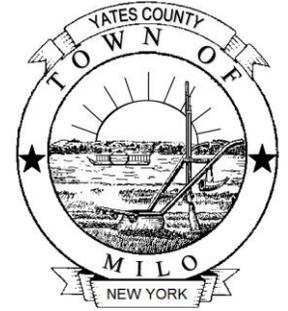


# TOWN OF MILO, NEW YORK

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## COMPREHENSIVE PLAN AMENDMENT

**Date of plan adoption:** February 19, 2013  
**Date of amendment:** Friday, February 28, 2020  
**Applicable section(s):** Plan Implementation Strategies and Map 3-1 Future Land Use Map  
**Applicable page(s):** 18-19

### Proposed amendment:

The Town of Milo proposes to add an additional land use (a.k.a., zoning district) to the Plan Implementation Strategies and Map 3-1 Future Land Use Map. This additional land use is Lakefront Recreational. It will encompass lands currently owned by YMCA of Greater Rochester, which is located at 140 Route 54-East Lake Road, Penn Yan. These lands are also known as Camp Cory.

### Explanation:

The Plan Implementation Strategies of the Comprehensive Plan organize the Town of Milo into five land uses (a.k.a., zoning districts). Since the adoption of the Comprehensive Plan, YMCA of Greater Rochester (a.k.a., Camp Cory), which is located within the Lakefront Residential land use (a.k.a., zoning district), has purchased new lands, built additional buildings and/or structures as well as operates nonconforming uses within its original boundaries<sup>1</sup>, which these uses were unknown to the Town when it adopted the Comprehensive Plan (adopted by the Town Board in February 2013) and the subsequent Zoning Law (adopted by the Town Board in January 2016). A few examples of these nonconforming uses are the rental of cabins to the general public that is not part of a child overnight camp or summer day camp as well as offering their buildings for commercial related activities such as but not limited to weddings. Lastly, the Town was notified by NYSDOH in May 2016 that it issued a permit to allow temporary residences within the original boundaries of Camp Cory. NYCRR Title 10, Subpart 7-1 defines a temporary residence as a tract or tracts of land and any hotel, motel, cabin colony, building, camping unit or other structures including worker housing that may be pertinent to its use, maintained primarily for overnight occupancy by persons who are provided at least some part or portion of the use of the facilities. Unfortunately, NYSDOH did not contact the Town to comment on the application nor made it aware of said permit's issuance until this date.

Please recognize that the Comprehensive Plan describes the Lakefront Residential land use (a.k.a., zoning district) as areas mirroring the previous Zoning Law's Resort Residential zoning district, but a key policy change is the separating out of commercial enterprises such as but not limited to campgrounds, hotels, marinas and restaurants. With that understood, the proposed amendment is necessary to:

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<sup>1</sup> The original boundaries of Camp Cory do not include the lands and structures acquired by YMCA of Greater Rochester (a.k.a., Camp Cory) from its recent purchase of 148 Route 54-East Lake Road and a portion of 158-160 Route 54-East Lake Road.

1. Separate the Lakefront Residential land use (a.k.a., zoning district) from the lands owned by YMCA of Greater Rochester (a.k.a., Camp Cory), whose operations include uses that are commercial in nature; and
2. Protect the character of the Lakefront Residential land use (a.k.a., zoning district) that consists mainly of single unit dwellings as well as accessory uses that are customarily and incidental to a single unit dwelling; and
3. Protect the quality of life of the existing residential community located within the Lakefront Residential land use (a.k.a., zoning district) from the adverse impacts of incompatible land uses and increased traffic; and
4. Allow YMCA of Greater Rochester (a.k.a., Camp Cory) to continue its operations with respect to its vested rights and the approvals issued by authorities having jurisdiction (AHJs). For example, the conditions of a previously issued Special Use Permit will not be annulled due to the creation of this new land use (a.k.a., zoning district). Furthermore, the proposed Lakefront Recreational land use (a.k.a., zoning district) will allow selective types of recreational uses via the issuance of a Special Use Permit since YMCA of Greater Rochester (a.k.a., Camp Cory) provides quality programs as well as a positive and safe environment for individuals, children and families as stated in their mission statement, which is:

*The YMCA of Greater Rochester is a charitable association of members that seek to build a healthy spirit, mind and body through quality programs emphasizing caring, honesty, respect, responsibility, character building, fun and friendship. Membership and program participation are open to individuals and families of all ages, genders, abilities, incomes, religions and races. Through its programs, the YMCA provides for the strengthening of families, the healthy development of children, the development of positive individual behaviors and a healthier, safer community for all.*

It is important to emphasize that this proposed amendment by the Town is for the benefit of the whole municipality. The Town is not rezoning the lands owned by YMCA of Greater Rochester (a.k.a., Camp Cory) to a use category different from the surrounding area nor to benefit a single owner or a single development interest. The uses already exist at said lands, but a few were unknown to the Town when it adopted its Comprehensive Plan and subsequent Zoning Law as explained herein. Also, no single owner or single development interest will benefit from this proposed amendment. Its sole purpose is to comply with the Comprehensive Plan by separating out the commercial enterprises from the Lakefront Residential zoning district. Lastly, the Town does not want to include the lands owned by YMCA of Greater Rochester (a.k.a., Camp Cory) into the Lakefront Commercial land use (a.k.a., zoning district) since several permitted and special uses of that land use (a.k.a., zoning district) would create a substantial adverse impact to the surrounding area. Examples of uses that would cause said impact are hotels, light commercial uses, motels and multiple-unit dwellings. These types of uses do not exist in the surrounding area and allowing them could be considered illegal spot zoning.

**Authority:**

The Town Board of the Town of Milo is authorized to amend, supplement and adopt a Comprehensive Plan pursuant to Section 272-a of the Town Law of the State of New York. This authority is also reiterated in the introduction to the Plan Goals and Objectives (page 12) section of the Comprehensive Plan. Specifically, it states that “conditions may change and as a result plans may change. This document should thus be viewed not as law dictating action, but rather as a vision and

policy guide, and one that will evolve as the Town of Milo evolves and reacts to the forces of change in the coming years.”

**Attachment:**

1. Proposed Zoning Map of the Town of Milo to include a Lakefront Recreational zoning district.