or use is sought.
- B. At the plan conference, the Town Planning Board shall, with the advice of its Zoning Enforcement Officer, the Director of Planning and its designated consultant, take one of three

#### § 180-52. Application for site plan approval.

An application for site plan approval shall be made, in writing, to the Town Planning Board and shall be accompanied by 5 prints and 1 digital (pdf) copy of a site plan which includes information drawn from the following checklist of items, as determined necessary by the Zoning Enforcement Officer, Director of Planning and the Town Planning Board at the time of the plan conference, and which is provided on a drawing certified by a licensed engineer, architect, landscape architect and/or land surveyor:

#### § 180-53. Planning Board review of site plan.

- E. Public hearing. The Town Planning Board may conduct a public hearing on the application for site plan approval. The public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised in the official newspaper of the Town at least five business days before the public hearing. Submission is the responsibility of the Clerk of the Planning Board.

#### § 180-54. Planning Board action on site plan.

- A. (1) The Town Planning Board shall act by resolution to either approve, disapprove or approve with modifications the site plan application. A copy of the resolution shall be filed in the Town Clerk's office, by the Clerk of the Planning Board and delivered or mailed to the applicant within five business days of the Town Planning Board's action. A resolution of either approval or approval with modifications shall include authorization to the Town Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with the submission requirements stated herein.
- B. Submission requirements for stamping. After receiving site plan approval, with or without modifications, from the Town Planning Board, the applicant shall within six months, submit one print for the Town of Milton, one mylar and one print for Saratoga County, if required, and as many as required by the applicant. The site plan submitted for stamping shall conform strictly to the site plan approved by the Town Planning Board, except that it shall further incorporate any revisions or other modifications required by the Town Planning Board and shall be accompanied by the following additional information:



## ARTICLE IX

### Planned Development District

#### § 180-62. Review and approval procedure.

Application. Three (3) copies and a pdf of the Application for establishment of a Planned Development District shall be made in writing to the Town Board and shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board. The application shall also be accompanied by a full environmental assessment form or draft EIS as required by the Environmental Conservation Law. The Town Board shall refer the application to the Planning Board and, if necessary, its designated planning and engineering consultants for review and recommendation within 30 days of the date of application. The Planning Board shall require the applicant to furnish basic site data pertaining to the boundaries of the proposed Planned Development District, existing zoning, the topography and subsoil conditions and such land use and utility and access plans as may be required by the Town Planning Board for a reasonable understanding of the nature and character of the proposed development.

## ARTICLE XIII

### Zoning Board of Appeals

#### §180-76 Procedures

- B. Application and fee. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, within 62 days of the action appealed from and shall be accompanied by the applicable fee in accordance with the fee schedule annually reviewed and established by the Town Board. Five (5) print and one (1) digital pdf copies of the entire application are required at submission. Every appeal or application shall refer to the specific provision of this chapter that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the ground on which it is claimed that such variance should be granted. Each application shall also be accompanied by a short or full environmental assessment form, or DEIS, as required by the Environmental Conservation Law.
- C. (1)(b) By requiring that the Clerk of the Board of Appeals provide notice at least five business days prior to the date thereof of the substance of every appeal for a variance, together with a notice of the hearing thereon, by mailing such to the owners of all property abutting that of the applicant and all other owners within 300 feet, or such additional distances as the Board of Appeals may deem advisable, of the boundaries of the land involved in the appeal. Compliance with this notification procedure shall be certified to by the Clerk.
- (4) If the land involved in the appeal lies within 500 feet of the boundary of any other municipality, the Clerk of the Board of Appeals shall also submit at least five business days prior to the public hearing to the Municipal Clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
- E. Decisions. Every decision of the Board of Appeals on an appeal or request shall be made within 62 days of the close of the hearing by the Board of Appeals, shall be recorded



in accordance with standard forms adopted by the Board of Appeals and shall fully set forth the circumstances of the case and contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board of Appeals, with such decision being filed in the office of the Town Clerk within five business days thereof. The Clerk of the Board of Appeals shall also notify the Zoning Enforcement Officer or Code Enforcement Official, the Clerk of the Town Planning Board and any affected municipality given notice of hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within seven days thereof with the Saratoga County Planning Board.

#### ARTICLE XIV

##### Amendment, Interpretation and Application

§ 180-80. Procedure for initiation of amendment.

C. By petition duly signed and acknowledged from the owners of 50% or more of the frontage in any zoning district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such zoning district or part thereof, in which case it shall be the duty of the Town Board to act upon such petition for amendment within 90 days of the time such petition is filed by the petitioners in the office of the Town Clerk. Said petition shall be accompanied by three (3) copies and a pdf of the PDD Amendment Application as well as the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.