TOWN OF MILO, NEW YORK

ESTABLISHED 1818

Planning Board

- 137 Main Street, Penn Yan, NY 14527
- **Phone:** 315-531-8042
- **Fax:** 315-536-9760
- **Email:** codeofficer@townofmilo.com
- **Website:** www.townofmilony.gov

MEETING MINUTES

Meeting Date: September 8, 2026

1) **Call to order.**
   a) The Chairperson of the Planning Board (hereinafter called "Chairperson") called to order the regular meeting of the Town of Milo's Planning Board (hereinafter called "this Board") at 6:00 PM in the conference room at Town Hall, which is located at 137 Main Street, Penn Yan, New York.

2) **Pledge of Allegiance.**
   a) All present pledged allegiance to the Flag of the United States of America.

3) **Attendance.**
   a) Planning Board members. The following board members were present at this meeting:
      i) Kay Williamson
      ii) Russell Hunt
      iii) Nate Riehl
      iv) Sallie Jensen
      v) Steve Acker
      vi) Keith Mathews
      vii) Amber Degner

      A quorum of the Planning Board was present to hold this meeting.

   b) Town staff. The following Town staff were present at this meeting:
      i) Anthony Validzic

   c) Public.
      i) Matthew Wood
      ii) Mervin Wenger
      iii) Kevin Martin

4) **Open Meetings' Law of the State of New York – Statement.** The Chairperson read the Open Meetings' Law statement to all present. No requests for copies were received by the Secretary.

5) **Communication from Town staff, Chairperson or other board members.**
   a) The Secretary respectfully asked that each board member review the transmittal and supporting documents for each application under review.

6) Applications under review.

a) Application No. PB-09-08-2026A. An application for a subdivision (i.e., 1 new lot being created from the parent lot) at 616 Severne Road, which is assigned tax map identification numbers 100.01-1-1. This application was submitted by Finger Lakes Metal LLC and this lot is in the Light Industrial zoning district.

i) The Chairperson shall ask the applicant to address the board and provide a summary of the proposed application, if necessary. Kevin Martin explained this application to this board.

ii) Public Hearing.

(1) The Chairperson opened the meeting at 6:08 PM to conduct a Public Hearing and invite the public to offer their input on this application. The following comment(s) were received by this board:

(a) Matthew Wood of 655 Plum Point Road – Discussed trees and the railroad. After a period of discussion, he expressed no concerns about the subdivision.

The Chairperson closed the public hearing at 6:10 PM.

iii) Resolution #PB_2026-03 – SEQRA

(1) The Chairperson asked for a motion to approve Resolution #PB_2026-03 – SEQRA / Determination of Nonsignificance (Negative Determination). The motion was made by Nate Riehl. The motion was seconded by Steve Acker. The members of this Board voted, and the results were:
(a) Kay Williamson – Aye
(b) Russell Hunt – Aye
(c) Nate Riehl – Aye
(d) Sallie Jensen – Aye
(e) Steve Acker – Aye
(f) Keith Mathews – Aye
(g) Amber Degner – Aye

A major affirmative of this Board was achieved, and the motion was adopted. This resolution is attached hereto and made part of these meeting minutes.

iv) Resolution #PB_2026-04 – Final Determination

(1) The Chairperson asked for a motion to approve Resolution #PB_2026-04 – Final Determination. The motion was made by Sallie Jensen. The motion was seconded by Keith Mathews. The members of this Board voted, and the results were:
(a) Kay Williamson – Aye
(b) Russell Hunt – Aye
(c) Nate Riehl – Aye
(d) Sallie Jensen – Aye
(e) Steve Acker – Aye
(f) Keith Mathews – Aye
(g) Amber Degner – Aye

A major affirmative of this Board was achieved, and the motion was adopted. This resolution is attached hereto and made part of these meeting minutes.

b) Application No. PB-09-08-2026B. An application for a special use permit to allow a private (Mennonite) school at 1721 Second Milo Road, which is assigned tax map identification numbers 74.04-1-6. This application was submitted by Elvin Reiff and this lot is in the Agriculture zoning district.

i) The Chairperson shall ask the applicant to address the board and provide a summary of the proposed application, if necessary. The Secretary explained this application to this board.

ii) Public Hearing.

(1) The Chairperson opened the meeting at 6:15 PM to conduct a Public Hearing and invite the public to offer their input on this application. No public comments were received by this board. The Chairperson closed the public hearing at 6:16 PM.

iii) Resolution #PB_2026-05 – SEQRA

(1) The Chairperson asked for a motion to approve Resolution #PB_2026-03 – SEQRA / Determination of Nonsignificance (Negative Determination). The motion was made by Sallie Jensen. The motion was seconded by Russell Hunt. The members of this Board voted, and the results were:
(a) Kay Williamson – Aye
(b) Russell Hunt – Aye
(c) Nate Riehl – Aye
(d) Sallie Jensen – Aye
(e) Steve Acker – Aye
(f) Keith Mathews – Aye
(g) Amber Degner – Aye

A major affirmative of this Board was achieved, and the motion was adopted. This resolution is attached hereto and made part of these meeting minutes.

iv) Resolution #PB_2026-06 – Final Determination

(1) The Chairperson asked for a motion to approve Resolution #PB_2026-04 – Final Determination. The motion was made by Steve Acker. The motion was seconded by Amber Degner. The members of this Board voted, and the results were:
(a) Kay Williamson – Aye
(b) Russell Hunt – Aye
(c) Nate Riehl – Aye
(d) Sallie Jensen – Aye
(e) Steve Acker – Aye
(f) Keith Mathews – Aye
(g) Amber Degner – Aye

A major affirmative of this Board was achieved, and the motion was adopted. This resolution is attached hereto and made part of these meeting minutes

7) Other business.

a) The members reviewed and discussed "Planning for Data Centers: What local government officials should know" by the Local Government Academy. https://www.localgovernmentacademy.org/event/planning-for-data-centers-webinar/

8) Adjournment.

a) The Chairperson called for a motion to adjourn the meeting. Member Nate Riehl requested adjournment of the meeting at 6:25 PM. The motion was seconded by Russell Hunt. The members of this Board voted, and the results were:
   i) Kay Williamson – Aye
   ii) Russell Hunt – Aye
   iii) Nate Riehl – Aye
   iv) Sallie Jensen – Aye
   v) Steve Acker – Aye
   vi) Keith Mathews – Aye
   vii) Amber Degner – Aye

   A majority affirmative of the Planning Board was achieved, and the motion was adopted.

9) Resolutions adopted by this Board.

a) All resolutions adopted by this Board at this meeting are attached to these minutes and are incorporated herein by reference as part of the official record of the meeting.

10) Secretary's affirmation.

I, the undersigned Secretary of the Planning Board of the Town of Milo, hereby affirm that these minutes are, to the best of my knowledge and belief, a true and accurate record of the proceedings of the meeting identified above.

These minutes are intended to document the matters considered by the Planning Board, including motions, resolutions, votes, determinations, and the substance of relevant discussion. They are not intended to constitute a verbatim or word-for-word transcript of the meeting.



Anthony Validzic Date of signature: September 9, 2026
Secretary

TOWN OF MILO, NEW YORK

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RESOLUTION NO.: PB 2026-03
APPLICATION NO.: PB-09-08-2026A
State Environmental Quality Review
Statement of Findings – Negative Declaration

At a regular meeting of the Planning Board (PB) of the Town of Milo, Yates County, New York, held at Town of Milo Town Office, 137 Main Street, Penn Yan, New York on **September 8, 2026**, at 6:00 p.m. there were:

MEMBERS PRESENT:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

MEMBERS ABSENT:
(none)

Member Nate Riehl offered the following Resolution and moved its adoption:

WHEREAS, the Planning Board received an application for a subdivision (i.e., 1 new lot being created from the parent lot) at 616 Severne Road, which is assigned tax map identification numbers 100.01-1-1. This application was submitted by Finger Lakes Metal LLC and this lot is in the Light Industrial zoning district; and

WHEREAS, the Planning Board received a letter with supporting documentation from the Code Enforcement Officer of the Town of Milo explaining this application, his/her/their compliance review as well as his/her/their determinations and/or opinions; and

WHEREAS, pursuant to § 239-m of the General Municipal Law of NYS, the proposed Subdivision of Land is exempt from County Planning Board review pursuant to exemption #12 prescribed in the agreement between this county board and the Town of Milo (Note. Driveway to/from Route 14 exists, and owner is working with NYSDOT about signage and other items.); and

WHEREAS, pursuant to state law and the Code of the Town of Milo, the Secretary of the Planning Board advertised the notice of public hearing at least once in a newspaper of general circulation in the Town of Milo at least five (5) days before the scheduled date of such hearing; and

WHEREAS, pursuant to state law and the Code of the Town of Milo, the Secretary of the Planning Board has mailed a Notice of public hearings to all property owners within a five hundred (500) feet radius of the property(ies) subject of this Application at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed Action is an Unlisted Action requiring SEQRA review; and

WHEREAS, the Applicant has submitted an environmental assessment form (EAF) to perform a New York State Environmental Quality Review (SEQR) of the proposed Unlisted Action, which said review is an Uncoordinated Review; and

WHEREAS, the Applicant has submitted an Agricultural Data Statement since the action is a subdivision that will occur on property within 500 feet of a farm operation located in a NYS Department of Agriculture and Markets certified Agricultural District; and

WHEREAS, 6 NYCRR §617.6(b)(4) states that for an Uncoordinated Review of an Unlisted Action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and

WHEREAS, 6 NYCRR §617.6(b)(1) states that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency; and

WHEREAS, pursuant to the Code of the Town of Milo, the Planning Board conducted a Public Hearing on **September 8, 2026** at a regularly scheduled meeting of such Board and listened carefully to the verbal and written expression of the Public – their facts, information, positions, opinions about said Application; and

WHEREAS, the Planning Board has independently considered the information written within the submitted EAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine if the proposed Action will have a significant impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that an application for a subdivision (i.e., 1 new lot being created from the parent lot) at 616 Severne Road, which is assigned tax map identification numbers 100.01-1-1**,** will not have a significant adverse impact on the environment. The Chairperson of this board is hereby authorized to sign Parts 2 and 3 of NYSDEC's short environmental assessment form declaring that this action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, this determination is based upon the following findings, facts and conclusions:

- The proposed Action is solely a "Subdivision of Land" and approval has not been granted to disturb any lands, erect any new buildings and/or structures, and/or use the land contrary to regulations mandated by the Code of the Town of Milo or other applicable local, state and federal laws; and

- The Applicant fully understands and agrees to obtain all necessary local, state and federal approvals prior to the start of any future development; and

- The Applicant fully understands and agrees to obtain approval from the Authority Having Jurisdiction (e.g., NYSDOT) for any new or modifications to existing access points upon Route 14; and

- The Applicant fully understands and agrees that any approval of this application does not deem acceptance of any improvement (e.g., roads, sanitary sewer system, storm sewer system and water system) by the Town of Milo; and

- The Applicant fully understands and agrees that the Town does not enforce restrictive covenants/deed restrictions since they are private agreements; and

- The final subdivision plat shall be filed by the Applicant in the Office of the Clerk of Yates County. Any final subdivision plat not so filed and recorded within 60 days of the date upon which the Chairperson signs the final subdivision plat evidencing its final approval, the final subdivision plat shall become null and void; and

- No changes, erasures, modifications, or revisions shall be made in any final subdivision plat after approval has been given by the Planning Board and endorsed in writing on the final subdivision plat, unless said final subdivision plat is first resubmitted to the Planning Board and such Board approves any modifications; and

- A Certificate of Real Property Tax Status shall be obtained from the County Treasurer prior to filing the final subdivision plat in the Office of the Clerk of Yates County. Such tax certificate shows the current status of taxes. If delinquent, the certificate reflects penalties and interest that are due according to tax records. Please understand that the final subdivision plat shall not be accepted by the County Clerk until such certificate documents no delinquent payments; and

- Any approval based upon or granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known, by or on behalf of the applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town as permitted by law; and

- This approval is not intended to annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of Subdivision of Land Law of the Town of Milo are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this chapter shall govern; and

- In the event that any such final plat is recorded without complying with these requirements, said recorded final plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Clerk of Yates County; and

- In the event that it is necessary for the Town of Milo to take legal action to enforce the conditions stated hereinabove, the Owner shall be responsible for all legal expenses and other costs incurred by the Town of Milo in such proceedings to enforce the conditions stated hereinabove; and

- The proposed Action does not exceed any Type 1 threshold in 6 NYCRR, §617.4; and

- The proposed Action will not receive a Coordinated Review as provided for Unlisted Actions in 6 NYCRR, §617.6; and

- The proposed Action will not create a material conflict with an adopted land use plan or zoning regulation; and

- The proposed Action will not result in a change in the use or intensity of use of land; and

- The proposed Action will not impair the character or quality of the existing community; and

- The proposed Action will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA); and

- The proposed Action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway; and

- The proposed Action will not cause an increase in the use of energy and does not fail to incorporate reasonably available energy conservation or renewable energy opportunities; and

- The proposed Action will not cause a negative impact to private or public water supplies; and

- The proposed Action will not cause a negative impact to private or public wastewater treatment systems; and

- The proposed Action will not impair the character or quality of important historic, archaeological, architectural, or aesthetic resources; and

- The proposed Action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna, etc.); and

- The proposed Action will not result in an increase in the potential for erosion, flooding, or drainage problems; and

- The proposed Action will not create a hazard to environmental resources or human health.

Seconded by **Member Steve Acker** and duly put to a vote as follows:

AYES:
- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

NAYES:
(none)

ABSTAINING:
(none)

This Resolution was thereupon adopted and has taken effect immediately.

TOWN OF MILO, NEW YORK

ESTABLISHED 1818

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RESOLUTION NO.: PB 2026-004
APPLICATION NO.: PB-09-08-2026A
Final Determination

At a regular meeting of the Planning Board (PB) of the Town of Milo, Yates County, New York, held at Town of Milo Town Office, 137 Main Street, Penn Yan, New York on **September 8, 2026**, at 6:00 p.m. there were:

MEMBERS PRESENT:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

MEMBERS ABSENT:

(none)

Member Sallie Jensen offered the following Resolution and moved its adoption:

WHEREAS, the Planning Board received an application for a subdivision (i.e., 1 new lot being created from the parent lot) at 616 Severne Road, which is assigned tax map identification numbers 100.01-1-1. This application was submitted by Finger Lakes Metal LLC and this lot is in the Light Industrial zoning district; and

WHEREAS, the Planning Board received a letter with supporting documentation from the Code Enforcement Officer of the Town of Milo explaining this application, his/her/their compliance review as well as his/her/their determinations and/or opinions; and

WHEREAS, pursuant to §239-m of the General Municipal Law of NYS, the proposed Subdivision of Land is exempt from County Planning Board review pursuant to exemption #12 prescribed in the agreement between this county board and the Town of Milo (Note. Driveway to/from Route 14 exists, and owner is working with NYSDOT about signage and other items.); and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board advertised the Notice of Public Hearing at least once in a newspaper of general circulation in the Town of Milo at least five (5) days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board has mailed a Notice of Public Hearing to all property owners within a five hundred (500) feet radius of the property(ies) subject of this Application at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed Action is an Unlisted Action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Planning Board designated itself as lead agency for SEQRA review and conducted an Uncoordinated Review on **September 8, 2026**; and

WHEREAS, pursuant to the criteria contained in 6 NYCRR §617.7(c), the Planning Board determined on **September 8, 2026** that the proposed Action would not have a significant adverse impact on the environment and issued a negative declaration; and

WHEREAS, the Applicant has submitted an Agricultural Data Statement since the action is a subdivision that will occur on property within 500 feet of a farm operation located in a NYS Department of Agriculture and Markets certified Agricultural District; and

WHEREAS, pursuant to the Code of the Town of Milo, the Planning Board conducted a Public Hearing on **September 8, 2026** at a regularly scheduled meeting of such Board and listened carefully to the verbal and written expression of the Public – their facts, information, positions, opinions about said Application; and

WHEREAS, the Planning Board has determined that this Application is complete on **September 8, 2026**; and

WHEREAS, a final plat was submitted and was prepared by Michael Muller – Professional Land Surveyor and is identified/marked as project number 9106; and

WHEREAS, the Planning Board has determined that the requirements of the Code of the Town of Milo, specifically Chapter 295 – Subdivision of Land, have been met by the final plat, application and/or submitted documents based on the facts, conclusions and/or conditions noted herein on **September 8, 2026**; and

NOW, THEREFORE, BE IT RESOLVED, that an application for a subdivision (i.e., 1 new lot being created from the parent lot) at 616 Severne Road, which is assigned tax map identification numbers 100.01-1-1, is **"Approved"** subject to the following facts, conclusions and/or conditions; and

BE IT FURTHER RESOLVED, that this determination is based upon the following facts and conclusions:

- The proposed Action is solely a "Subdivision of Land" and approval has not been granted to disturb any lands, erect any new buildings and/or structures, and/or use the land contrary to regulations mandated by the Code of the Town of Milo or other applicable local, state and federal laws; and

- The Applicant fully understands and agrees to obtain all necessary local, state and federal approvals prior to the start of any future development; and

- The Applicant fully understands and agrees to obtain approval from the Authority Having Jurisdiction (e.g., NYSDOT) for any new or modifications to existing access points upon Route 14; and

- The Applicant fully understands and agrees that any approval of this application does not deem acceptance of any improvement (e.g., roads, sanitary sewer system, storm sewer system and water system) by the Town of Milo; and

- The Applicant fully understands and agrees that the Town does not enforce restrictive covenants/deed restrictions since they are private agreements; and

- The final subdivision plat shall be filed by the Applicant in the Office of the Clerk of Yates County. Any final subdivision plat not so filed and recorded within 62 days of the date upon which the Chairperson signs the final subdivision plat evidencing its final approval, the final subdivision plat shall become null and void; and

- No changes, erasures, modifications, or revisions shall be made in any final subdivision plat after approval has been given by the Planning Board and endorsed in writing on the final subdivision plat, unless said final subdivision plat is first resubmitted to the Planning Board and such Board approves any modifications; and

- A Certificate of Real Property Tax Status shall be obtained from the County Treasurer prior to filing the final subdivision plat in the Office of the Clerk of Yates County. Such tax certificate shows the current status of taxes. If delinquent, the certificate reflects penalties and interest that are due according to tax records. Please understand that the final subdivision plat shall not be accepted by the County Clerk until such certificate documents no delinquent payments; and

- Any approval based upon or granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known, by or on behalf of the applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town as permitted by law; and

- This approval is not intended to annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of Subdivision of Land Law of the Town of Milo are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this chapter shall govern; and

- In the event that any such final plat is recorded without complying with these requirements, said recorded final plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Clerk of Yates County; and

- In the event that it is necessary for the Town of Milo to take legal action to enforce the conditions stated hereinabove, the Owner shall be responsible for all legal expenses and other costs incurred by the Town of Milo in such proceedings to enforce the conditions stated hereinabove.

Seconded by **Member Keith Mathews** and duly put to a vote as follows:

AYES:

- Kay Williamson
- Russell Hunt

- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

NAYES:
(none)

ABSTAINING:
(none)

This Resolution was thereupon adopted and has taken effect immediately.

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RESOLUTION NO.: PB 2026-05
APPLICATION NO.: PB-09-08-2026B
State Environmental Quality Review
Determination of Nonsignificance (Negative Declaration)

At a regular meeting of the Planning Board (PB) of the Town of Milo, Yates County, New York, held at Town of Milo Town Office, 137 Main Street, Penn Yan, New York on **September 8, 2026**, at 6:00 p.m. there were:

MEMBERS PRESENT:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

MEMBERS ABSENT:

(none)

Member Sallie Jensen offered the following Resolution and moved its adoption:

WHEREAS, the Planning Board has received an application for a special use permit to allow a private (Mennonite) school at 1721 Second Milo Road, which is assigned tax map identification numbers 74.04-1-6. This application was submitted by Elvin Reiff (owner) and this lot is in the Agriculture zoning district; and

WHEREAS, the Code Enforcement Officer assigned an emergency response address for this private school, which is 3101 Hoyt Road, pursuant to the requirements of the NYS Uniform Fire Prevention and Building Code and other applicable laws. (Note. The proposed driveway is located on Hoyt Road.) Let the record reflect that this address is not the official address for this lot. Its sole purpose is for emergency response agencies to respond effectively to the private school during an emergency; and

WHEREAS, the Secretary of the Planning Board referred this application and its supporting documents to the Yates County Planning Board on pursuant to §239-m of the General Municipal Law of NYS. The Yates County Planning Board determined that this application has **"no significant County-wide or inter-municipal impact,"**; and

WHEREAS, the Secretary of the Planning Board emailed the local fire departments, Yates County Emergency Management, Yates County Office of the Sheriff, Yates County Planning Board and the Highway Department of Yates County an electronic copy of the application, supporting documents and a Notice of Public Hearing; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board posted the Notice of Public Hearing on the sign board of the Town of Milo, which is located at Town Hall, 137 Main Street, Penn Yan, NY 14527; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board advertised the Notice of Public Hearing at least once in a newspaper of general circulation in the Town of Milo at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board has mailed a Notice of Public Hearings to all property owners within a five hundred (500) feet radius of the property(ies) subject of this Application at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to the Code of the Town of Milo, the Planning Board conducted a Public Hearing on September 8, 2026 at a regularly scheduled meeting of such Board and listened carefully to the verbal and written expression of the Public – their facts, information, positions, and opinions about said Application. The Public Hearing was closed on September 8, 2026; and

WHEREAS, the subject lot of record is located in a NYS Certified Agricultural District and the Applicant submitted an Agricultural Data Statement for consideration; and

WHEREAS, the Planning Board reviewed the applicable NYSDEC workbook for a Full Environmental Assessment Form (FEAF) to help understand the information communicated in this form; and

WHEREAS, pursuant to the New York State Environmental Quality Review (SEQR), the Project is an Unlisted Action requiring a SEQR review; and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form (Short EAF) to perform a New York State Environmental Quality Review (SEQR) of the Project; and

WHEREAS, 6 NYCRR §617.6(b)(4) states that for an Uncoordinated Review of an Unlisted Action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and

WHEREAS, 6 NYCRR §617.6(b)(1) states that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency; and

WHEREAS, the Planning Board declared its Intent to Serve as Lead Agency for the State Environmental Quality Review (SEQR), which shall be an Uncoordinated Review, of the Project on **September 8, 2026**; and

WHEREAS, the Planning Board reviewed Part 2 of the Short Environmental Assessment Form, which is published by the NYSDEC. This Part helps a Lead Agency inventory all potential resources that could be affected by a proposed project or action; and

WHEREAS, the Planning Board reviewed the letter written by the Code Enforcement Officer that was submitted to this Board with the application, Short EAF, and supporting documents; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for purposes of SEQR review of the Project; and

BE IT FURTHER RESOLVED that after review of Part 2 Short EAF, the Planning Board hereby determines that the proposed action will not create, or only a small impact may occur as it pertains to:

1) Impact on land; and

2) Impact on geological features; and

3) Impacts on surface water; and

4) Impact on groundwater; and

5) Impact on flooding; and

6) Impacts on air; and

7) Impact on plants and animals; and

8) Impact on agricultural resources; and

9) Impact on aesthetic resources; and

10) Impact on historic and archeological resources; and

11) Impact on open space and recreation; and

12) Impact on critical environmental areas; and

13) Impact on transportation; and

14) Impact on energy; and

15) Impact on noise, odor, and light; and

16) Impact on human health; and

17) Consistency with community plans; and

18) Consistency with community character; and

This determination by the Planning Board of the Town of Milo is based upon the following conclusions, facts and/or research:

1) NYSDEC's Environmental Resource Mapper was utilized, and the Project does not appear to have an impact on an environmental resource; and

2) FEMA Seneca Watershed Study and the Flood Insurance Rate Map (FIRM) published by FEMA were reviewed. The Project is located outside the 500-year flood. Therefore, no flood damage prevention measures are required for the Project; and

3) Town staff reviewed the application, Short EAF, and supporting documents to assist the Planning Board with its review and determination of the Project. The following were noted in this review:

    a) This lot is in the Agriculture zoning district as illustrated on the Zoning Map of the Town of Milo; and

    b) The Project is a private school as defined in §350-8 of the Zoning Law of the Town of Milo; and

    c) The Project, as a private school, is a Special Use as prescribed in §350-13 of the Zoning Law of the Town of Milo; and

    d) The Project appears to conform to the bulk regulations for the Agriculture zoning district as prescribed in §350-13 of the Zoning Law of the Town of Milo; and

    e) The proposed building coverage of the Project conforms to §350-21, Building Coverage, of the Zoning Law of the Town of Milo; and

    f) The proposed building height of each building within the Project conforms to §350-22, Building Height, of the Zoning Law of the Town of Milo; and

    g) The Applicant is not required to submit a stormwater pollution prevention plan (SWPPP) based on a telephone conversation between the Registered Design Professional, owner and the Code Enforcement Officer. The project will be disturbing less than one (1) acre of land and is not required to obtain SPDES coverage for construction activities per information obtained by the NYSDEC; and

    h) The location of the place of worship is in Zone X (unshaded) per the Flood Insurance Rate Map (FIRM). For that reason, it was concluded that no concerns arose pertaining to flood damage prevention, and the Project appears to be compliant with §350-29, Flood Damage Prevention, of the Zoning Law of the Town of Milo; and

    i) The Applicant does not propose any mechanical equipment that will be visible from any public way. For this reason, it was concluded that the Project appears to be compliant with §350-34, Mechanical Equipment, of the Zoning Law of the Town of Milo; and

    j) §350-36, Operational Performance Standards, of the Zoning Law of the Town was reviewed. The following opinions were decided:

        i) The Project will not cause or tend to cause the release of air contaminants into the atmosphere that would violate applicable laws, rules and/or regulations governing such release; and

        ii) The Project will not contain materials that is dangerous to explosion, extreme fire hazards, and/or is classified as a hazardous material that is used, dispensed and/or handled in amounts exceeding the

maximum allowable quantity per control area set forth in the Uniform Code and/or any other applicable law; and

iii) The Project will not cause or tend to cause electromagnetic radiation and/or interference in such quantities as to violate the accepted levels as established by the FCC, NYS Department of Labor, Division of Safety and Health, or OSHA; and

iv) The Project will not produce intense glare or heat that is observable or felt from any point along a lot line; and

v) The Project will not cause or tend to cause the discharge or other release of liquid or solid waste that would violate applicable laws, rules and/or regulations governing such discharge or release; and

vi) The Project will not cause or tend to cause noise in such quantities as to violate accepted levels as established by NYS Department of Labor, Division of Safety and Health, or OSHA; and

vii) The Project will not cause or tend to cause the discharge or other release of odorous matter that would violate applicable laws, rules and/or regulations governing such discharge or release; and

viii) The Project will not cause or tend to cause radiation emissions that would violate:

(1) U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the CFR which apply to by-product material, source material and special nuclear material, as those terms are defined in §11(e), (z), and (aa) of the Atomic Energy Act of 1954, as amended [42 U.S.C. §2014(e), (z), and (aa)], as currently in effect and as hereafter amended from time to time; and

(2) Radiation Control for Health and Safety Act of 1968 (PL 90-602), as currently in effect and as hereafter amended from time to time, or the implementing regulations of the NYSDOH established pursuant thereto; and

ix) The Project will not cause or tend to cause ground vibration, which is perceptible without instruments, in such quantities as to produce a public nuisance or hazard beyond the lot; and

k) The Project will not contain any outdoor lighting. For this reason, it was concluded that the Project appears to be compliant with §350-37, Outdoor Lighting, of the Zoning Law of the Town of Milo; and

l) The Applicant submitted a site plan that illustrates horse barns at the Project. This Place of Worship will be owned and used by the Mennonite community of this Town. For this reason, it was concluded that this project appears to be compliant with §350-39, Parking and Loading Spaces of the Zoning Law of the Town of Milo; and

m) The Applicant does not propose to disturb a steep slope at this lot of record. For this reason, it was concluded that the Project to be compliant with §350-43, Steep Slopes, of the Zoning Law of the Town of Milo; and

n) NYSDEC Environmental Resource Mapper (ERM) was utilized. This mapper illustrated that no environmental resources (e.g., perennial streams) would be impacted by this project. For this reason, it was

concluded that the Project appears to be compliant with §350-44, Streams, of the Zoning Law of the Town of Milo; and

o) The Applicant proposes all on-site utilities to be placed underground. For this reason, it was concluded that the Project appears to be compliant with §350-47, Utility Lines, of the Zoning Law of the Town of Milo; and

p) The Applicant provided yards that meet the minimum setback distance required between a lot line and a building line as required for the Agriculture zoning district. For this reason, it was concluded that the Project appears to be compliant with §350-48, Yards, of the Zoning Law of the Town of Milo; and

q) §350-94, Place of Worship, of the Zoning Law of the Town of Milo was reviewed. The following were determined:

   i) The Project is accessible to a public road since Hoyt Road is a town highway; and

   ii) The Project is surrounded by lands in agricultural production (a.k.a., farm operations). Furthermore, the closest residential use in the immediate vicinity of the proposed Place of Worship was over ± 300 feet as measured by Pictometry. For these reasons, a landscaping plan was not required; and

BE IT FURTHER RESOLVED that the Planning Board issues a determination of nonsignificance (*Negative Declaration*) as it pertains to an application for a special use permit to allow a private (Mennonite) school at 1721 Second Milo Road, which is assigned tax map identification numbers 74.04-1-6. This application was submitted by Elvin Reiff (owner) and this lot is in the Agriculture zoning district; and

BE IT FURTHER RESOLVED that Part 2 of the Short Environmental Assessment Form, which is provided by the NYS Department of Environmental Protection, has been completed by the Planning Board of the Town of Milo with the assistance of the Town staff. The Chairperson of this Board is authorized to sign this part; and

BE IT FURTHER RESOLVED that this Resolution has been prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York. Furthermore, this Resolution and documents upon which it is based are available at the Town Hall of the Town of Milo, New York. The Planning Board and/or those whom it may designate or have designated for such purpose is authorized to file the Negative Declaration in accordance with applicable provisions of law and this resolution shall constitute a notice of Negative Declaration. The requirements of SEQRA have been satisfied and this resolution shall take effect immediately as thereupon adopted.

Seconded by **Member Russell Hunt** and duly put to a vote as follows:

AYES:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

NAYES:
(none)

ABSTENTIONS:
(none)

TOWN OF MILO, NEW YORK

ESTABLISHED 1818

Planning Board

- 137 Main Street, Penn Yan, NY 14527
- **Phone:** 315-531-8042
- **Fax:** 315-536-9760
- **Email:** codeofficer@townofmilo.com
- **Website:** www.townofmilony.gov

RESOLUTION NO.: PB 2026-06
APPLICATION NO.: PB-09-08-2026B
Final Determination

At a regular meeting of the Planning Board (PB) of the Town of Milo, Yates County, New York, held at Town of Milo Town Office, 137 Main Street, Penn Yan, New York on **September 8, 2026**, at 6:00 p.m. there were:

MEMBERS PRESENT:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

MEMBERS ABSENT:

(none)

Member Steve Acker offered the following Resolution and moved its adoption:

WHEREAS, the Planning Board has received an application for a special use permit to allow a private (Mennonite) school at 1721 Second Milo Road, which is assigned tax map identification numbers 74.04-1-6. This application was submitted by Elvin Reiff (owner) and this lot is in the Agriculture zoning district; and

WHEREAS, the Code Enforcement Officer assigned an emergency response address for this private school, which is 3101 Hoyt Road, pursuant to the requirements of the NYS Uniform Fire Prevention and Building Code and other applicable laws. (Note. The proposed driveway is located on Hoyt Road.) Let the record reflect that this address is not the official address for this lot. Its sole purpose is for emergency response agencies to respond effectively to the private school during an emergency; and

WHEREAS, the Secretary of the Planning Board referred this application and its supporting documents to the Yates County Planning Board on pursuant to §239-m of the General Municipal Law of NYS. The Yates County Planning Board determined that this application has **"no significant County-wide or inter-municipal impact"**; and

WHEREAS, the Secretary of the Planning Board emailed the local fire departments, Yates County Emergency Management, Yates County Office of the Sheriff, Yates County Planning Board and the Highway Department of Yates County an electronic copy of the application, supporting documents and a Notice of Public Hearing; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board posted the Notice of Public Hearing on the sign board of the Town of Milo, which is located at Town Hall, 137 Main Street, Penn Yan, NY 14527; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board advertised the Notice of Public Hearing at least once in a newspaper of general circulation in the Town of Milo at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to State law and the Code of the Town of Milo, the Secretary of the Planning Board has mailed a Notice of Public Hearings to all property owners within a five hundred (500) feet radius of the property(ies) subject of this Application at least five days before the scheduled date of such Public Hearing; and

WHEREAS, pursuant to the Code of the Town of Milo, the Planning Board conducted a Public Hearing on September 8, 2026 at a regularly scheduled meeting of such Board and listened carefully to the verbal and written expression of the Public – their facts, information, positions, and opinions about said Application. The Public Hearing was closed on September 8, 2026; and

WHEREAS, the subject lot of record is located in a NYS Certified Agricultural District and the Applicant submitted an Agricultural Data Statement for consideration; and

WHEREAS, the Planning Board reviewed the applicable NYSDEC workbook for a Full Environmental Assessment Form (FEAF) to help understand the information communicated in this form; and

WHEREAS, pursuant to the New York State Environmental Quality Review (SEQR), the Project is an Unlisted Action requiring a SEQR review; and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form (Short EAF) to perform a New York State Environmental Quality Review (SEQR) of the Project; and

WHEREAS, the Planning Board declared itself as Lead Agency pursuant to 6 NYCRR §617.6(b)(1) on **September 8, 2026**; and

WHEREAS, on **September 8, 2026**, pursuant to the criteria contained in 6 NYCRR §617.7(c), the Planning Board determined the Project would not have a significant adverse impact on the environment and issued a Negative Declaration; and

WHEREAS, that the Planning Board with the assistance of Town staff reviewed the following:

1) The applicable general standards (e.g., access to a lot of record, erosion and stormwater management, flood damage prevention, garbage and/or rubbish containers, landscaping, outdoor lighting, parking and loading spaces, etc.) prescribed in Article V of the Zoning Law of the Town of Milo; and

2) The specific standards for a Place of Worship prescribed in §350-94, Schools, of the Zoning Law; and

NOW, THEREFORE, BE IT RESOLVED that the Project is compliant with the above-mentioned sections of the Zoning Law as documented in the application, Short EAF, supporting documents, and the review conducted by the Town Staff (e.g., Code Enforcement Officer). This determination is based upon the following conclusions, facts and/or research:

1) NYSDEC's Environmental Resource Mapper was utilized and the Project does not appear to have an impact on an environmental resource; and

2) Flood Insurance Rate Map (FIRM) published by FEMA were reviewed. The Project is located outside the 500-year flood. Therefore, no flood damage prevention measures are required for the Project; and

3) Town staff reviewed the application, Short EAF, and supporting documents to assist the Planning Board with its review and determination of the Project. The following were noted in this review:

    a) This lot is in the Agriculture zoning district as illustrated on the Zoning Map of the Town of Milo; and

    b) The Project is a private school as defined in §350-8 of the Zoning Law of the Town of Milo; and

    c) The Project, as a private school, is a Special Use as prescribed in §350-13 of the Zoning Law of the Town of Milo; and

    d) The Project appears to conform to the bulk regulations for the Agriculture zoning district as prescribed in §350-13 (E) of the Zoning Law of the Town of Milo; and

    e) The proposed building coverage of the Project conforms to §350-21, Building Coverage, of the Zoning Law of the Town of Milo; and

    f) The proposed building height of each building within the Project conforms to §350-22, Building Height, of the Zoning Law of the Town of Milo; and

    g) The Applicant is not required to submit a stormwater pollution prevention plan (SWPPP) based on a telephone conversation between the Registered Design Professional, owner and the Code Enforcement Officer. The project will be disturbing less than one (1) acre of land and is not required to obtain SPDES coverage for construction activities per information obtained by the NYSDEC; and

    h) The location of the place of worship is in Zone X (unshaded) per the Flood Insurance Rate Map (FIRM). For that reason, it was concluded that no concerns arose pertaining to flood damage prevention, and the Project appears to be compliant with §350-29, Flood Damage Prevention, of the Zoning Law of the Town of Milo; and

    i) The Applicant does not propose any mechanical equipment that will be visible from any public way. For this reason, it was concluded that the Project appears to be compliant with §350-34, Mechanical Equipment, of the Zoning Law of the Town of Milo; and

    j) §350-36, Operational Performance Standards, of the Zoning Law of the Town was reviewed. The following opinions were decided:

i) The Project will not cause or tend to cause the release of air contaminants into the atmosphere that would violate applicable laws, rules and/or regulations governing such release; and

ii) The Project will not contain materials that is dangerous to explosion, extreme fire hazards, and/or is classified as a hazardous material that is used, dispensed and/or handled in amounts exceeding the maximum allowable quantity per control area set forth in the Uniform Code and/or any other applicable law; and

iii) The Project will not cause or tend to cause electromagnetic radiation and/or interference in such quantities as to violate the accepted levels as established by the FCC, NYS Department of Labor, Division of Safety and Health, or OSHA; and

iv) The Project will not produce intense glare or heat that is observable or felt from any point along a lot line; and

v) The Project will not cause or tend to cause the discharge or other release of liquid or solid waste that would violate applicable laws, rules and/or regulations governing such discharge or release; and

vi) The Project will not cause or tend to cause noise in such quantities as to violate accepted levels as established by NYS Department of Labor, Division of Safety and Health, or OSHA; and

vii) The Project will not cause or tend to cause the discharge or other release of odorous matter that would violate applicable laws, rules and/or regulations governing such discharge or release; and

viii) The Project will not cause or tend to cause radiation emissions that would violate:

(1) U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the CFR which apply to by-product material, source material and special nuclear material, as those terms are defined in §11(e), (z), and (aa) of the Atomic Energy Act of 1954, as amended [42 U.S.C. §2014(e), (z), and (aa)], as currently in effect and as hereafter amended from time to time; and

(2) Radiation Control for Health and Safety Act of 1968 (PL 90-602), as currently in effect and as hereafter amended from time to time, or the implementing regulations of the NYSDOH established pursuant thereto; and

ix) The Project will not cause or tend to cause ground vibration, which is perceptible without instruments, in such quantities as to produce a public nuisance or hazard beyond the lot; and

k) The Project will not contain any outdoor lighting. For this reason, it was concluded that the Project appears to be compliant with §350-37, Outdoor Lighting, of the Zoning Law of the Town of Milo; and

l) The Applicant submitted a site plan that illustrates horse barns at the Project. This Place of Worship will be owned and used by the Mennonite community of this Town. For this reason, it was concluded that this project appears to be compliant with §350-39, Parking and Loading Spaces of the Zoning Law of the Town of Milo; and

m) The Applicant does not propose to disturb a steep slope at this lot of record. For this reason, it was concluded that the Project to be compliant with §350-43, Steep Slopes, of the Zoning Law of the Town of Milo; and

n) NYSDEC Environmental Resource Mapper (ERM) was utilized. This mapper illustrated that no environmental resources (e.g., perennial streams) would be impacted by this project. For this reason, it was concluded that the Project appears to be compliant with §350-44, Streams, of the Zoning Law of the Town of Milo; and

o) The Applicant proposes all on-site utilities to be placed underground. For this reason, it was concluded that the Project appears to be compliant with §350-47, Utility Lines, of the Zoning Law of the Town of Milo; and

p) The Applicant provided yards that meet the minimum setback distance required between a lot line and a building line as required for the Agriculture zoning district. For this reason, it was concluded that the Project appears to be compliant with §350-48, Yards, of the Zoning Law of the Town of Milo; and

q) §350-94, Schools, of the Zoning Law of the Town of Milo was reviewed. The following were determined:

    i) The Project is accessible to a public road since Hoyt Road is a town highway; and

    ii) The Project is surrounded by lands in agricultural production (a.k.a., farm operations). Furthermore, the closest residential use in the immediate vicinity of the proposed Place of Worship was over ± 300 feet as measured by Pictometry. For these reasons, a landscaping plan was not required; and

AND THEREFORE, BE IT FURTHER RESOLVED that the Planning Board reviewed the determination criteria for a Special Use Permit prescribed in Section 350-176 of the Zoning Law of the Town of Milo and concludes:

1) The Project is consistent with the land use goals and objectives prescribed in the Comprehensive Plan of the Town of Milo; and

2) The Project is compliant with the applicable standards prescribed in the Zoning Law. These standards are:

    a) Section 350-94, Schools, of this law; and

    b) The applicable general standards (e.g., access to a lot of record, erosion and stormwater management, flood damage prevention, garbage and/or rubbish containers, landscaping, outdoor lighting, parking and loading spaces, etc.) prescribed in Article V of this law; and

3) The Project will not overburden municipal services (e.g., fire protection, law enforcement, sanitary sewer, stormwater conveyance and water distribution and/or treatment systems, etc.); and

4) The Project is in harmony with the orderly development of the applicable zoning district and will not have a significant adverse impact on the public health, safety or general welfare; and

5) The Project will not have an unmitigated significant adverse environmental impact as defined by SEQRA. Such determination was made by the designated Lead Agency as prescribed by SEQRA in Resolution #PB 2026-05; and

AND THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby determines that an application for a special use permit to allow a private (Mennonite) school at 1721 Second Milo Road, which is assigned tax map identification numbers 74.04-1-6, is **"Approved"** subject to the following conditions; and

- The proposed action is a "Special Use Permit for a Private School"; and
- Approval has not been granted to disturb any lands, erect any new buildings and/or structures, and/or use the land contrary to regulations mandated by the Code of the Town of Milo or other applicable local, state and federal laws; and
- The Applicant fully understands and agrees to obtain a Building Permit prior to the construction of any buildings and/or structures. The work is required to conform to the applicable requirements of the NYS Uniform Fire Prevention and Building Code and the NYS Energy Conservation Construction Code; and
- The Applicant fully understands and agrees that Special Inspections are required for this project. The Applicant/Owner is responsible to employ qualified individuals to perform these required inspections and pay for any associated costs; and
- The Applicant fully understands and agrees to obtain all necessary local, state and federal approvals prior to the start of any development; and
- The Applicant fully understands and agrees to obtain approval from the Authority Having Jurisdiction (e.g., Highway Superintendent of the Town of Milo) for any new or modifications to existing access points upon Hoyt Road; and
- The Applicant fully understands and agrees to obtain approval from the Yates County Soil and Water Conservation District pertaining to the design and installation of the proposed private privies; and
- The Applicant fully understands and agrees that a NYSDEC water well completion report shall be submitted to the Code Enforcement Officer prior to any certificate being issued by the Town; and
- The Applicant fully understands and agrees that any approval of this application does not deem acceptance of any improvement (e.g., roads, sanitary sewer system, storm sewer system and water system) by the Town of Milo; and
- The Applicant fully understands and agrees that the Town does not enforce restrictive covenants/deed restrictions since they are private agreements; and
- The Applicant fully understands and agrees to submit a new Agricultural Assessment Application and Soil Group Worksheet to the Assessor of the Town for any lot of record that will remain in agricultural production; and
- Any approval based upon or granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known, by or on behalf of the applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town as permitted by law; and

- Pursuant to Section 350-177, Validity, of the Zoning Law of the Town of Milo, all parties in this application fully understand and agree that:

    - Where the use that was authorized by a special use permit has not commenced within one year of the date of such permit's issuance, such permit shall become null and void and all rights thereunder shall terminate.

      Exemptions:

        - The Code Enforcement Officer is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall be requested in writing by the owner and justifiable cause demonstrated.

    - Any use authorized by a special use permit shall be deemed a permitted use in the zoning district in which it is located and shall not to be considered a nonconforming or prohibited use.

    - Any use authorized by a special use permit and such use ceases to continuously operate for a one-year period shall be considered abandoned, and such permit shall become null and void.

      Exemptions:

        - The Code Enforcement Officer is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall be requested in writing by the owner and justifiable cause demonstrated.

- Pursuant to Section 350-179, Expiration, of the Zoning Law of the Town of Milo, all parties involved in this application fully understand and agree that a Special Use Permit shall not expire unless the use of land proposed in the application is not operated or completed within one calendar year from the date of issuance. The Code Enforcement Officer is authorized to grant, in writing, one or more extensions of time, for periods not more than one calendar year each. The extension shall be requested by the owner and justifiable cause demonstrated; and

- Pursuant to Section 350-180, Amendments, of the Zoning Law of the Town of Milo, all parties involved in this application fully understand and agree that an amendment to an approved Special Use Permit shall be submitted to the Code Enforcement Officer accompanied by supporting information. The Planning Board shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary. However, the following actions may be permitted by the Code Enforcement Officer without the need for a review by such authority:

    - De minimis revisions.

    - Revisions requested by an Authority Having Jurisdiction (AHJ) to ensure compliance with its applicable regulations and/or provision of law.

    - Revisions that comply with any applicable standard prescribed in the Zoning Law of the Town of Milo.

- Pursuant to Section 350-181, Transferable, of the Zoning Law of the Town of Milo, all parties involved in this application fully understand and agree that a Special Use Permit is transferable due to the fact that such permit

"runs with the land" since it applies to a use at a lot of record, which such use is not contingent on ownership; and

- Pursuant to Section 350-182, Revocation, of the Zoning Law of the Town of Milo, all parties involved in this application fully understand and agree that the Planning Board is authorized to revoke a Special Use Permit issued under the provisions of the Zoning Law of the Town of Milo when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which such permit was based including, but not limited to, any one of the following:
    - The Special Use Permit is used for a lot of record or use other than that for which it was issued.
    - Conditions and/or limitations set forth in the Special Use Permit have been violated or not satisfied.
    - There have been any false statements or misrepresentations as to the material fact in the application for a Special Use Permit or any attached documents.
    - The owner failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of the Zoning Law of the Town of Milo within the time provided therein.
    - The Special Use Permit was issued in error or in violation of the Zoning Law of the Town of Milo.
- In the event that it is necessary for the Town of Milo to take legal action to enforce the conditions stated hereinabove, the Owner shall be responsible for all legal expenses and other costs incurred by the Town of Milo in such proceedings to enforce the conditions stated hereinabove.

Seconded by **Member Amber Degner** and duly put to a vote as follows:

AYES:

- Kay Williamson
- Russell Hunt
- Nate Riehl
- Sallie Jensen
- Steve Acker
- Keith Mathews
- Amber Degner

NAYES:

(none)

ABSTENTIONS:

(none)