

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
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# 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.)

FILED  
STATE RECORDS

of Milo

MAY 28 2024

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law Six (6) months moratorium on Planned Unit Developments located within the  
(Insert Title)  
Town of Milo, outside the Village of Penn Yan.

Be it enacted by the Milo Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Milo

as follows:

A local law establishing a six (6) months moratorium on applications and approvals on Planned Unit Developments (PUD's) located within the Town of Milo, outside the Village of Penn Yan.

(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 Milo was duly passed by the Town Board on May 20 2024, in accordance with the applicable provisions of law.

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.

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.

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.

\* 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.

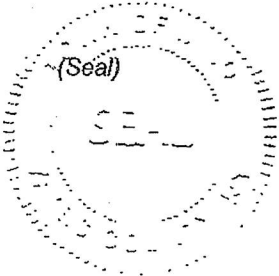
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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.

*Patricia L. Christensen*

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

Date: 5-21-2024



**TOWN OF MILO, NEW YORK****Local Law No. 2 of the year 2024**

A local law establishing a six (6) months moratorium on applications and approvals on Planned Unit Developments (PUDs) located within the Town of Milo, outside the Village of Penn Yan.

**Be it enacted by the Town Board of the Town of Milo as follows:**

**Section I. Title.**

This law shall be known as and may be cited as Local Law No. 1 - 2024 and shall be referred to as the "local law establishing a six (6) months moratorium on applications and approvals on Planned Unit Developments (PUDs) located within the Town of Milo, outside the Village of Penn Yan."

**Section II. Authorization.**

This local law is enacted pursuant to the provisions of the Town Law and Municipal Home Rule Law of the State of New York.

**Section III. State Environmental Quality Review Act (SEQRA).**

This local law is classified as a Type II (exempt) action pursuant to Section 617.5 (c)(36) of 6 NYCRR, which is also known as the State Environmental Quality Review Act (SEQRA). Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review. They do not require preparation of an environmental assessment form (EAF), a negative or positive declaration, or an environmental impact statement (EIS). Any action or class of actions listed as Type II in 617.5 requires no further processing under SEQR.

**Section IV. Purpose and Intent.**

The purpose of this moratorium is to temporarily suspend the review and approval process for land use applications (e.g., certificates of zoning compliance, special use permits, etc.) regarding Planned Unit Developments (PUDs) located within the Town of Milo, outside the Village of Penn Yan. Currently, this type of development is defined and regulated by Chapter 350, Zoning, of the Town of Milo. However, it has become apparent that these regulations need to be amended for the following reason(s):

1. To review and amend the existing specific standards for this type of development to:
  - a. Ensure compatibility with the goals of the Comprehensive Plan of the Town of Milo; and
  - b. Change this type of development from a special use that may be allowed within an applicable zoning district to a floating zoning district, which this latter type of district

requires approval from the Town Board of the Town of Milo pursuant to Section 261-c of the Town Law of NYS; and

- c. Better explain the review and approval process by the designated approval authority as prescribed within the Zoning Law of the Town of Milo; and
  - d. Require the applicant to submit evidence demonstrating his/her/their financial and technical competence to complete the proposed development; and
  - e. Require the application to explain in detail how the proposed development shall create a more desirable environment than would be possible through the strict application of the Zoning Law of the Town of Milo; and
  - f. Require the applicant to explain in detail the benefits obtained by the community by the proposed development; and
  - g. Better protect adjacent lots of record from potential adverse impacts such as incompatible land use(s), noise, lighting and traffic; and
  - h. Ensure the density (i.e., number of dwelling units per acre) does not cause a significant adverse impact on the community; and
  - i. Include transfer of development rights prescribed by Section 261-a of the Town Law of NYS as a potential density bonus; and
  - j. Amend the current architectural and site plan standards to ensure a proposed development is a positive impact to the community and complies with the goals of the Comprehensive Plan; and
  - k. Require exterior lighting, landscape, visual and/or other impact assessments deemed necessary by the designated approval authority; and
  - l. Require the applicant to obtain approvals from applicable authorities having jurisdiction (e.g., NYSDEC, NYSDOH, NYSDOT, etc.) as part of the review and approval process; and
  - m. Establish phasing standards; and
2. To restrict applicants from circumventing applicable general and specific standards prescribed within the Zoning Law of the Town of Milo or other applicable laws; and
  3. To require this type of use to be classified as a Type I action, which requires a coordinated review with all involved and interested agencies, pursuant to Section 617.14 of 6 NYCRR, which is also known as the State Environmental Quality Review Act (SEQRA).

#### **Section V. Moratorium Imposed.**

For the period of six (6) months immediately following the effective date of this local law, there is hereby imposed a moratorium on all land use applications for a Planned Unit Development (PUD) on land located within the Town of Milo, outside the Village of Penn Yan. In addition, no approvals, certificates, permits and/or any other type of action/determination shall be made or issued by any board or official of the Town of Milo with respect to any such applications. Furthermore, this moratorium shall apply to all such applications, whether pending or received, prior to the effective date of this local law. Lastly, no such applications shall be accepted by any board or official of the Town of Milo while this law remains in effect.

#### **Section VI. Effect of Moratorium.**

Upon the effective date of this local law, no board or official of the Town shall accept for review, continue to review, hold a hearing upon, make any decision upon, or issue any approval upon any land use application for a Planned Unit Development (PUD). Any statutory or locally enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect. No person, corporation, or other entity shall undertake any site preparation, including but not limited to clearing, grading, and filling, or other types of construction activities with respect to any application that is the subject of this moratorium.

#### **Section VII. Enforcement.**

This local law shall be enforced by the Code Enforcement Officer of the Town of Milo. It shall be the duty of this enforcement individual to advise the Town Board of the Town of Milo of all matters pertaining to enforcement of this local law and to keep all records necessary and appropriate for such enforcement.

#### **Section VIII. Violations.**

1. Violations unlawful. It shall be unlawful for any land, structure and/or use to be in violation of this local law, or fail in any manner to comply with any notice, directive or order of the Code Enforcement Officer.
2. Public nuisance. Any condition caused or permitted to exist in violation of any provision of this local law shall be deemed a public nuisance and shall be abated as such by the owner pursuant to law.
3. Civil penalty. Any person who undertakes any action regulated by this local law, or who violates, disobeys or disregards any provision of this local law, shall be liable to the Town for civil penalty not to exceed \$250 per day for every such violation. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
4. Criminal penalty. Any violation of any part of this local law shall constitute a "violation" as defined in the Penal Law of NYS, as currently in effect and as hereafter amended from time to time, and shall be punishable by a fine not to exceed \$250, or 15 days' imprisonment, or both such fine and/or imprisonment. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. The criminal penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

5. Restoration. A court of competent jurisdiction may order or direct a violator to restore the affected land, sign and/or structure to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Code Enforcement Officer or his/her/their designate.

#### **Section IX. Supersession.**

To the extent of this local law is inconsistent with any state statute or regulations, it is the intent of this local law to supersede such statutes or regulations. This supersession applies with respect to:

1. Section 268 of the Town Law of NYS as it pertains to the imposition of civil penalties; and
2. Section 274-a of the Town Law of NYS with respect to the procedures and time frames for processing applications for site plan review; and
3. Section 274-b of the Town Law of NYS with respect to the procedures and time frames for processing applications for special use permits; and
4. Sections 267 and 267-a of the Town Law of NYS with respect to the procedures and time frames for processing applications for area and/or use variances, appeals and/or interpretations.

#### **Section X. Relief.**

1. In the event this local law causes a severe financial and/or economic hardship to an owner of a lot of record, this owner may apply in writing to the Town Board of the Town of Milo requesting relief from strict compliance with the provisions of this moratorium. The owner must provide documentation from qualified and certified professionals demonstrating severe financial and/or economic hardship. For the purposes of this local law, "severe financial and/or economic hardship" shall not be the mere delay in being permitted to submit and/or obtaining approval for a land use application for a Planned Unit Development (PUD) during the period of this moratorium.
2. After due notice and a public hearing on this application, the Town Board of the Town of Milo may grant relief from this moratorium as it may deem reasonable and necessary, provided it is the minimum relief necessary. No relief shall be granted except upon a determination by the Town Board of the Town of Milo that severe financial and/or economic hardship was directly caused as a result of the application of the provisions of this local law.

#### **Section XI. Extension.**

The Town Board of the Town of Milo may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as this board, in its sole discretion, deems necessary to properly study the impact of Planned Unit Developments (PUDs) as defined and regulated by the Zoning Law of the Town of Milo and allow for the adoption of any zoning amendments deemed necessary.

#### **Section XII. 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 XIII. Effective date.**

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