

## **PART I: ADMINISTRATIVE LEGISLATION**

CHAPTER 1. GENERAL PROVISIONS  
CHAPTER 5. DEFENSE AND INDEMNIFICATION  
CHAPTER 8. ECONOMIC DEVELOPMENT  
CHAPTER 9. ETHICS AND DISCLOSURE  
CHAPTER 15. LOCAL LAWS AND ORDINANCES  
CHAPTER 21. (RESERVED)  
CHAPTER 25. RECORDS RETENTION  
CHAPTER 31. WATER AUTHORITY

## **PART II: GENERAL LEGISLATION**

CHAPTER 37. ALARM SYSTEMS  
CHAPTER 39. ALCOHOLIC BEVERAGES  
CHAPTER 43. BUILDING CONSTRUCTION ADMINISTRATION  
CHAPTER 47. BUILDINGS, UNSAFE  
CHAPTER 49. BURNING, OUTDOOR  
CHAPTER 53. DOGS  
CHAPTER 57. DUMPS AND DUMPING  
CHAPTER 61. FARMING  
CHAPTER 63. FEES  
CHAPTER 65. GAMES OF CHANCE  
CHAPTER 67. HAZARDOUS MATERIALS  
CHAPTER 68. HIGHWAY ADMINISTRATION  
CHAPTER 69. ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWERS  
CHAPTER 70. INSPECTIONS  
CHAPTER 73. LITTERING  
CHAPTER 79. NOISE AND NUISANCES  
CHAPTER 85. PEDDLING AND SOLICITING  
CHAPTER 91. RECORDS, PUBLIC ACCESS TO  
CHAPTER 94. REFUSE COLLECTION  
CHAPTER 97. (RESERVED)  
CHAPTER 101. (RESERVED)  
CHAPTER 105. STREETS AND SIDEWALKS  
CHAPTER 107. SIDEWALKS, PATHWAYS AND STREETLIGHTING  
CHAPTER 109. SUBDIVISION OF LAND  
CHAPTER 113. TAXATION  
CHAPTER 119. VEHICLES AND TRAFFIC  
CHAPTER 123. VEHICLES, OFF-ROAD  
CHAPTER 129. ZONING  
CHAPTER DL. DISPOSITION LIST

### CHAPTER 1. GENERAL PROVISIONS

ARTICLE I. Adoption of Code  
§ 1-1. Legislative intent.  
§ 1-2. Continuation of existing provisions.  
§ 1-3. Repeal of enactments not included in Code.  
§ 1-4. Enactments saved from repeal; matters not affected.  
§ 1-5. Severability.  
§ 1-6. Copy of Code on file.  
§ 1-7. Amendments to Code.  
§ 1-8. Code book to be kept up-to-date.  
§ 1-9. Sale of Code book; supplementation.  
§ 1-10. Penalties for tampering with Code.  
§ 1-11. Changes in previously adopted legislation.  
§ 1-12. Incorporation of provisions into Code.  
§ 1-13. When effective.  
ARTICLE II. Legislation Enacted During Codification

## **PART I: ADMINISTRATIVE LEGISLATION**

### **CHAPTER 1. GENERAL PROVISIONS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

#### **ARTICLE I. Adoption of Code**

**[Adopted 10-3-1991 by L.L. No. 3-1991]**

##### **§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Wilton shall be known collectively as the "Code of the Town of Wilton," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Wilton" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

##### **§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Wilton, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

##### **§ 1-3. Repeal of enactments not included in Code.**

All local laws and ordinances of a general and permanent nature of the Town of Wilton in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

##### **§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal.

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Wilton prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Wilton or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Wilton.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Wilton.
- E. Any local law or ordinance of the Town of Wilton providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Wilton or any portion thereof.

F. Any local law or ordinance of the Town of Wilton appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Wilton or other instruments or evidence of the Town's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The dedication of property.

J. Any legislation relating to salaries.

K. Any local law or ordinance amending the Zoning Map.

L. Local Law No. 3-1987, adopted December 21, 1987, pertaining to the Clerk to the Assessors.

M. All legislation dealing with purchasing.

N. Local Law No. 1-1977, adopted May 9, 1977, pertaining to environmental quality review.

O. All legislation pertaining to vehicles and traffic.

P. Any legislation adopted subsequent to April 4, 1991.

#### **§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code, now or through supplementation shall be adjudged by any 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, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Wilton and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Wilton by impressing thereon the Seal of the Town of Wilton, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

#### **§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Wilton" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

#### **§ 1-8. Code book to be kept up-to-date.**

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Wilton required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by

temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

#### **§ 1-9. Sale of Code book; supplementation.**

Copies of the Code may be purchased from the Town Clerk of the Town of Wilton upon the payment of a fee to be set by resolution of the Town Board, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

#### **§ 1-10. Penalties for tampering with Code.**

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Wilton or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Wilton to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

#### **§ 1-11. Changes in previously adopted legislation.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Wilton, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.) Editor's Note: Pursuant to § 1-11B, the following sections were added or amended: §§ 5-3, 9-4A(5), 21-1A, 21-26G, 21-31A, 21-51G, 39-5, 53-5, 53-9, 57-4, 67-3, 70-4A, 70-9, 79-5, 85-12, 97-5B, 97-6, 97-8D and E, 97-10, 97-18A(1)(b) and B, 101-3, 105-19, 105-22, 109-1, 109-3, 109-7, 109-8B(5) and C(6), 109-10B, 109-17A(2), 113-1, 113-2, 113-4, 113-9A, 123-3A, 123-6B and C, 129-2A, 129-4, 129-5, 129-14A, 129-15D, G(6) and H, 129-16, 129-18A, 129-21A, B, C and J, 129-23, 129-24A and B(1), (2), (3), (6), (8) and (13), 129-25, 129-34, 129-43, 129-46, 129-51, 129-59, 129-62, 129-65, 129-68, 129-70, 129-75, 129-77, 129-80, 129-82C, 129-84, 129-86B(2), 129-109A, Schedules D and F. Model PUD Ordinance and Exhibit A. The following chapters and/or articles were added or amended: Chs. 15; 43; 91; 109, Art. VII; 129, Arts. XVIII and XIX. The following sections were deleted: Original Sections VIIIB and IXA of 10-7-1985 resolution; paragraph following § 109-8D(3); Section 702, Subsection e of Section 806 and Section 904 of the Zoning Ordinance; adopted 5-6-1974.

#### **§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Wilton, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

#### **§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

### **ARTICLE II. Legislation Enacted During Codification**

[During the process of codification, certain new pieces of legislation or changes and/or additions to various existing pieces of legislation were approved by the Town Board for inclusion in the Code of the Town of Wilton. Such amendments and new enactments are noted in the histories of individual chapters as ". . . amended (adopted) during codification; see Ch. 1, General Provisions, Art. II." During the course of routine supplementation, specific amendment dates will be inserted where pertinent in the text of the various chapters. The listing below sets forth each chapter and, where applicable, each article and/or section affected by any such legislation adopted during codification. The complete text of such amendments is on file in the office of the Town Clerk, where it may be inspected during regular office hours.]

Chapter/Article/Section	Adoption Date	Legislation
Ch. A134, Policies, Art. I, § A134-1	8-8-1991	Resolution
Ch. A134, Policies, Art. II, § A134-5	8-8-1991	Resolution

#### **CHAPTER 5. DEFENSE AND INDEMNIFICATION**

##### **ARTICLE I. Defense and Indemnification of Town Officers and Employees**

**§ 5-1. Provisions adopted; benefits conferred.**

**§ 5-2. Defense of employees in civil actions.**

**§ 5-3. Conditions for defense and indemnification.**

##### **ARTICLE II. Reimbursement of Attorneys' Fees**

**§ 5-4. Definitions.**

**§ 5-5. Situations requiring reimbursement of attorneys' fees by Town.**

**§ 5-6. Conditions for reimbursement.**

**§ 5-7. Construal of provisions.**

**§ 5-8. Legislative authority and intent.**

#### **CHAPTER 5. DEFENSE AND INDEMNIFICATION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Ethics and disclosure — See Ch. 9.

#### **ARTICLE I. Defense and Indemnification of Town Officers and Employees**

**[Adopted 9-1-1988 by L.L. No. 3-1988]**

##### **§ 5-1. Provisions adopted; benefits conferred.**

The Wilton Town Board hereby adopts § 18 of the Public Officers Law and confers the benefits thereof upon all Town officers and employees.

##### **§ 5-2. Defense of employees in civil actions.**

The Town shall provide for the defense of any Town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the United States Civil Rights Act. The Town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee, at the time of such alleged act or omission, was acting in good faith and within the scope of his public employment, powers or duties. The provisions of this section shall be in addition to any other statute, local law or enactment providing legal defense and indemnification in civil actions brought against such officer or employee.

##### **§ 5-3. Conditions for defense and indemnification.**

**[Added 10-3-1991 by L.L. No. 3-1991]**

The duty to defend or indemnify and save harmless prescribed by this chapter shall be conditioned upon delivery by the employee to the Town Attorney or to the Supervisor of a written request to provide for his defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document, and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Town based upon the same act or omission, and in the prosecution of any appeal.

## **ARTICLE II. Reimbursement of Attorneys' Fees**

**[Adopted 6-1-2006 by L.L. No. 3-2006]**

### **§ 5-4. Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

#### **EMPLOYEE**

Any person holding a position by election, appointment or employment in the service of the Town of Wilton in any capacity, whether or not working on a full-time, part-time, permanent, temporary or seasonal basis, and whether or not working for compensation or as a volunteer expressly authorized to participate in a Town-sponsored volunteer program. The term "employee" shall include any person paid by the Town with Town funds or with funds derived from other than Town tax revenues and shall include any person serving on any Town administrative or advisory board, commission or committee. The term "employee" shall also include a former employee or said employee's estate or judicially appointed personal representative. The term "employee" shall not include an independent contractor.

### **§ 5-5. Situations requiring reimbursement of attorneys' fees by Town.**

A. Upon compliance by the employee with the provisions of § 5-6 of this article and subject to the conditions set forth in Subsection B of this section, it shall be the duty of the Town of Wilton to pay reasonable and necessary attorneys' fees, at rates prevailing in the local legal community, and litigation expense incurred by or on behalf of an employee for the defense of a criminal proceeding in a state or federal court arising out of any act or omission which occurred or allegedly occurred while such employee was acting or in good faith purporting to act within the scope of his/her public employment or duties, upon complete acquittal or upon the dismissal or withdrawal of all criminal charges against such employee, and reasonable and necessary attorneys' fees incurred in connection with an appearance before a grand jury which returns no true bill against the employee, or before any investigating agency, where such appearance was required as a result of any act which occurred while such employee was acting or in good faith purporting to act within the scope of such employee's public employment or duties, unless such appearance occurs in the normal course of the public employment or duties of such employee. The employee shall be entitled to private counsel of his/her own choice.

B. Upon application for reimbursement for reasonable attorneys' fees or litigation expenses, or both, made by or on behalf of an employee, as provided in § 5-6 of this article, the Town Attorney shall investigate and review the facts and circumstances of the case and make a recommendation to the Town Board whether such reimbursement shall be paid. The Town Board shall review the facts and circumstances of the case and determine whether to pay such reimbursement in light of the provisions of this article. The Town Board shall notify the employee, in writing, of such determination. Upon determining that such reimbursement should be provided, the Town Board shall so certify to the Town Comptroller. Upon such certification, reimbursement shall be made for such fees or expenses, or both, upon the audit and warrant to the Town Comptroller. Any dispute with regard to entitlement to reimbursement or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by arbitration per the rules of the American Arbitration Association. The determination of the Town Comptroller and Town Attorney shall be deemed final and binding if arbitration is not requested in writing within 30 days of the findings of the Town Comptroller and Town Attorney.

### **§ 5-6. Conditions for reimbursement.**

Reimbursement of reasonable attorneys' fees or litigation expenses, or both, by the Town of Wilton as prescribed by this article shall be conditioned upon:

A. Delivery to the Town Attorney at Town Hall, by the employee, of a written request for reimbursement of such fees and expenses, together with the original or a copy of an accusatory instrument, within 30 days after such employee is arraigned upon such instrument or, in the case of a grand jury appearance or investigating agency, written documentation of evidence of such appearance; and

B. The full cooperation of the employee in defense of any action or proceeding against the Town based upon the same act and in the prosecution of any appeal.

### **§ 5-7. Construal of provisions.**

Except as otherwise specifically provided in this article, the provisions of this article shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town of Wilton or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provisions of state or federal statutory or common law.

## **§ 5-8. Legislative authority and intent.**

This article is adopted pursuant to Public Officers Law § 18, Subdivision 12, and is intended to supplement and be in addition to all the other benefits available arising from POL § 18 or any other enactment.

## **CHAPTER 8. ECONOMIC DEVELOPMENT**

### **ARTICLE I. Permit Processing Policy**

#### **§ 8-1. Preapproval conference.**

#### **§ 8-2. Permits and approvals.**

### **ARTICLE II. Economic Development Zone**

#### **§ 8-3. Legislative intent.**

#### **§ 8-4. Boundaries.**

#### **§ 8-5. Economic Development Zone Administration Board.**

#### **§ 8-6. Economic Development Zone Certifying Officer.**

#### **§ 8-7. Economic Development Zone Coordinator.**

## **CHAPTER 8. ECONOMIC DEVELOPMENT**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

### **ARTICLE I. Permit Processing Policy**

**[Adopted 1-6-1994]**

#### **§ 8-1. Preapproval conference.**

In order to simplify or streamline the permitting and approval process for these projects, the Town will coordinate, at the applicant's request, a preapproval conference with the Chairs of the local involved agencies. This will allow the applicant the opportunity to determine what permits/approvals are required and, even more importantly, what the scheduling requirements are for them. The Chairs of the following agencies would be involved on the majority of projects: the Town Planning Board, the Town Zoning Board, the Saratoga County Planning Board, the Wilton Water and Sewer Authority, Saratoga County Sewer District No. 1 and the New York State Department of Environmental Conservation.

#### **§ 8-2. Permits and approvals.**

Determining the scope and timing of the necessary permits and approvals will clarify for the applicant the steps that lie ahead. Also, the agencies will become aware of the project at an early stage and be better prepared to handle the processing of the permit or approval. This should assist both the applicant and the agencies by creating a more efficient, meaningful process.

### **ARTICLE II. Economic Development Zone**

**[Adopted 2-17-1994 by L.L. No. 2-1994]**

#### **§ 8-3. Legislative intent.**

It is the intent of this article to authorize the Town of Wilton to prepare and submit an application for designation of an area within Saratoga County as an Economic Development Zone.

#### **§ 8-4. Boundaries.**

The proposed Economic Development Zone in the Town of Wilton is bounded and described as follows: BEGINNING at a point at the intersection of the Northeasterly boundary of Ballard Road with the Southeasterly boundary of Gurn Spring Road and runs thence from said point of beginning in a generally Northeasterly direction along the said Southeasterly boundary of Gurn Spring Road 417± feet to its intersection with the division line between the County of Saratoga, Town of Wilton Tax Map Section 115.00 Block-2 — Lot 44.1 on the South and Tax Map Parcel 115.00-2-46 on the North; thence in a generally Easterly direction along the above last-mentioned division line 181± feet to its intersection with the Easterly boundary of Tax Map Parcel 115.00-2-44.1; thence in a generally Southerly direction along the Easterly boundary of said parcel 300± feet to its intersection with the Northerly boundary of Tax Map Parcel 115.00-2-41.1; thence in a generally Easterly direction along the Northerly boundary of said parcel, 1,870± feet to its intersection with the Easterly boundary of said parcel; thence in a generally Southerly direction along the Easterly boundary of said Tax Map Parcel 115.00-2-41.1,

Tax Map Parcel 115.00-2-40 and Tax Map Parcel 115.00-2-39, a distance of 1,210± feet to its intersection with the Northwestern boundary of Tax Map Parcel No. 115.00-2-39; thence in a generally Northeasterly direction along the Northwestern boundary of said parcel and the Northwestern boundary of Tax Map Parcel 115.00-2-25.1, a distance 500± feet to its intersection with the Northerly boundary of Tax Map Parcel 115.00-2-25.2; thence in a generally Easterly direction along the Northerly boundary of said parcel 570± feet to its intersection with the Easterly boundary of said Tax Map Parcel 115.00-2-25.2; thence in a generally Southerly direction along said Easterly parcel boundary 570± feet to its intersection with the Northerly boundary of Tax Map Parcel 115.00-2-12.11, Tax Map Parcel 115.00-2-12.313 and Tax Map Parcel 115.00-2-12.2; thence in a generally Easterly direction along the Northerly boundary of said parcels, 660± feet to its intersection with the Westerly boundary of Tax Map Parcel 115.00-2-25; thence in a generally Northerly direction along the Westerly boundary of said parcel 145± feet to its intersection with the Northerly boundary of said parcel; thence in a generally Easterly direction along the Northerly boundary of said Tax Map Parcel 115.00-2-25 and its Easterly projection, crossing the bed of Dimmick Road 230± feet to its intersection with the Easterly boundary of said street; thence in a generally Southerly direction along the Easterly boundary of said Dimmick Road 1,380± feet to its intersection with the Northeasterly boundary of Ballard Road; thence in a generally Southeasterly direction along the said Northeasterly street boundary 420± feet to its intersection with the Southerly boundary of Tax Map Parcel No. 115.00-3-46; thence in a generally Westerly direction crossing the bed of Ballard Road and along the Southerly boundary of Tax Map Parcels 115.00-3-47, 115.00-2-67, 68 and 115.00-2-19, 20 and 21, Tax Map Parcels 115.00-2-27.2 and 28.1, a distance of 2,650± feet to its intersection with the Southeasterly boundary of Tax Map Parcel 115.00-2-28.1; thence in a generally Southwesterly direction along the above-mentioned parcel boundary 500± feet to its intersection with the Southerly boundary of said parcel; thence in a generally Westerly direction along the Southerly boundary of Tax Map Parcels 115.00-2-28.1, 29 and 30, a distance of 1,000± feet to its intersection with the Westerly boundary of Tax Map Parcel 115.00-2-30; thence in a generally Northerly direction along said Westerly parcel boundary 250± feet to its intersection with the Southerly boundary of said Tax Map Parcel 115.00-2-30; thence in a generally Westerly direction along the Southerly boundary of said parcel 1,190± feet to its intersection with the Southeasterly boundary of Tax Map Parcel 115.00-2-35; thence in a generally Southwesterly direction along said Southeasterly parcel boundary 70± feet to its intersection with the Westerly boundary of Tax Map Parcel 115.00-2-35; thence in a generally Northerly direction along said Westerly parcel boundary 2,660± feet to its intersection with the Southeasterly boundary of Edee Road; thence in a generally Northeasterly direction along the Southeasterly boundary of said Edee Road 840± feet to its intersection with the Southwesterly boundary of Ballard Road; thence in a generally Northwesternly direction crossing the Adirondack Northway, Interstate Route 87, a distance of 1,090± feet to a point, said point being at the intersection of the Southwesterly boundary of Ballard Road with the Westerly boundary of the Adirondack Northway, I-87; thence in a generally Southerly direction along said Westerly highway boundary, 500± feet to its intersection with the Northerly boundary of Tax Map Parcel 115.00-1-22; thence in a generally Westerly direction along said Northerly parcel boundary 800± feet to its intersection with the Easterly boundary of Traver Road; thence in a generally Southerly direction along the Easterly boundary of said street, 1,150± feet to its intersection with the Southeasterly boundary of Traver Road; thence in a generally Southwesterly direction along the Southeasterly boundary of Traver Road as it winds and turns 4,250± feet to its intersection with the Easterly projection of the Southerly boundary of Sawyer Drive; thence in a generally Westerly direction along said projection crossing Traver Road and along the Southerly boundary of Sawyer Drive and its Westerly projection along the Southerly boundary of Tax Map 115.17 and Tax Map 114.20 a distance of 1,330± feet to its intersection with the Westerly boundary of Tax Map 114.20; thence in a generally Northerly direction along the Westerly boundary of said Tax Map Parcel 114.20 and along the Westerly boundary of Tax Map Parcel 115.00-1-34.1 (lands of the Town of Wilton) 2,500± feet to its intersection with the Southerly bank of the Snook Kill; thence in a generally Westerly and Southwesterly direction along the Southerly and Southeasterly bank of the Snook Kill as it winds and turns 2,100± feet to its intersection with the Easterly boundary of Northern Pines Road; thence in a generally Northerly direction along the Easterly boundary of Northern Pines Road 7,100± feet to its intersection with the Southerly Boundary of Ballard Road; thence in a generally Easterly and Southeasterly direction along the Southerly and Southwesterly boundary of Ballard Road 5,650± feet to its intersection with the Northwesternly bank of the Snook Kill; thence in a Northeasterly direction crossing the bed of Ballard Road 300± feet to a point, said point being at the intersection of the Northeasterly boundary of Ballard Road with the Westerly bank of the Snook Kill; thence in a generally Northerly and Northeasterly direction along the Westerly and Northwesternly bank of the Snook Kill as it winds and turns crossing North Road and continuing along the Northwesternly stream bank 7,000± feet to its intersection with the Westerly boundary of Tax Map Parcel 102.00-16-2; thence in a generally Northerly direction along the Westerly boundary of said Tax Map Parcel 102.00-1-62, a distance of 1,250± feet to its intersection with the Southerly boundary of Gansevoort Road; thence in a generally Easterly direction along the said Southerly street boundary 350± feet to its intersection with the Easterly boundary of Tax Map Parcel 102.00-1-62; thence in a generally Southerly direction along the Easterly boundary of Tax Map Parcel 102.00-1-62 a distance 400± feet to its intersection with the Southerly boundary of Tax Map Parcel 102.00-1-63; thence in a generally Easterly direction along the Southerly boundary of said parcel 80± feet to its intersection with the Easterly boundary of Tax Map Parcel 102.00-1-62; thence in a generally Southerly direction along the Easterly boundary of said parcel 1,300± feet to its intersection with the Northerly bank of the Snook Kill; thence in a generally Easterly and Southeasterly direction along the Northerly and Northeasterly bank of the Snook Kill as it winds and turns 1,600± feet to its intersection with the Northwesternly boundary of the Adirondack Northway, I-87; thence in a generally Southwesterly direction along the Northwesternly boundary of the Adirondack Northway, I-87 a distance of 5,900± feet to its intersection with the Northeasterly boundary of Ballard Road; thence in a generally Southeasterly direction crossing the bed of the Adirondack Northway, I-87, a distance of 1,100± feet to the point or place of beginning.

#### **§ 8-5. Economic Development Zone Administration Board.**

The Economic Development Zone Administration Board for the Economic Development Zone described in § 8-4 shall be responsible for the oversight of the day-to-day operations of the Economic Development Zone and its programs. It shall



consist of seven members to be appointed by the Town of Wilton Town Board. The following constituencies should be represented: local businesses, organized labor, community organizations, financial institutions, local educational institutions and zone residents.

#### **§ 8-6. Economic Development Zone Certifying Officer.**

The Local Zone Certifying Officer is the person responsible for certifying with the state the eligibility of local businesses for tax benefits available under the Economic Development Zone Program. The Economic Development Zone Certifying Officer shall be the Comptroller of the Town of Wilton.

#### **§ 8-7. Economic Development Zone Coordinator.**

The Economic Development Zone Coordinator is the organization that is expected to carry out most of the administrative functions of the Economic Development Zone. The Economic Development Zone Coordinator shall be staff of the Saratoga Economic Development Corporation.

### **CHAPTER 9. ETHICS AND DISCLOSURE**

§ 9-1. Definitions.

§ 9-2. Code of Ethics.

§ 9-3. Disclosure.

§ 9-4. Public access to disclosure statements.

§ 9-5. Ethics Board.

§ 9-6. Penalties for offenses.

Attachments:

9a Review Form

9b Disclosure Statement Form

### **CHAPTER 9. ETHICS AND DISCLOSURE**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 6-7-2007 by L.L. No. 2-2007. Editor's Note: This local law superseded former Ch. 9, Ethics and Disclosure, adopted 2-3-1994 by L.L. No. 1-1994, as amended. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Defense and indemnification — See Ch. 5.

Public access to records — See Ch. 91.

#### **§ 9-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **CONFIDENTIAL INFORMATION**

Information not subject to disclosure pursuant to the Freedom of Information Law, found at NY Public Officers Law, § 85 et seq.

##### **INTEREST**

A direct or indirect pecuniary or material benefit accruing to an official or employee as the result of a contract, business or professional transaction or other relationship with the Town of Wilton. For the purpose of this chapter, an official or employee will be deemed to have an "interest" in the affairs of:

A. His or her spouse and unemancipated children.

B. A firm, partnership or association of which an official or employee is a member or employee.

C. A corporation of which such official or employee is an officer, director, employee or in which the official or employee owns 5% or more of any outstanding shares of any class of stock.

### **OFFICIAL or EMPLOYEE**

A. An official or employee of the Town of Wilton, whether paid or unpaid, who is a member of one or more of the boards, commissions, departments or agencies listed below or who serves in any of the capacities which follow:

- (1) Town Board.
- (2) Zoning Board.
- (3) Planning Board.
- (4) Highway Superintendent.
- (5) Ethics Board.
- (6) Independent Board of Assessment Review.
- (7) Town Clerk.
- (8) Town Attorney.
- (9) Town Engineer.
- (10) Assessors.
- (11) Building Inspector.
- (12) Assistant Building Inspector.
- (13) Recreation Coordinator.
- (14) Wilton Water and Sewer Authority.
- (15) Town Comptroller.
- (16) Assistant Town Attorney.
- (17) Receiver of Taxes and Assessment.

B. The Town Board reserves the right to add new classes of officials or employees under this definition as deemed appropriate.

**SPOUSE**

The husband or wife of the employee or official unless living separate and apart from the employee or official with the intention of terminating the marriage or providing for permanent separation, or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

**UNEMANCIPATED CHILD**

Any son, daughter, stepson or stepdaughter who is under age 21 and living in the household of the official or employee.

**§ 9-2. Code of Ethics.**

A. Prohibited activities. It is the policy of the Town of Wilton that all officials and employees should avoid potential conflicts of interest. A potential conflict exists whenever an official or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or adversely affects the individual's judgment in the discharge of his or her responsibilities. Therefore, no official or employee shall:

- (1) Take action in his or her official capacity in the discussion, negotiation or awarding of any contract or in business or professional dealings with the Town of Wilton or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or business or professional dealings.

(2) Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.

(3) Solicit directly or indirectly any gift or receive or accept any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

(4) After the termination of service or employment with the Town of Wilton, appear before any board or agency of the Town of Wilton in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration, unless so requested specifically by the Town Board.

(5) Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.

(6) Accept employment or engage in any business or activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.

(7) Take action on a matter before the Town or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

**B. Disclosure of interest.**

(1) Any official or employee who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Town of Wilton or by any other official board, agency, officer or employee of the Town of Wilton, and who participates in discussion before or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

(2) Any official or employee of the Town of Wilton who has knowledge of any matter being considered by any board, agency, officer or employee of the Town of Wilton in which he or she will have or intends to acquire any direct or indirect interest shall disclose, in writing, his or her interest to such board, agency, officer or employee and the nature and extent thereof.

**§ 9-3. Disclosure.**

A. All officials and employees of the Town of Wilton shall file an attestation and statement of disclosure on the disclosure form contained herein. Editor's Note: The Disclosure Statement is included at the end of this chapter. The statement will be filed with the office of the Town Clerk no later than April 1 of each year.

B. Newly appointed or elected officials or employees whose duties commence after the April 1 filing deadline shall submit a disclosure statement within 30 days after the commencement of their duties.

C. Within 30 days of any change in the information contained in his or her most recently filed statement, the official or employee shall file a signed amendment to the statement reflecting that change.

D. The Town Clerk shall verify that each official or employee subject to this chapter has filed his or her statement and shall notify the Ethics Board of any instance of noncompliance.

E. Disclosure statements shall be preserved for not less than seven years from the date of filing by the Town Clerk.

**§ 9-4. Public access to disclosure statements.**

The Town Board recognizes that public access to disclosure statements filed by Town officials and employees enhances public confidence and deters or uncovers conflicts of interest or corruption. All disclosure statements are accessible to the public pursuant to the New York State Freedom of Information Law. Editor's Note: See Public Officers Law § 85 et seq.

**§ 9-5. Ethics Board.**

A. The Ethics Board shall consist of five members, each appointed by unanimous vote of the Town Board. Each appointee must reside in the Town of Wilton. The chairman shall be selected by the Town Supervisor.

B. None of the members of the Ethics Board may hold any other public office, elected or appointed, or be an employee of the Town of Wilton.

C. The Ethics Board members shall serve a term of four years.

D. Three members of the Ethics Board shall constitute a quorum.

E. The members of the Ethics Board shall receive no compensation but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

F. Responsibilities.

(1) The Ethics Board shall meet at least once annually on or about the first day of May. The Ethics Board shall hear or receive complaints or comments brought by any citizen. The Ethics Board shall review filed disclosure statements which have been submitted by officials and employees.

(2) The Ethics Board shall review all filed statements and complaints to determine whether a conflict of interest or impropriety exists between the public duties of the official or employee and his private activities pursuant to this chapter.

(3) The Ethics Board shall make an initial decision whether a conflict of interest or other impropriety adversely reflecting on the integrity of the Town government does exist and if, in the sole opinion of the majority of the entire membership of the Ethics Board, such conflict warrants a public disclosure, the Ethics Board shall cause and direct only relevant information pertaining to the conflict or impropriety of the particular official or employee to be filed with the Town Board, subject first to the procedure set forth below in Subsection F(4), (5) and (6). The filing will constitute a public record to be made available to anyone who makes application to examine such record. The Town Board shall accept such statements and maintain separate files for the same.

(4) Prior to the filing of the opinion with the Town Board, a copy shall be mailed to the official or employee by certified mail, return receipt requested. The official or employee may respond, rebut or otherwise refute the opinion of the Ethics Board, either in writing or personally, or both, before the Ethics Board at a time and place specified by the Ethics Board. The failure of the official or employee to respond personally within 21 days from the date of opinion is received, without just cause, shall constitute a waiver by that official or employee. The Ethics Board may, in its discretion, amend, revise or rewrite its opinion or rescind by a majority vote of the entire membership its initial decision to make a public disclosure.

(5) In addition to all other powers conferred by this section, the Ethics Board may recommend to the official or employee a manner in which the conflict of interest or appearance of impropriety may be rectified. An affidavit by the official or employee detailing his or her compliance with the recommendations may be sufficient reason to rescind the Ethics Board's decision to disclose the statement or portion of the statement to the Town Board. The affidavit must be delivered to the Ethics Board in the time and place set forth in the Ethics Board's certified, return receipt requested, letter to the official or employee. If the official or employee fails to follow the recommendations of the Ethics Board in curing the conflict of interest or appearance of impropriety, that fact will also be disclosed to the Town Board.

(6) Pending the response of the official or employee and final resolution of an issue, the Ethics Board shall not disclose any information to the Town Board or public.

(7) In addition to any other powers and duties specified by this chapter, the Ethics Board will have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books, documents or records, whether printed or electronic, which it may deem relevant or material.

#### **§ 9-6. Penalties for offenses.**

A. Failure to file statement.

(1) If any official or employee refuses or fails, either knowingly or intentionally, to file a statement as required by this chapter, the Ethics Board shall notify the Town Board that said individual has not filed a statement. Upon such notification, the Town Board may suspend the official or employee without pay (if compensated). In addition, the official or employee shall also be notified by certified mail that no statement has been filed.

(2) Once a statement has been filed, the Ethics Board shall promptly notify the Town Board that the official or employee has complied with the filing requirement of this chapter, reinstate the official or employee and release all moneys withheld.

(3) Notwithstanding any other penalties imposed by this section, if any official or employee does not file a statement within 45 days after being notified by the Ethics Board that said official or employee has failed to file, or if the official or employee files a statement which the Ethics Board determines was filed with the intent to deceive, intentionally misrepresent or otherwise fraudulently answered any question set forth in the statement, or intentionally withheld any information asked for or demanded in the statement, such action shall be deemed an act of gross misconduct and shall be grounds for suspension or dismissal. The Ethics Board shall send a notice of reasonable cause to the Town Board of such instances of misconduct. The Town Board may take whatever action it deems appropriate to enforce a suspension or dismissal of the offending individual.

B. If any official or employee files a statement with the intent to deceive, intentionally misrepresent or to otherwise fraudulently answer any question set forth in the statement, or to intentionally withhold any information asked for or demanded in the statement, and if such deception or misrepresentation is found to be intentional and material or possibly criminal in nature, then such information may be disclosed to an appropriate law enforcement agency.

C. Nothing in this section shall be construed as precluding the prosecution of officials or employees for violations of any offense, criminal or civil, pursuant to the laws, ordinances or statutes of the State of New York.

Attachments:

9a Review Form

9b Disclosure Statement Form

## **CHAPTER 15. LOCAL LAWS AND ORDINANCES**

§ 15-1. Public hearing; notice.

§ 15-2. Copies to be posted.

§ 15-3. Publication required.

§ 15-4. Records to be kept.

§ 15-5. Numbering of local laws; filing.

## **CHAPTER 15. LOCAL LAWS AND ORDINANCES**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-3-1991 by L.L. No. 3-1991. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Records retention — See Ch. 25.

Public access to records — See Ch. 91.

#### **§ 15-1. Public hearing; notice.**

No local law or ordinance shall be adopted by the Town Board of the Town of Wilton until a public hearing has been held thereon in its final form before such Town Board in accordance with the laws and statutes of the State of New York. Such notice shall be given by the Town Clerk by causing the same to be published as required in the official newspaper of the Town. Such notice shall contain the title of the proposed local law or ordinance and a brief explanatory statement thereof.

#### **§ 15-2. Copies to be posted.**

The Town Clerk shall cause to be printed or otherwise reproduced copies of such proposed local law or ordinance and shall, not later than the day such notice is published, post one such copy, together with the notice of hearing, on the signboard at his/her office and shall also make copies of such proposed local law or ordinance available at his/her office for inspection by and distribution to any interested person during business hours.

### **§ 15-3. Publication required.**

The Town Clerk shall forthwith upon the adoption of a local law or ordinance by the Town Board post a copy thereof on the signboard at his/her office and shall, within 10 days after such adoption, cause the local law or ordinance, or an abstract thereof describing the same in general terms, to be published in the official newspaper of the Town.

### **§ 15-4. Records to be kept.**

Proof of publication of the notice of public hearing required by § 15-1 hereof and proof of the posting and publication required by § 15-3 hereof shall be filed in the office of the Town Clerk.

### **§ 15-5. Numbering of local laws; filing.**

Each local law shall be numbered consecutively beginning with the number one for each calendar year. When a local law is finally adopted and certified copies thereof, as required by § 27 of the Municipal Home Rule Law, are filed in the office of the Town Clerk and the Secretary of State, the Town Clerk shall accordingly assign to such local law its appropriate number.

## CHAPTER 21. (RESERVED)

## **CHAPTER 21. (RESERVED)**

**Former Ch. 21, Personnel Policies, was removed from the Code pursuant to L.L. No. 3-1997, adopted 4-8-1997, Current personnel policies are on file in the Town offices.**

## CHAPTER 25. RECORDS RETENTION

§ 25-1. Schedule MU-1 adopted.

§ 25-2. Disposal of records.

## **CHAPTER 25. RECORDS RETENTION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 3-2-1989. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Public access to records — See Ch. 91.

### **§ 25-1. Schedule MU-1 adopted.**

Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

### **§ 25-2. Disposal of records.**

In accordance with Article 57-A:

A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein,

B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

## CHAPTER 31. WATER AUTHORITY

§ 31-1. Intent.

§ 31-2. Execution of agreements and contracts.

## **CHAPTER 31. WATER AUTHORITY**

[HISTORY: Adopted by the Town Board of the Town of Wilton 8-16-1990. Amendments noted where applicable.]

**§ 31-1. Intent.**

The Town Board of the Town of Wilton hereby expresses its intent to become a member of the Saratoga County Water Authority Phase I and to participate in its services and administration.

**§ 31-2. Execution of agreements and contracts.**

The Supervisor of the Town of Wilton is hereby authorized to negotiate and enter into the necessary agreements, understandings and contracts, subject to the prior approval of the Town Board, to effectuate this chapter.

## **PART II: GENERAL LEGISLATION**

### **CHAPTER 37. ALARM SYSTEMS**

#### **ARTICLE I. Fire Alarm Systems**

##### **§ 37-1. Purpose.**

##### **§ 37-2. Definitions.**

##### **§ 37-3. Maintenance required.**

##### **§ 37-4. False alarms.**

##### **§ 37-5. Location; responsibilities of owner.**

##### **§ 37-6. Testing.**

##### **§ 37-7. Responsible parties.**

##### **§ 37-8. Liability of Town.**

##### **§ 37-9. Penalties for offenses.**

##### **§ 37-10. Enforcement.**

### **CHAPTER 37. ALARM SYSTEMS**

[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Noise — See Ch. 79.

#### **ARTICLE I. Fire Alarm Systems**

[Adopted 1-15-1992 by L.L. No. 1-1992]

**§ 37-1. Purpose.**

This article is intended to promote the health, safety and general welfare of the people of the Town of Wilton, New York, including the protection of the property of the Town and its inhabitants, by proposing regulations on the installation and maintenance of fire alarms.

**§ 37-2. Definitions.**

For the purpose of this article, the words and phrases set forth in this section shall be defined as set forth in this section:

**EMERGENCY FIRE ALARM**

Any fire alarm system designed to send a signal, recorded, coded or otherwise, which terminates in any manner at any volunteer fire company, at the Saratoga County Fire Control Center or at a facility responsible for monitoring such alarm systems or any fire alarm system designed to emit an audible signal at the exterior of the premises of the alarm installation.

**FALSE ALARM**

Any accidental, deliberate, reckless or negligent initiation or activation of an emergency fire alarm when any emergency situation does not exist.

**§ 37-3. Maintenance required.**

Each and every emergency fire alarm system in the Town of Wilton shall be properly maintained in operating condition by the building owner or his agent.

**§ 37-4. False alarms.**

A. A false alarm within 120 days of a previously false alarm shall cause a civil penalty of \$100 to be levied against the owner of the property from which said false alarms emitted, whether the false alarm was caused by human error or malfunction of equipment; except, however, that such civil penalty shall not apply to false alarms intentionally initiated by one not under the control or supervision of the property owner or representative. The civil penalty levied for any additional false alarms within the one-hundred-twenty-day period shall be \$200 per alarm. Nothing in this article shall exempt any person from criminal prosecution under the New York State Penal Law covering in any manner the intentional transmission of false alarms.

B. Following response to an emergency fire alarm which subsequent investigation determines to be false and the notification of said fact by the Fire Department to the owner of the premises or his representative from which the alarm emanated, the owner or representative shall file a written report with the Fire Department in that district and with the Code Enforcement Officer within 72 hours of such notification. Such report shall contain all information pertaining to the reason for activation of the emergency fire alarm, and the planned corrective action, if any, on the part of the property owner to prevent future false alarms.

**§ 37-5. Location; responsibilities of owner.**

Each and every fire alarm system which terminates in any manner at any volunteer fire company or the Saratoga County Fire Control Center or at a facility responsible for monitoring such alarm system must be electrically configured so as to also terminate at the home or place of business of the owner or a designated representative of the subject premises, and such owner or representative must immediately report to the scene of the alarm.

**§ 37-6. Testing.**

There shall be no testing of emergency fire alarms which would normally summon the appropriate fire company unless such test is first cleared, verified and authorized by all entities and/or agencies where such alarm terminates, including but not limited to the volunteer Fire Department servicing the property and the Saratoga County Fire Control Center.

**§ 37-7. Responsible parties.**

The owner of each property which contains an emergency fire alarm as herein set forth must provide the local Fire Department and the Saratoga County Fire Control Center with a list of three people, their addresses and telephone numbers, who may be contacted in the event that an alarm is received, who will be able to grant access to the subject premises.

**§ 37-8. Liability of Town.**

A. Neither the Town of Wilton nor the fire districts serving the Town of Wilton shall be liable for any defects in operation of emergency fire alarm systems, nor for failure to respond appropriately, nor any erroneous response pursuant to the provisions of this article with respect to the installation, operation and maintenance of equipment, the transmission of alarm systems or messages or the relaying of such systems or messages.

B. In the event that the Town of Wilton or any fire districts within said Town find it necessary to disconnect any signaling device, the foregoing parties shall incur no liability therefrom.

**§ 37-9. Penalties for offenses.**

The civil penalty for violation of any of the provisions of this article or any rules or regulations promulgated hereto, except where such penalty is specifically provided for in said provision, rule or regulation, shall be remitted to the Town of Wilton and thereupon 1/2 of the fine collected shall be transmitted to the fire district in which the violation occurred.

**§ 37-10. Enforcement.**

A. The duly designated Town Code Enforcement Officer shall enforce the provisions of this article and shall investigate and report any violation thereof.



B. Upon the receipt of a signed complaint by the Code Enforcement Officer concerning any alleged violation of this article, a civil summons against the alleged violator may be issued by the Code Enforcement Officer and said matter shall be considered a small claims case under New York law for all procedural purposes.

## **CHAPTER 39. ALCOHOLIC BEVERAGES**

### **ARTICLE I. Open Containers**

#### **§ 39-1. Title.**

#### **§ 39-2. Possession restricted.**

#### **§ 39-3. Open containers in vehicles.**

#### **§ 39-4. Exceptions.**

#### **§ 39-5. Penalties for offenses.**

## **CHAPTER 39. ALCOHOLIC BEVERAGES**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Littering — See Ch. 73.

### **ARTICLE I. Open Containers**

**[Adopted 7-16-1985 by L.L. No. 2-1985]**

#### **§ 39-1. Title.**

This article shall be known as the "Open Container Law."

#### **§ 39-2. Possession restricted.**

No person shall have in his possession any open bottle or container containing liquor, beer, wine or other alcoholic beverages while such person is on any public highway, public street, public sidewalks, public parking area or in any vehicle or public place, except those premises duly licensed for sale and consumption of alcoholic beverages on the premises.

#### **§ 39-3. Open containers in vehicles.**

An open bottle or open container in any vehicle shall be presumptive evidence that the same is in the possession of all occupants thereof and in violation hereof.

#### **§ 39-4. Exceptions.**

The foregoing restrictions shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Town Board and for which a special license has been issued by the Alcoholic Beverage Control Board.

#### **§ 39-5. Penalties for offenses.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

A violation of this article shall constitute an offense punishable by a fine not less than \$25 and not more than \$250 and/or a term of imprisonment for not more than 15 days, or both.

## **CHAPTER 43. BUILDING CONSTRUCTION ADMINISTRATION**

### **ARTICLE I. Legislative Intent**

#### **§ 43-1. Legislative intent.**

### **ARTICLE II. Administration**

#### **§ 43-2. Establishment of Building Department; responsibilities.**

#### **§ 43-3. Appointment of Building-Inspector.**

§ 43-4. Powers and duties of Building Inspector.  
§ 43-5. Duties of architect or engineer; limitations.  
ARTICLE III. Building Permits and Certificates of Occupancy  
§ 43-6. Building permit required.  
§ 43-7. Application for building permit.  
§ 43-8. Issuance or refusal of building permit.  
§ 43-9. Compliance with other provisions required.  
§ 43-10. Building permit fees.  
§ 43-11. Revocation of building permits.  
§ 43-12. Stop orders.  
§ 43-13. Right of entry.  
§ 43-14. Certificates of occupancy.  
§ 43-15. Inspection prior to issuance of certificate of occupancy.  
§ 43-16. Issuance or refusal of certificate of occupancy.  
§ 43-17. Tests of compliance.  
ARTICLE IV. Electrical Inspections  
§ 43-18. Inspectors designated.  
§ 43-19. Duties of inspector.  
§ 43-20. Construal of provisions.  
§ 43-21. Unlawful acts.  
ARTICLE V. Enforcement  
§ 43-22. Unlawful acts.  
§ 43-23. Penalties for offenses.  
§ 43-24. Nature of offense.  
§ 43-25. Additional remedies.

## **CHAPTER 43. BUILDING CONSTRUCTION ADMINISTRATION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-3-1991 by L.L. No. 3-1991. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Unsafe buildings — See Ch. 47.  
Fees — See Ch. 63.  
Subdivision of land — See Ch. 109.  
Zoning — See Ch. 129.

### **ARTICLE I. Legislative Intent**

#### **§ 43-1. Legislative intent.**

The purpose of this chapter is to provide for enforcement procedures in the Town of Wilton in the County of Saratoga of the New York Uniform Fire Prevention and Building Code.

### **ARTICLE II. Administration**

#### **§ 43-2. Establishment of Building Department; responsibilities.**

There is hereby established in the Town of Wilton a Building Department for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Town of Wilton. The words "building regulations" shall mean all such laws, ordinances, rules, regulations and orders.

#### **§ 43-3. Appointment of Building-Inspector.**

The Building Inspector and such deputies or administrative assistants as the Town Board may deem necessary shall be appointed by the Town Board at a compensation to be fixed by the Town Board.

#### **§ 43-4. Powers and duties of Building Inspector.**

A. State law. The Building Inspector shall have all the powers given to him under Article 18 of the Executive Law and § 138 of the Town Law and building regulations as are now existing or hereafter amended.

B. Notices, orders, permits and certificates. The Building Inspector shall issue all notices, orders, permits and certificates necessary or appropriate in order to carry out the provisions of this chapter.

C. Right of entry. The Building Inspector shall have the power to enter upon and examine any premises as may be necessary to assure compliance with this chapter and the laws, ordinances, regulations and orders enumerated herein.

D. Application of permits and certificates. Any building permit, certificate or other document issued by the Building Inspector may relate to one or more of the matters which may be subject to his jurisdiction.

E. Other employees. The Town Board may appoint or employ such other persons as it may deem necessary to assure enforcement of this chapter.

#### **§ 43-5. Duties of architect or engineer; limitations.**

A. Inspection and reports. The architect or professional engineer whose seal and signature appear on the drawings for buildings or structures other than one- or two-family dwellings, or his designated representative, shall be responsible for making periodic visits to the construction site to familiarize himself with the progress and quality of the construction and to determine, in general, if the construction is proceeding in accord with the drawings, specifications and addenda thereto which have been reviewed by the Building Inspector. He shall file reports with the Building Inspector at regular intervals indicating the times of such visits, the status of the construction and of any defects or discrepancies between the actual construction and the approved drawings and specifications affecting structural, fire, health or safety which he may observe. He shall advise the Building Inspector when such discrepancies have been corrected.

B. Limitation on duties. The architect or engineer shall not be required to make exhaustive or continuous on-site inspections to check the construction. He shall not be responsible for construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the construction, nor shall he be responsible for the contractor's failure to carry out the construction in accord with the approved drawings and specifications.

### **ARTICLE III. Building Permits and Certificates of Occupancy**

#### **§ 43-6. Building permit required.**

**[Amended 7-3-2008]**

No person, firm or corporation shall commence the erection, construction, enlargement, lateration, removal, improvement, demolition, conversion or change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Department for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

A. In instances where the building exists, the site is in conformity with a previously approved site plan (as determined by the Building Inspector in coordination with the Director of Planning) and a change of occupancy is occurring without structural changes to the building, the following procedures shall be followed:

(1) If the new use is of the same type and intensity (i.e., office to office, sit-down restaurant to sit-down restaurant, etc.), no Planning Board action will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy. When issuing the building permit and/or certificate of occupancy or tenancy, the Building Inspector shall provide the owner with a copy of the approved site plan for that location and obtain a signed receipt for same from the owner and/or his agent.

(2) If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Director of Planning, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.

B. In instances where the building exists, the site is not in conformity with a previously approved site plan and a change of occupancy is occurring without exterior structural changes to the building, a revised site plan approval shall be required prior to the issuance of a building permit and/or certificate of occupancy.

C. In instances where the building exists, a change of occupancy is occurring and exterior structural changes will be made to the building, a revised site plan approval shall be required prior to the issuance of a building permit and/or certificate of occupancy.

D. In instances where the building exists, no change of occupancy is occurring and structural changes will be made to the building, the new occupant shall appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy.

E. Site plan approval will be required for applications normally approved by the Building Inspector but where the Building Inspector has determined that, due to the nature of the action, the application requires review and approval by the Planning Board.

**§ 43-7. Application for building permit.**

A. Application for a building permit shall be made to the Building Department on forms provided by the Building Department and shall contain the following:

- (1) A description of the land on which the proposed work is to be done (a site plan).
- (2) The valuation of the proposed work.
- (3) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any are corporations.
- (4) Certificate of insurance.
- (5) Two sets of plans with the original stamp and signature of a New York State licensed engineer or architect. Such plans shall include:

**[Amended 6-7-2007]**

- (a) Energy Code compliance checklist.
  - (b) Light and ventilation schedule (room by room).
  - (c) Stair detail.
  - (d) Smoke detector(s) location.
- (6) Driveway permit.
- (7) An individual septic design, signed and stamped by a licensed New York State professional engineer, including:

**[Added 10-3-1996]**

- (a) Location and boring log, for test pit in vicinity of the proposed system (one test pit of a minimum depth of six feet required for all systems), as well as percolation test results and location.
- (b) Design calculations, including the following:
  - [1] Number of bedrooms.
  - [2] Size of septic tank.
  - [3] Percolation test results.
  - [4] Application rate.

[5] Length of required trenches.

[6] Depth of fill (if required).

[7] Dosing requirements (if required).

[8] Probe settings (if required).

[9] Pump requirements (if required).

[10] Pump specifications (if required).

(c) Location of well.

(d) Location of any streams, lakes, watercourses, neighboring wells, wetlands, property lines, appropriate setback requirements and structures.

(e) Detailed layout of proposed system showing septic tank, distribution box, leach lines (including all sizes, specifications and dimensions) and a section through the system. The minimum distance separation between the bottom of an individual sewerage disposal system and the seasonal high groundwater, bedrock or impervious layer shall be increased from two feet to four feet.

(f) Typical details including septic tank, distribution box, absorption trench, etc.

(g) Material specifications for pipe, septic tank, distribution box, stone, perforated pipe, barrier material over trenches, etc.

(h) Any of these requirements may be waived by the Building Inspector for the replacement of an existing septic system.

(8) Certification of seasonal high groundwater elevation by a licensed professional (P.E. or P.L.S.) indicating: The basement or slab elevation for all buildings is required to be a minimum of three feet above the seasonal high groundwater table elevation. All buildings constructed with a basement or slab elevation between three to five feet above the seasonal high groundwater table elevation shall be equipped with sump pumps which discharge to a closed drainage system or an adequate outfall as approved by the licensed professional and the Building Inspector of the Town of Wilton. When discharging to storm structures, connection shall be made by core-drilling hole and using rubber boot assembly, when possible.

**[Added 12-6-2001; amended 7-2-2002; 3-6-2003; 6-7-2007]**

(9) Well tests for individual lots, including water flow and coliform bacteria testing, per New York State Department of Health standards.

**[Added 7-2-2002** Editor's Note: This ordinance also renumbered former Subsection A(9) as A(10) The ordinance adopted 3-6-2003 also provided for this renumbering. **; amended 3-6-2003]**

(10) Such other information as may reasonably be required by the Building Department to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations, including the New York State Uniform Fire Prevention and Building Code.

B. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

C. All applications must be accompanied by a copy of the deed for the proposed work location.

D. Plans and specifications. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a site plan drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be

incorporated, distance from lot lines and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

E. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

#### **§ 43-8. Issuance or refusal of building permit.**

A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.

B. Upon approval of the application and upon receipt of the legal permit fees therefor, he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

C. Upon approval of the application, one set of reviewed plans shall be retained in the files of the Building Department, and the applicant shall keep one set at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times.

D. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

#### **§ 43-9. Compliance with other provisions required.**

Where any law, ordinance, rule or regulation requires approval of any governmental agency before construction of any work, the applicant shall provide proof of compliance with such law, ordinance, rule or regulation before a building permit shall be issued.

#### **§ 43-10. Building permit fees.**

Upon issuance of the building permit, there shall be paid such fees as may be established from time to time by resolution of the Town Board.

#### **§ 43-11. Revocation of building permits.**

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

A. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

B. Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

C. Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.

D. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

#### **§ 43-12. Stop orders.**

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may

be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail to the applicant or owner.

**§ 43-13. Right of entry.**

Any employee of the Building Department, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

**§ 43-14. Certificates of occupancy.**

A. New construction. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

B. Alterations. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

C. Change of use. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy or a certificate of compliance has been issued by the Building Inspector.

D. The owner or his agent shall make application for a certificate of occupancy. Prior to issuance, the following items must be on file with the Town of Wilton Building Department:

(1) For commercial applications:

(a) Truss certificate.

(b) Water test results: quality and quantity.

(c) Written certification, by a Licensed Professional Engineer, that the septic system has been installed as per the design and meets the requirements of the Town of Wilton and the New York State Department of Health Appendix 75-A.9 (if applicable).

**[Amended 10-3-1996]**

(d) Stamped as-built plans for building.

(e) Stamped as-built site plan with certification that the site substantially complies with the approved site plan.

(f) List all interior finishes with certification.

(g) Final electrical inspection sticker.

(h) Such other information and/or certification deemed necessary by the Building Inspector to establish compliance of work performed.

(2) For residential applications:

(a) Truss certificate.

(b) Water test results: quality and quantity.

(c) Written certification, by a Licensed Professional Engineer, that the septic system has been installed as per the design and meets the requirements of the Town of Wilton and the New York State Department of Health Appendix 75-A.9 (if applicable).

**[Amended 10-3-1996]**

- (d) Manufacturers installation manual for woodstove, insert and/or factory-built fireplace (if applicable).
- (e) Written certification by the installer certifying the installation of the chimney, fireplace, factory-built fireplace, insert and/or woodstove.
- (f) Stamped plot plan.
- (g) Final electrical inspection sticker.

**§ 43-15. Inspection prior to issuance of certificate of occupancy.**

A. Required. Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all building, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which the building permit has been issued.

B. Record of inspection. There shall be maintained in the Building Department a record of all such examinations and inspections, together with a record of findings of violations of the law.

**§ 43-16. Issuance or refusal of certificate of occupancy.**

When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable regulations. The certificate shall state the use or uses to which the building or structure or each of its several parts may be put.

**§ 43-17. Tests of compliance.**

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of this code or other applicable building laws, ordinances, rules or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

**ARTICLE IV. Electrical Inspections**

**§ 43-18. Inspectors designated.**

The Chief Inspector and each of the duly appointed inspectors of the New York Board of Fire Underwriters or any qualified and licensed engineer of the owner's choice are hereby authorized to make inspections and reinspections of all electrical installations hereinafter described and to approve or disapprove the same. In no event, however, will the cost of such inspections and reinspections be a charge against the Town.

**§ 43-19. Duties of inspector.**

A. It shall be the duty of the inspector to report to the Building Inspector all violations of or deviations or omissions from the electrical provisions of the Uniform Fire Prevention and Building Code. The inspector shall make inspections and reinspections of electrical installations in and on properties in the Town upon the written request of the Building Inspector or Chief of the Fire Prevention Bureau or as herein provided.

B. The inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties within the Town where he deems it necessary for the protection of life and property.

C. In the event of an emergency, it is the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the Town.



D. It shall be the duty of the inspector to furnish written reports to the proper officials of the Town and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.

E. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with the New York State Uniform Fire Prevention and Building Code, and he shall direct that a copy of the certificate of compliance be sent to the Building Inspector.

F. This article shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

#### **§ 43-20. Construal of provisions.**

This article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town or the New York Board of Fire Underwriters or any qualified engineer chosen by the owner as electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this article.

#### **§ 43-21. Unlawful acts.**

A. It shall be a violation of this article for any person, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the Town until an application for inspection has been filed with the New York Board of Fire Underwriters or with the Town of Wilton Building Inspector.

B. It shall be a violation of this article for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the New York Board of Fire Underwriters or any qualified licensed engineer chosen by the owner as electrical inspector.

### **ARTICLE V. Enforcement**

#### **§ 43-22. Unlawful acts.**

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

#### **§ 43-23. Penalties for offenses.**

Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Department made thereunder shall be punishable by a fine of not more than \$1,000 per day per violation or up to one year in jail, or both.

#### **§ 43-24. Nature of offense.**

Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed, for any purpose, a penal or criminal penalty or punishment, and shall not impose any liability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

#### **§ 43-25. Additional remedies.**

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to the penalties prescribed in the preceding section.

### **CHAPTER 47. BUILDINGS, UNSAFE**

#### **§ 47-1. Purpose.**

#### **§ 47-2. Title.**

§ 47-3. Definitions.  
§ 47-4. Inspection and report.  
§ 47-5. Order to repair or remove.  
§ 47-6. Contents of notice.  
§ 47-7. Service of notice.  
§ 47-8. Copy of notice to be filed with County Clerk.  
§ 47-9. Failure to comply; work done by Town.  
§ 47-10. Levy and collection of Town's expenses.  
§ 47-11. Emergencies.  
§ 47-12. Compensation of appointed surveyors.

## **CHAPTER 47. BUILDINGS, UNSAFE**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 7-13-1981 by L.L. No. 2-1981. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction administration — See Ch. 43.  
Zoning — See Ch. 129.

#### **§ 47-1. Purpose.**

Unsafe buildings pose a threat to life and property in the Town of Wilton. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health protection and general welfare of persons and property in the Town of Wilton by requiring that such unsafe buildings be repaired or demolished and removed.

#### **§ 47-2. Title.**

This chapter shall be known as "Unsafe Buildings Law of the Town of Wilton."

#### **§ 47-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **BUILDING**

Any building, structure or portion thereof used for residential, business or industrial purpose.

##### **BUILDING INSPECTOR**

The Building Inspector of the Town of Wilton or such other person appointed by the Town Board to enforce the provisions of this chapter.

#### **§ 47-4. Inspection and report.**

When in his own opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation or presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Building Inspector shall cause or make an inspection thereof and report, in writing, to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

#### **§ 47-5. Order to repair or remove.**

The Town Board shall thereafter consider such report and, by resolution, determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair, if the same can be safely repaired, or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

#### **§ 47-6. Contents of notice.**

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.
- E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled and not less than five business days from the date of service of the notice.
- F. A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

**§ 47-7. Service of notice.**

The notice shall be served by posting a copy thereof in a conspicuous place upon the premises affected and a copy thereof mailed on the same day it is posted to the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building, as shown by the records of the Receiver of Taxes or Tax Collector or of the County Clerk, at the address filed by him in the offices of the Town or of the County Clerk, and if his address is not so filed, then in such case, such notice shall be sent by registered mail to his last known address or place of residence.

**§ 47-8. Copy of notice to be filed with County Clerk.**

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Saratoga.

**§ 47-9. Failure to comply; work done by Town.**

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided in § 47-11 hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

**§ 47-10. Levy and collection of Town's expenses.**

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

**§ 47-11. Emergencies.**

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 47-10 hereof.

**§ 47-12. Compensation of appointed surveyors.**

Any surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

**CHAPTER 49. BURNING, OUTDOOR**

**§ 49-1. Purpose.**

**§ 49-2. Burning of certain materials prohibited.**

**§ 49-3. Definitions.**

**§ 49-4. Outdoor fireplaces and/or grills and bonfires.**

**§ 49-5. Restricted residential burning.**

§ 49-6. Exemptions.  
§ 49-7. Responsibility of person conducting burn.  
§ 49-8. Enforcement.  
§ 49-9. Penalties for offenses.

## **CHAPTER 49. BURNING, OUTDOOR**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 11-5-1998 by Ord. No. 2-1998. Editor's Note: This ordinance repealed former Ch. 49, Outdoor Burning, adopted 8-6-1998. This ordinance also provided that it shall take effect 10 days after posting in the Town's official newspaper, pursuant to Town Law § 133. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Refuse collection — See Ch. 94.

#### **§ 49-1. Purpose.**

Open burning of materials can pose a threat to life and property in the Town of Wilton if not properly controlled. Such burning can cause air pollution which can have detrimental effects on a citizen's health. Such burning can spread and cause damage and possible loss of life to other properties and their owners. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Wilton by restricting the open burning of combustible materials. It is not the intent of this chapter to prohibit recreational burning if proper precautions are followed.

#### **§ 49-2. Burning of certain materials prohibited.**

Except as permitted elsewhere in this chapter, the following materials shall not be allowed to be burned in an open fire:

- A. Burning of garbage.
- B. Burning of refuse.
- C. Burning of rubbish generated by residential, commercial or industrial activities other than agricultural.

#### **§ 49-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

##### **OPEN FIRE**

Any outdoor fire or outdoor smoke-producing process from which air contaminants are emitted directly into the outdoor atmosphere.

##### **REFUSE**

All waste material, including, but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals and offal.

##### **RUBBISH**

Solid or liquid waste material, including, but not limited to, paper and paper products, rags, trees or leaves, needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, grease, sludge, oils and other petroleum products, wood, sawdust, demolition materials, tires, automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

#### **§ 49-4. Outdoor fireplaces and/or grills and bonfires.**

Nothing in this chapter shall pertain to the operation of outdoor grills or fireplaces for the preparation of food where the source of heat is either wood, charcoal or gas. Bonfires for recreational purposes, with flame height not to exceed five feet, are permitted provided that the fuel source is clean wood. Open burning of bonfires shall be subject to the provisions of Subsections E, F and G under § 49-5 of this chapter.

#### **§ 49-5. Restricted residential burning.**

Burning in an open fire, provided that it is not contrary to any other law, will be allowed upon lots containing two acres or more, but not within the confines of a mobile home park, as follows:

A. Land clearing/cleanup and or demolition material consisting of clean wood, trees, tree trimmings, leaves or brush. Such burning shall be done only on the site where the materials are generated.

B. No burning is allowed within 100 feet of a property line.

C. No burning is allowed on the day the following holidays are observed:

(1) Memorial Day.

(2) Fourth of July.

(3) Labor Day.

D. No burning is allowed when the Town Fire Marshal has duly posted a fire prohibition.

E. Prior to any open burning, the County Office of Fire Control shall be notified. Such notification shall include the location and time of the burn. The Office of Fire Control shall also be notified when the burn is completed.

F. Open fires allowed under this section and § 49-4 shall be attended at all times by a responsible adult.

G. Appropriate fire extinguishing equipment, as designated by the Town Fire Marshal, shall be available at all times during the burn.

#### **§ 49-6. Exemptions.**

Open fires upon lands owned by the Town of Wilton or any fire department or open fires burned under the direction of any fire department are exempt from this chapter.

#### **§ 49-7. Responsibility of person conducting burn.**

A. Burning allowed under this chapter does not relieve the person conducting the burn from the responsibility of courtesy to neighbors, nor does it relieve him/her from the responsibility of not interfering with the enjoyment of life or property of others. It is his/her responsibility to take steps that assure that no off-site nuisances from smoke, embers, etc., occur.

B. The Fire Marshal or the chief firematic officers of the applicable fire company can order any fire extinguished if he or she deems that proper responsibility is not being exercised.

C. This chapter does not relieve the person performing the burn of the responsibility of obtaining any other permits required by the state or other agencies.

#### **§ 49-8. Enforcement.**

Enforcement of this chapter shall be by the Town of Wilton Fire Marshal or any other law enforcement officer. They shall have power to issue citations for violations of the chapter.

#### **§ 49-9. Penalties for offenses.**

A. A first violation of this chapter is a first offense, punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed violations and, for such purpose, all provisions of law relating to violations shall apply to such violations. In addition thereto, the Town authorities shall have such other remedies as are provided by law to restrain, correct or abate any violation of this chapter.

B. For a second offense within five years of the first offense, a fine of not less than \$350 and not more than \$700 or not exceeding six months' imprisonment, or both.

C. For a third or subsequent offense within a five-year period, a fine of not less than \$700 nor more than \$1,000 or not exceeding six months' imprisonment, or both.

#### CHAPTER 53. DOGS

§ 53-1. Definitions.

§ 53-2. Running at large prohibited; leash required.

§ 53-3. Prohibition of dogs in Town parks.

§ 53-4. Impoundment.

§ 53-5. Nuisance or barking dogs prohibited.

§ 53-6. Identification of dogs required.

§ 53-7. Unlicensed dogs prohibited.

§ 53-8. Defecating on property owned or maintained by Town prohibited.

§ 53-9. Defecating on private property within Town prohibited.

§ 53-10. Exemptions for certain dogs.

§ 53-11. Uncontrolled or dangerous dogs.

§ 53-12. Local fee.

§ 53-13. Enforcement; penalties for offenses.

#### **CHAPTER 53. DOGS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 9-2-1999. Editor's Note: This ordinance superseded former Ch. 53, Dogs, adopted 3-11-1985, as amended. Amendments noted where applicable.]**

##### **§ 53-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **ATTACK**

As used in § 53-11, any physical assault, including mauling, biting or tearing.

##### **CONTROL**

Physical control over the dog as to not allow the dog to run free and keeping the dog in close proximity to the accompanying person.

##### **DOG**

Both male and female canines as it applies to this chapter.

##### **IDENTIFIED**

Any dog carrying an identification tag as provided in § 112, Article 7, New York State Agriculture and Markets Law.

##### **OWNER**

Shall include any person(s), company or corporation harboring or keeping a dog, or a parent/guardian or other adult person with whom a minor dog owner resides.

##### **§ 53-2. Running at large prohibited; leash required.**

No dog shall run at large within the territorial limits of the Town of Wilton. A dog shall be deemed at large if elsewhere than on the premises of the owner, not accompanied by the owner or his agent having said dog under control at all times. All dogs shall be leashed when off the owner's premises. Said leash shall be constructed in such a way that the dog is physically restrained and in total control by the accompanying person.

##### **§ 53-3. Prohibition of dogs in Town parks.**

**[Amended 10-2-2008]**

No dogs shall be allowed within the confines of Gavin Park. This section shall not apply to Seeing Eye dogs when the dogs are performing the functions for which they are trained, nor to dogs aiding or assisting disabled persons, nor to dogs actively engaged in police work or search and rescue activities. Leashed dogs are allowed at Camp Saratoga and Ruggles Road Park (Neilmann parcel). A "revocable" permit is required, issued by the Town of Wilton, for use at Camp Saratoga and the Neilmann parcel. No dogs are permitted at Camp Saratoga during scheduled or community events.

##### **§ 53-4. Impoundment.**

Any dog in violation of any ordinance relating to the keeping and control of dogs may be apprehended and impounded as provided by § 118, Subdivision 2, of Article 7, New York State Agriculture and Markets Law.

##### **§ 53-5. Nuisance or barking dogs prohibited.**

No dog shall engage in prolonged, constant or habitual barking or conduct itself in such a way as to disturb the peace and quiet of the surrounding area in a manner as to annoy any person(s) other than the owner or person(s) harboring such dog.

**§ 53-6. Identification of dogs required.**

Any dog which is not identified and which is not on the owner's premises may be apprehended and impounded as provided by § 118, Subdivision 1, Subparagraph (a), of Article 7, New York State Agriculture and Markets Law.

**§ 53-7. Unlicensed dogs prohibited.**

Any dog which is not licensed, whether on or off the owner's premises, may be apprehended and impounded as provided by § 118, Subdivision 1, Subparagraph (b), of Article 7, New York State Agriculture and Markets Law.

**§ 53-8. Defecating on property owned or maintained by Town prohibited.**

No dog(s) shall be allowed to defecate on property owned or maintained by the Town of Wilton, and any such person who owns or is in charge of any dog which defecates upon property owned or maintained by the Town of Wilton shall immediately remove said waste to a sealed, leakproof container and dispose of said waste within the confines of the dog owner's premises or other suitable disposal site. Property owned or maintained by the Town of Wilton shall include, but is not limited to, Town roadways, shoulders and rights-of-way of said roadways, parks and public buildings.

**§ 53-9. Defecating on private property within Town prohibited.**

No dog(s) shall be allowed to defecate on private property in the Town of Wilton unless said owner of the property gives permission for the deposit of said waste on said property. Any owner or person who is in charge of any dog which defecates upon private property without the permission of the property owner shall remove said waste immediately to a sealed leakproof container and dispose of said waste within the confines of the dog owner's premises or other suitable disposal site.

**§ 53-10. Exemptions for certain dogs.**

Sections 53-8 and 53-9 shall not apply to a blind person with a guide dog or otherwise disabled person with a dog trained to assist them, nor shall these sections apply to dogs actively engaged in police work.

**§ 53-11. Uncontrolled or dangerous dogs.**

No person(s), company or corporation who owns, harbors or has custody of any dog shall cause or permit such dog to attack, unprovoked, any person or domestic animal at any time.

**§ 53-12. Local fee.**

This chapter shall designate a local fee of \$3 for licensing of dogs within the Town of Wilton in addition to the fees imposed by the New York State Department of Agriculture and Markets. Persons 65 years of age or older shall be exempt from this local fee as provided in Article 7 of the New York State Agriculture and Markets Law.

**§ 53-13. Enforcement; penalties for offenses.**

A. This chapter, as adopted by the Town of Wilton, relating to the keeping and control of dogs, and provisions of Article 7, § 119, Subdivision 1, of the New York State Agriculture and Markets Law relating to the keeping and licensing of dogs, shall be enforced pursuant to the New York State Penal Law.

B. Violations shall be punishable by a fine or imprisonment as follows:

(1) For a first offense, a minimum fine of \$35 (not to exceed \$60).

(2) Where there have been prior offenses within the last five years, a minimum fine of \$60 (not to exceed \$100) and/or imprisonment of not more than 15 days, or both.

(3) Where there have been two or more offenses of any section of this chapter or any provision of § 119, Subdivision 1, of the New York State Agriculture and Markets Law within the preceding five years, a minimum fine of \$100 (not to exceed \$150) or imprisonment of not more than 15 days, or both.

(4) Where it has been determined that an uncontrolled dog or dangerous dog violation has occurred, a minimum fine of not less than \$50 (not to exceed \$250) or imprisonment of not more than 15 days, or both.

#### **CHAPTER 57. DUMPS AND DUMPING**

##### **§ 57-1. Intent.**

##### **§ 57-2. Definitions.**

##### **§ 57-3. Unlawful acts.**

##### **§ 57-4. Exception.**

##### **§ 57-5. Penalties for offenses.**

#### **CHAPTER 57. DUMPS AND DUMPING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 2-1-1990 by L.L. No. 1-1990. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Hazardous materials — See Ch. 67.

Littering — See Ch. 73.

##### **§ 57-1. Intent.**

The Town Board of the Town of Wilton intends to regulate, control and prohibit the dumping, storing or placing of certain kinds of solid or liquid waste materials within the boundaries of the Town of Wilton and to preclude the creation of a private dump or dumping ground for such materials within the Town. This chapter is enacted by the Town Board of the Town of Wilton pursuant to § 130, Subdivisions 6 and 15, of the Town Law of the State of New York.

##### **§ 57-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **DUMP or DUMPING GROUNDS**

Includes any place used for the disposal or leaving of solid or liquid waste material by the public or any person.

##### **PERSON**

Includes any individual, firm, partnership, corporation, municipality or association of individuals.

##### **SOLID OR LIQUID WASTE MATERIAL**

Includes all putrescible and nonputrescible solid wastes, including but not limited to garbage; rubbish; ashes; incinerator residue; street cleanings; demolition and construction debris; abandoned vehicles; offal; commercial, hospital and industrial wastes; and hazardous and toxic wastes.

##### **§ 57-3. Unlawful acts.**

A. The dumping, storing or placing of any kind of solid or liquid waste materials within the Town of Wilton which originates either within or outside the Town of Wilton is prohibited.

B. The creation, maintenance and/or operation of dumps or dumping grounds within the Town of Wilton of solid or liquid waste materials other than by the Town of Wilton, unless under the expressed written authority of the Town Board of the Town of Wilton, is prohibited.

##### **§ 57-4. Exception.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

Nothing contained within this chapter will be deemed to prohibit any person from disposing of solid or liquid waste material at the Wilton Town Landfill, provided that such landfill is in operation and such person has obtained all necessary permits and approval from all appropriate governmental agencies and that the disposal of the particular solid or liquid waste material is not otherwise prohibited.



## **§ 57-5. Penalties for offenses.**

Any person violating any of the provisions of this chapter will be guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed \$1,000 for each offense, or by imprisonment in the County jail for not more than one year, or both. The Town Board may also bring a civil action to restrain any violation of this chapter in a court of competent jurisdiction. When a violation of this chapter is continuous, each 24 hours thereof will constitute a separate and distinct offense.

## **CHAPTER 61. FARMING**

§ 61-1. Legislative intent and purpose.

§ 61-2. Definitions.

§ 61-3. Right to undertake agriculture practices.

§ 61-4. Notice to prospective neighbors.

## **CHAPTER 61. FARMING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 12-5-1996 by L.L. No. 3-1996. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Zoning — See Ch. 129.

### **§ 61-1. Legislative intent and purpose.**

- A. The Town Board of the Town of Wilton finds that farming is an essential activity within the Town of Wilton.
- B. Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Wilton emphasizes to newcomers that this Town encourages its agriculture practices and requests newcomers to be understanding of the necessary day-to-day operations.
- C. It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of the Town of Wilton, to permit the continuation of agricultural practices, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.
- D. For the purpose of reducing future conflicts between farmers and nonfarmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

### **§ 61-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **AGRICULTURAL PRACTICES**

Includes all activities conducted on a farm necessary to the operation of a farm.

#### **FARM**

Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, apiculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.

### **§ 61-3. Right to undertake agriculture practices.**

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers may lawfully engage in farming practices within the Town of Wilton at any and all such times and all such locations as are reasonably necessary to conduct the business of farming, provided that such practices are legal under the zoning ordinances and other laws and ordinances of the Town of Wilton and the State of New York. For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

### **§ 61-4. Notice to prospective neighbors.**

The following notice shall be included in building permits, on plats of subdivisions submitted for approval pursuant to Town Law § 276 and on certificates of occupancy:

"This property may border a farm as defined in the Town of Wilton's Right to Farm Law. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

#### CHAPTER 63. FEES

- § 63-1. Residential building permit.
- § 63-2. Nonresidential building permit.
- § 63-3. Subdivision review.
- § 63-4. Nonresidential site plan review.
- § 63-5. Planned development or cluster development site plan review.
- § 63-6. Senior living communities.
- § 63-7. Payment procedure.
- § 63-8. Soil and woodland conservation.
- § 63-9. SEQRA review; environmental impact statements.
- § 63-10. Zoning Board of Appeals application.
- § 63-11. Zoning change requests.
- § 63-12. Conditional use permits.
- § 63-13. Sign permits.
- § 63-14. Traffic mitigation fees.
- § 63-15. Inspection fees.
- § 63-16. Sidewalk installation fee.
- § 63-17. Questions regarding fees.

#### **CHAPTER 63. FEES**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 11-17-1997. Editor's Note: This resolution supersedes former Ch. 63, Fees, adopted 2-2-1995, as amended. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Building construction administration — See Ch. 43.  
Subdivision of land — See Ch. 109.  
Zoning — See Ch. 129.

#### **§ 63-1. Residential building permit.**

**[Amended 12-6-2007]**

The rate for residential building permits shall be \$0.15 per square foot of floor area; a minimum fee of \$40 shall be required. Floor area shall include any basement, carport, garage and canopies but shall not include a cellar, subcellar or nonhabitable attic. Floor area shall be based on the outside dimensions of the building.

#### **§ 63-2. Nonresidential building permit.**

**[Amended 12-6-2007]**

The rate for nonresidential building permits shall be \$0.25 per square foot of floor area; a minimum fee of \$150 shall be required. The permit rate for the renovation of nonresidential buildings shall be \$0.15 per square foot of floor area; a minimum fee of \$100 shall be required. The permit fee for a building occupied in part for residential use and in part for nonresidential use shall be the sum of the two occupancy fees, calculated separately. Square footage shall include any basement, cellar, subcellar and canopies but shall not include a crawl space. Square footage shall be based on the outside dimensions of a building.

#### **§ 63-3. Subdivision review.**

A. The fee for subdivision review shall be as follows:

**[Current as of 3-1-2006]**

(1) Application. (Note: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

(a) Conceptual/preliminary: \$20 per living unit; minimum fee of \$300 as per proposed plan. This application fee shall be due at the time of application.

(b) Final: After final subdivision plan approval, but prior to submission of the final subdivision plan for signature, a fee of \$150 per living unit is due.

(2) Review fees shall be based on the number of living units as follows:

(a) In-house Town review fee (when Town is primary reviewer):

Number of units	Fee Amount
1 to 5	\$130 per living unit
6 to 50	\$120 per living unit
51 or more	\$100 per living unit or a minimum of \$6,000

[1] One half of the review fee is due at conceptual submission.

[2] One half of the review fee is due with the preliminary submission.

(b) When outside consultant is primary reviewer:

[1] In-house Town review fee:

Number of units	Fee Amount
1 to 5	\$40 per living unit
6 to 50	\$35 per living unit
51 or more	\$30 per living unit or a minimum of \$1,750

[2] Outside consultant review escrow:

Number of units	Escrow Amount
1 to 5	\$140 per living unit
6 to 50	\$130 per living unit
51 or more	\$110 per living unit or a minimum of \$6,500

B. Park and recreation: \$1,000 per new living unit, due at the time final approval is obtained.

**[Last amended 12-6-2007]**

C. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.

D. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.

E. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval. Projects that are dormant for over one year shall be reviewed and engineering review fees assessed for those projects.

F. This section pertains to all subdivisions, whether residential, commercial or industrial. In the case of commercial or industrial subdivisions, fees shall be based on a per lot basis rather than per living unit and no park and recreation fees shall be due.

G. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.

H. See also § 63-14, Traffic mitigation fees, and § 63-15, Inspection fees.

**§ 63-4. Nonresidential site plan review.**

A. The fee for nonresidential site plan review shall be as follows:

**[Amended 11-5-1998; current as of 3-1-2006]**

(1) Application. (Note: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

<b>Area (square feet)</b>	<b>Fee</b>
0 to 4,999	\$250
5,000 to 9,999	\$500
10,000 to 29,999	\$0.06 per square foot
30,000 to 99,999	\$0.04 per square foot or a minimum of \$1,800
100,000 and over	\$0.03 per square foot or a minimum of \$4,000

(a) One-half of the total application fee is due at the site plan application/conceptual submission stage.

(b) One-half of the total application fee is due at the final submission stage.

(2) Review fees:

(a) In-house Town review, when Town is primary reviewer. (The Town reserves the right to adjust in-house Town review fee for cases involving renovations, amended site plans or other unusual circumstances.)

<b>Area (square feet)</b>	<b>Fee Amount</b>
0 to 4,999	\$900
5,000 to 29,999	\$0.25 per square foot or a minimum of \$1,400
30,000 and over	\$0.10 per square foot or a minimum of \$7,500

[1] Minor review fee: \$100.

(b) When outside consultant is primary reviewer:

[1] In-house Town review fee. (The Town reserves the right to adjust in-house Town review fee for cases involving renovations, amended site plans or other unusual circumstances.)

Area (square feet)	Review Fee
0 to 4,999	\$400
5,000 to 29,999	\$0.08 per square foot
30,000 and over	\$0.04 per square foot or a minimum of \$2,400

[2] Outside consultant review escrow:

Area (square feet)	Escrow Amount
0 to 4,999	\$1,100
5,000 to 29,999	\$0.30 per square foot
30,000 and over	\$0.12 per square foot or a minimum of \$9,000

(3) Construction inspection fee: \$0.15 per square foot or a minimum of \$150. Fee can be adjusted for very small projects requiring minimal inspection.

B. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.

C. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.

D. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval. Projects that are dormant for over one year shall be reviewed and engineering review fees assessed for those projects.

E. There are no park and recreation fees.

F. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.

G. See also § 63-14, Traffic mitigation fees, and § 63-15, Inspection fees.

#### **§ 63-5. Planned development or cluster development site plan review.**

A. The fee for PUD or cluster development site plan review shall be as follows:

(1) Application. The sum of the subdivision and/or commercial and industrial application fees. If encompassing residential and commercial development, the sum of the two, calculated separately, shall apply. (NOTE: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

(2) Review fees: the sum of the subdivision and/or commercial and industrial review fees. If encompassing residential and commercial development, the sum of the two, calculated separately, shall apply.

B. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.

C. Park and recreation: \$750 per new living unit, due at the time final approval is obtained.

**[Current as of 3-1-2006]**

D. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.

E. See also § 63-14, Traffic mitigation fees, and § 63-15, Inspection fees.

**§ 63-6. Senior living communities.**

A. The fee for senior living communities site plan review shall be as follows:

(1) Application. (NOTE: The application fees are designed to cover secretarial and executive costs incurred by the Town of Wilton; these fees do not cover any engineering review costs.)

(a) Conceptual/preliminary: \$20 per living unit; minimum fee of \$300 as per proposed plan. This application fee shall be due at the time of application.

(b) Final: after final site plan approval, but prior to submission of the final site plan for signature, a fee of \$150 per living unit is due.

(2) Review fees shall be based on the number of living units as per the subdivision review fee schedule in § 63-3.

B. Park and recreation: \$750 per living unit, due at the time final approval is obtained; assisted-living facilities: \$250 per bedroom.

**[Current as of 3-1-2006; amended 8-3-2006** Editor's Note: This resolution stated that it would be retroactive to 7-1-2006. ]

C. If the Planning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/developer.

D. Payment of all fees shall be made prior to the signing of any Mylars by the Town of Wilton.

E. All engineering fees incurred for projects that are withdrawn by the applicant or disapproved by the Board shall be payable by the applicant at the time of withdrawal or disapproval. Projects that are dormant for over one year shall be reviewed and engineering review fees assessed for those projects.

F. Additional fees for projects under the jurisdiction of the Wilton Water and Sewer Authority shall apply.

G. See also § 63-14, Traffic mitigation fees, and § 63-15, Inspection fees.

**§ 63-7. Payment procedure.**

A. The schedule of fees is based on a per-unit basis which shall be paid by the developer in two payments at the following set rates.

(1) Fifty percent of the total review fee (includes fees and/or escrow amounts, to be paid with separate checks) shall be paid to the Town of Wilton Planning Board at the time of submission of the conceptual site/subdivision plan.

(2) The remaining 50% shall be paid to the Town immediately after conceptual approval and prior to the date of the preliminary submission. The preliminary submission shall not be accepted by the Town unless 100% of the total review fee has been paid. If the Town is the primary reviewer, the Town review fee (from the appropriate fee schedule) shall be due. If an outside consultant is the primary reviewer, the Town review fee and consultant escrow amount shall be due. All of the fees collected by the Town of Wilton shall be retained by the Town to help defray the cost of the Town's in-house review.

B. All escrow amounts collected by the Town of Wilton shall be placed in an escrow account. The Town shall be authorized to pay the costs for reviews from the money on deposit in the account in order for the Town to defray the cost of the review services. Upon completion of the approval process, should monies remain in the escrow account, following the outside consultant's final billing for the project, they shall be returned to the owner/developer. If monies

on deposit prove to be insufficient for the review (including any SEQRA review), the owner/developer shall deposit monies in an amount sufficient to cover the additional review costs as may be required. If the Town is the primary reviewer and determines that additional review by an outside consultant is required, these additional costs for outside consultant review shall be borne by the owner/developer. The estimated fee for this additional review shall promptly be escrowed by the developer with the Town prior to the additional review taking place. The Town review fees shall not decrease as a result of these additional costs borne by the owner/developer.

**§ 63-8. Soil and woodland conservation.**

A. Application:

**[Current as of 3-1-2006]**

<b>Area (acres)</b>	<b>Fee</b>
5 to 50	\$50
51 to 100	\$100
Over 100	\$150

B. Review fee: \$100.

(1) Projects under five acres shall not require a review fee because this size project does not have to appear before the Town Planning Board.

(2) This review fee is applicable to projects over five acres in size and only if the Town determines that an engineering review is required, otherwise no review fee shall be required.

(3) If the applicant has already obtained a subdivision or preliminary approval, both the application fee and the review fee shall be waived.

(4) This review fee is a lump sum amount which is paid to the Town at the time of application.

(5) If the Town requires the assistance of an outside consultant, the cost incurred for such services shall be paid by the applicant. The outside consultant's estimated fee shall be escrowed with the Town at the time of application.

**§ 63-9. SEQRA review; environmental impact statements.**

The Town of Wilton reserves the right to set up an escrow account for a given project when it has received a positive declaration according to SEQRA. Due to the direct relationship between the cost of preparing an environmental impact statement (EIS) and the specific characteristics of the lands to be used, a set price per unit cannot be estimated. When a large project is submitted to the Town and receives a positive declaration, the Town shall estimate the cost of review and supply this information to the applicant. Upon completion of the EIS, should monies remain in the account following the Town Engineer's and/or Town Attorney's final billing for the project, they shall be returned to the applicant/developer. If monies on deposit prove to be insufficient for the EIS, the applicant/developer shall deposit monies in an amount sufficient to cover the additional costs as may be required.

**§ 63-10. Zoning Board of Appeals application.**

A. The application fee for Zoning Variance applications to the Zoning Board of Appeals shall be as follows:

(1) Area variance.

(a) Residential: \$35.

(b) Commercial:

[1] Two hundred dollars for projects of an estimated completed value of less than \$200,000.

[2] Four hundred dollars for projects of an estimated completed value of more than \$200,000.

(2) Use variance.

(a) Residential: \$100.

(b) Commercial:

[1] Five hundred dollars for projects of an estimated completed value of less than \$200,000.

[2] One thousand dollars for projects of an estimated completed value of more than \$200,000.

(3) Signs: \$100. The sign application fee shall be separate from any other application fees to the Zoning Board of Appeals.

B. The application fee for special permit applications to the Zoning Board of Appeals shall be as follows:

(1) Residential: \$35.

(2) Commercial:

(a) Two hundred dollars for projects of an estimated completed value of less than \$200,000.

(b) Four hundred dollars for projects of an estimated completed value of more than \$200,000.

C. The application fee for interpretation applications to the Zoning Board of Appeals shall be \$50.

D. If the Zoning Board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/applicant.

#### **§ 63-11. Zoning change requests.**

##### **[Amended 12-6-2007]**

All expenses incurred to process a zoning change request shall be borne by the party(ies) making the request. Expenses shall include but are not limited to public notifications, environmental assessment form and/or environmental impact statement preparation, SEQRA filing requirements and engineering reviews, if the aforementioned measures are deemed necessary by the Planning Board or Town Board. A minimum fee shall be assessed and shall be payable at the time of application as follows:

A. Rezoning requests for properties with a value of less than \$200,000: \$300.

B. Rezoning requests for properties with a value of more than \$200,000: \$500.

#### **§ 63-12. Conditional use permits.**

##### **[Last amended 12-6-2007]**

The fee for a conditional use permit shall be \$50.

#### **§ 63-13. Sign permits.**

##### **[Last amended 12-6-2007]**



The fee for a sign permit shall be \$3 per square foot, with a minimum sign permit fee of \$100.

**§ 63-14. Traffic mitigation fees.**

A. Mitigation fees shall be the primary source of funding for implementation of the required traffic improvements. These fees shall be implemented through State Environmental Quality Review Act (SEQRA) procedures. The use of development mitigation fees allows the Town of Wilton to collect necessary dollars to make improvements related to new development.

(1) Mitigation fees.

**[Amended 2-3-2000]**

(a) The mitigation fees for each development type are broken down as follows:

**[Amended 8-3-2006** Editor's Note: This resolution stated that it would be retroactive to 7-1-2006. **]**

**Summary of Mitigation Fees**

<b>Land Use</b>	<b>Mitigation Fees</b>
Residential (single-family)	\$524 per unit
Residential (apartments)	\$330 per unit
Residential (condominiums/townhouses)	\$300 per unit
Senior living	\$197 per unit
Assisted-living facilities	\$110 per bedroom
Hotel	\$343 per room
Industrial/Commercial	\$0.50 per square foot
Office	\$0.78 per square foot
Retail	\$1.30 per square foot
Service	\$0.86 per square foot
Self-storage units	\$0.14 per square foot

(b) For uses not shown above, the Town will use the ITE Trip Generation Manual (most recent edition) to calculate the fee using the appropriate average trip generation rate.

**[Added 12-4-1997]**

(2) Classification of a project shall be determined by the Town of Wilton, and the following shall be followed when applicable:

(a) When a property is changing a use classification, as defined by the traffic mitigation fees, the traffic mitigation fee shall be based on the square footage of any existing or new structure, along with any approved additions, less the required traffic mitigation fee for the current use, based on existing structures. However, based on these calculations the applicant shall not be entitled to a credit.

(b) Fees for structural additions to existing sites shall be based only on the additional square footage. This applies only if the use of the property stays within the same mitigation fee category.

(c) When a property is subdivided and an existing residence is located on one of the new parcels created by the subdivision, one parcel shall be exempt from a traffic mitigation fee.

B. Fee schedule.

**[Amended 11-7-2002]**

(1) Residential projects.

(a) Projects consisting of 10 or more units shall pay fees as follows:

[1] One half of the total fee shall be due upon final approval, prior to the signing of any mylar.

[2] One half of the total fee shall be due upon the request for the first building permit.

(b) Projects consisting of less than 10 units shall pay the entire fee at final approval, prior to the signing of a mylar.

(c) If a project is to be filed in phases, as approved by the Planning Board, all lots shown on the mylar shall be paid as if the phase was a separate project. For example: if a mylar shows the entire project in four phases the entire project shall be used as the basis of determining the fee payment; however if only one phase of a project is shown on the mylar the number of lots in that phase shall determine the fee payment.

(2) Commercial projects. Projects where the fees are based on the square footage of a structure shall be due as follows:

(a) One half of the total fee shall be due upon final approval, prior to the signing of any mylar.

(b) One half of the total fee shall be due upon the request of the first building permit.

**§ 63-15. Inspection fees.**

A. The Town of Wilton inspection fees for residential subdivision projects or other projects involving the construction of roads shall be based on the following fee schedule:

(1) Roadways within the Town: \$3 per linear foot.

B. For nonresidential or senior living community projects, the fee schedule is as follows:

(1) All buildings: \$0.15 per gross square foot of building floor area or a minimum fee of \$150.

**[Current as of 3-1-2006]**

(2) The Town reserves the right to adjust this inspection fee for cases involving very small projects that may require minimal inspection.

C. In both cases (residential and nonresidential), if off-site improvements are required, an additional fee shall be calculated by the Town for the inspection of these off-site improvements. In cases where the Town requires the use of an outside consultant to perform inspections, the per-linear-foot fee would still be paid to the Town. The Town shall be authorized to pay the consultant from this fee, with any remaining amounts retained by the Town to cover its administrative costs. If the inspection fee proves to be insufficient for the inspection work, the owner/developer shall deposit monies in an amount sufficient to cover the additional inspection costs. These additional monies shall be deposited immediately so that the construction and inspection work may continue. The initial inspection fees shall be fully paid prior to any construction activity taking place on the project.

D. The Building Department and the Department of Planning and Engineering shall be given a minimum of 24 hours' and preferably 48 hours' notice to schedule inspections. Contractors, who find that work to be inspected is not complete, shall give said Department sufficient notice to reschedule appointments/inspections. The Building Department and the Department of Planning and Engineering may impose a fine on contractors who make appointments for inspections and then do not notify said Department if, for some reason (including work not being

completed), the inspection should have been cancelled or postponed. The amount of the fine shall be \$100 per violation and shall be payable, at the discretion of the Department, before additional inspections are made. If outstanding fines have been imposed and remain unpaid, no certificate of occupancy or certificate of compliance shall be issued. All fines are the responsibility of the applicant even if the inspection appointments have been made by subcontractors or other interested parties.

**[Amended 12-6-2001]**

E. Stormwater maintenance fee. On projects where the Town will take on maintenance responsibilities of stormwater management areas (basins), the applicant is required to pay \$2,500 per stormwater management area prior to final approval. The applicant shall maintain said stormwater management areas and perform required maintenance per NYSDEC stormwater permit standards until the two-year letter of credit expires.

**[Added 12-1-2005; amended 12-6-2007]**

**§ 63-16. Sidewalk installation fee.**

**[Added 1-5-2006** Editor's Note: This ordinance also provided for the renumbering of former § 63-16 as § 63-17. ; **amended 10-5-2006]**

For all parcels receiving site plan approval in the H-1 and CR-2 Zones, a one-time, lump sum fee of \$30 per linear foot along the proposed sidewalk's path less any paved areas this path will cross, per the approved site plan, shall be paid prior to signing of Mylars/prints (i.e., final or minor site plan approval).

**§ 63-17. Questions regarding fees.**

All questions regarding the amount of fees charged in this chapter shall be addressed to the Wilton Town Board.

**CHAPTER 65. GAMES OF CHANCE**

**ARTICLE I. Bingo**

**§ 65-1. Purpose.**

**§ 65-2. License required; effective state provisions.**

**§ 65-3. Authority granted to Town Clerk.**

**§ 65-4. Games on Sunday.**

**§ 65-5. Amendments; repeals.**

**§ 65-6. Penalties for offenses.**

**ARTICLE II. Licensing**

**§ 65-7. Title.**

**§ 65-8. Definitions.**

**§ 65-9. Authorization for conduct of games.**

**§ 65-10. Games on Sunday; exceptions.**

**§ 65-11. Enforcement.**

**CHAPTER 65. GAMES OF CHANCE**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

**ARTICLE I. Bingo**

**[Adopted 4-1-1999 by L.L. No. 4-1999** Editor's Note: This local law was approved by a majority of the qualified electors at a special election held 6-1-1999. Said local law also provided that it would take effect 7-1-1999. **]**

**§ 65-1. Purpose.**

The purpose of this article is to permit the operation of the game of bingo by authorized organizations in the Town of Wilton pursuant to Article 1, Section 9 of the Constitution of the State of New York as implemented by Article 19-B of the Executive Law and Article 14-H of the General Municipal Law.

**§ 65-2. License required; effective state provisions.**

It shall be lawful for any authorized organization, as defined in § 476 of Article 14-H of the General Municipal Law of the State of New York, upon obtaining the required license from the Town Clerk, to conduct the game of bingo within the territorial limits of the Town of Wilton, Saratoga County, New York, subject to the provisions of this article, Article 14-H of the General Municipal Law and the rules and regulations of the New York State Racing and Wagering Board adopted pursuant to Article 19-B of the Executive Law and any amendments to said laws or said rules and regulations.

#### **§ 65-3. Authority granted to Town Clerk.**

The Town Clerk is hereby designated to exercise all of the authority granted to the Town Board under § 498 of the General Municipal Law in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

#### **§ 65-4. Games on Sunday.**

Pursuant to the authority granted in Article 14-H, § 485 of the General Municipal Law, the conduct of bingo games on the first day of the week, commonly known as "Sunday," is hereby authorized.

#### **§ 65-5. Amendments; repeals.**

This article may be amended from time to times, or repealed by the Town Board, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than 30 days following the date of enactment of the local law, effecting such amendment or repeal, as the case may be, and the approval of a majority of the electors shall not be a condition prerequisite to the taking effect of such local law.

#### **§ 65-6. Penalties for offenses.**

The unauthorized conduct of a bingo game and willful violation of any provisions of this article shall constitute and be punishable as a misdemeanor and shall result in the forfeiture of any license issued under this article and the ineligibility to apply for a license under this article for at least one year thereafter.

### **ARTICLE II. Licensing**

**[Adopted 4-1-1999 by L.L. No. 5-1999** Editor's Note: This local law was approved by a majority of the qualified electors at a special election held 6-1-1999. Said local law also provided that it would take effect 7-1-1999. **]**

#### **§ 65-7. Title.**

This article shall be known and may be cited as the "Games of Chance Licensing Law of the Town of Wilton, New York."

#### **§ 65-8. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

##### **AUTHORIZED ORGANIZATION**

An authorized organization as defined in Subdivision 4 of § 186 of the General Municipal Law, except that such authorized organizations shall be limited to those located within the Town of Wilton and which have their offices and conduct the majority of their business or activity within the Town of Wilton.

##### **GAMES OF CHANCE**

A game of chance is defined in Subdivision 3 of § 186 of the General Municipal Law.

##### **TOWN**

The Town of Wilton, New York.

#### **§ 65-9. Authorization for conduct of games.**

Authorized organizations may, upon the obtainment of a license from and the payment of any applicable fees to the Clerk of the Town of Wilton, conduct games of chance within the Town of Wilton as provided in Article 9-A of the General Municipal Law and as provided further in this article. Such games of chance shall be conducted in accordance with the general state law and with the rules and regulations of the New York State Racing and Wagering Board and this article.

#### **§ 65-10. Games on Sunday; exceptions.**

Games of chance on the first day of the week, commonly known as "Sunday," may be conducted pursuant to this article and appropriate statute and regulation. Notwithstanding the foregoing, no games of chance shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.

#### **§ 65-11. Enforcement.**

Pursuant to §§ 188 and 194 of the General Municipal Law, the Saratoga County Sheriff's Department shall exercise control and supervision, as well as all the powers and duties set forth in Article 9-A of said law and specifically, but not limited to, § 194, Subdivision 1, of the General Municipal Law.

#### **CHAPTER 67. HAZARDOUS MATERIALS**

##### **§ 67-1. Intent.**

##### **§ 67-2. Definitions.**

##### **§ 67-3. Unlawful acts.**

##### **§ 67-4. Exceptions.**

##### **§ 67-5. Penalties for offenses.**

#### **CHAPTER 67. HAZARDOUS MATERIALS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-6-1988 by L.L. No. 4-1988. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Dumps and dumping — See Ch. 57.

Littering — See Ch. 73.

Vehicles and traffic — See Ch. 119.

#### **§ 67-1. Intent.**

To minimize the dangers to life and property incidental to the transportation of hazardous materials by private, common and contract carrier motor vehicles engaged in interstate, intrastate or foreign commerce, the Town Board of the Town of Wilton intends to regulate and control the transportation of hazardous materials within the Town. It also intends to regulate and control the harboring of private, common and contract carrier motor vehicles containing hazardous materials within the boundaries of the Town of Wilton.

#### **§ 67-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **HARBORING**

Includes the actions of any person, organization, business or other entity in allowing the permanent or temporary stationing of a private, common or contract carrier motor vehicle on property under the control or ownership of the person, organization, business or other entity.

##### **HAZARDOUS MATERIAL**

Includes all dangerous materials of an explosive or toxic nature, including but not limited to liquid petroleum gas, liquid natural gas, ammunition, explosives, fireworks, pesticides, poisons, live viruses and all radioactive materials, regardless of weight or volume.

##### **INTERSTATE HIGHWAY**

Interstate Route 87.

##### **STATE HIGHWAY**

New York State Route 9 and New York State Route 50.

#### **§ 67-3. Unlawful acts.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

The following activities shall be prohibited:

- A. The transportation of hazardous materials by a private, common or contract carrier motor vehicle through or within the Town of Wilton.

B. The harboring of any private, common or contract carrier motor vehicle containing hazardous materials within the boundaries of the Town of Wilton.

#### **§ 67-4. Exceptions.**

Nothing contained within this chapter shall be deemed to prohibit:

A. The transportation of hazardous materials via an interstate highway or state highway subject to the statutes, ordinances and laws of the State of New York and the United States of America.

B. The transportation of hazardous materials to a final delivery destination within the Town of Wilton, provided that the transporter and receiver of such materials have obtained all necessary permits and approvals from all appropriate governmental agencies to transport and/or receive such materials.

C. The transportation of hazardous materials originating from a business concern within the boundaries of the Town of Wilton, provided that the business concern and transporter of such materials have obtained all necessary permits and approvals from all appropriate governmental agencies to ship and/or transport such materials.

#### **§ 67-5. Penalties for offenses.**

Any person, organization, business or entity violating any of the provisions of this chapter will be guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment in the County jail for not more than one year, or both, for each offense. The Town Board may also bring a civil action to restrain any violation of this chapter in a court of competent jurisdiction. When a violation of this chapter is continuous, each 24 hours thereof will constitute a separate and distinct offense.

#### CHAPTER 68. HIGHWAY ADMINISTRATION

§ 68-1. Highway work permit.

§ 68-2. Required documentation.

#### **CHAPTER 68. HIGHWAY ADMINISTRATION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 5-2-2002. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Subdivision of land — See Ch. 109.

#### **§ 68-1. Highway work permit.**

Any entity proposing work within the Town's right-of-way (R.O.W.) shall first obtain a highway work permit from the Town Highway Department using the approved highway work permit application. The highway work permit must bear the signatures of both the Town Highway Superintendent and the Town Engineer.

#### **§ 68-2. Required documentation.**

The Highway Superintendent and/or the Town Engineer will require the applicant to submit any plans, design drawings, engineer's report or any other documentation they deem necessary for their review in order to issue the permit as described in § 68-1 above.

#### CHAPTER 69. ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWERS

§ 69-1. Purpose: intent.

§ 69-2. Definitions.

§ 69-3. Applicability.

§ 69-4. Responsibility for administration.

§ 69-5. Severability.

§ 69-6. Discharge prohibitions.

§ 69-7. Prohibition against failing individual sewage treatment systems.

§ 69-8. Prohibition against activities contaminating stormwater.

§ 69-9. Prevention, control and reduction of stormwater pollutants.

§ 69-10. Suspension of access to MS4.

§ 69-11. Industrial or construction activity discharges.  
§ 69-12. Applicability; access to facilities; monitoring of discharges.  
§ 69-13. Notification of spills.  
§ 69-14. Enforcement; penalties for offenses.  
§ 69-15. Appeal of notice of violation.  
§ 69-16. Corrective measures after appeal.  
§ 69-17. Injunctive relief.  
§ 69-18. Alternative remedies.  
§ 69-19. Violations deemed a public nuisance.  
§ 69-20. Remedies not exclusive.  
§ 69-21. When effective; repealer.

## **CHAPTER 69. ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWERS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 9-6-2007 by L.L. No. 3-2007. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Subdivision of land — See Ch. 109.  
Zoning — See Ch. 129.

#### **§ 69-1. Purpose; intent.**

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Wilton through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

#### **§ 69-2. Definitions.**

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

##### **BEST MANAGEMENT PRACTICES (BMPs)**

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater-conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

##### **CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

##### **CONSTRUCTION ACTIVITY**

Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised, and those activities which are also regulated by Town of Wilton local law.

These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

##### **DEPARTMENT**

The New York State Department of Environmental Conservation.

**DESIGN PROFESSIONAL**

New York State licensed professional engineer or licensed architect.

**HAZARDOUS MATERIALS**

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLCIT CONNECTIONS**

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLCIT DISCHARGE**

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 69-6 of this chapter.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM**

A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwater of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**INDUSTRIAL ACTIVITY**

Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MS4**

Municipal separate storm sewer system.

**MUNICIPALITY**

The Town of Wilton.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

A. Owned or operated by the Town of Wilton;

B. Designed or used for collecting or conveying stormwater;

C. Which is not a combined sewer; and

D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

**NONSTORMWATER DISCHARGE**

Any discharge to the MS4 that is not composed entirely of stormwater.

**PERSON**

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT**

Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES**

Any building, lot, parcel of land, or portion of land, whether improved or unimproved including adjacent sidewalks and parking strips.

**SPECIAL CONDITIONS**

A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this



condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

#### **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT**

A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

#### **STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.

#### **STORMWATER MANAGEMENT OFFICER (SMO)**

An employee, the municipal engineer or other public official(s) designated by the Town of Wilton to enforce this chapter. The SMO has been designated by the Town of Wilton to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

#### **303(d) LIST**

A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

#### **TMDL**

Total maximum daily load.

#### **TOTAL MAXIMUM DAILY LOAD**

The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

#### **WASTEWATER**

Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

#### **§ 69-3. Applicability.**

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

#### **§ 69-4. Responsibility for administration.**

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

#### **§ 69-5. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

#### **§ 69-6. Discharge prohibitions.**

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in § 69-6A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

**B. Prohibition of illicit connections.**

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

**§ 69-7. Prohibition against failing individual sewage treatment systems.**

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one that has one or more of the following conditions:

A. The backup of sewage into a structure.

B. Discharges of treated or untreated sewage onto the ground surface.

C. A connection or connections to a separate stormwater sewer system.

D. Liquid level in the septic tank above the outlet invert.

E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.

F. Contamination of off-site groundwater.

**§ 69-8. Prohibition against activities contaminating stormwater.**

A. Activities that are subject to the requirements of this section are those types of activities that:

(1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.

(2) Cause or contribute to the municipality being subject to the special conditions as defined in § 69-2, Definitions, of this chapter.

B. Such activities include failing individual sewage treatment systems as defined in § 69-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

#### **§ 69-9. Prevention, control and reduction of stormwater pollutants.**

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 69-2 or activities contaminating stormwater as defined in § 69-8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

(1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

(2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in § 69-2 or an activity contaminating stormwater as defined in § 69-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

(3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

B. Individual sewage treatment systems. The following are required when special conditions requiring no increase of pollutants or requiring a reduction of pollutants are determined, as defined in § 69-2 of this chapter. These requirements are above and beyond that already required by the Town of Wilton Town Code. The owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;

(b) Avoid the use of septic tank additives;

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals;

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items;

(e) Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent, depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septic hauler at the time of pumping of the tank contents.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR, Appendix 75-A, to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

#### **§ 69-10. Suspension of access to MS4.**

A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

#### **§ 69-11. Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

#### **§ 69-12. Applicability; access to facilities; monitoring of discharges.**

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify

compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

#### **§ 69-13. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **§ 69-14. Enforcement; penalties for offenses.**

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

#### **§ 69-15. Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

#### **§ 69-16. Corrective measures after appeal.**

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the

SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

#### **§ 69-17. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **§ 69-18. Alternative remedies.**

A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the municipal attorney and concurrence of the municipal Code Enforcement Officer, where:

- (1) The violation was unintentional;
- (2) The violator has no history of previous violations of this chapter;
- (3) Environmental damage was minimal;
- (4) Violator acted quickly to remedy violation;
- (5) Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops;
- (2) Storm drain stenciling or storm drain marking;
- (3) River, stream or creek cleanup activities.

#### **§ 69-19. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **§ 69-20. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

#### **§ 69-21. When effective; repealer.**

This chapter shall be in full force and effect immediately upon filing with the Department of State after its final passage and adoption. All prior laws and parts of law in conflict with this chapter are hereby repealed.

### **CHAPTER 70. INSPECTIONS**

#### **§ 70-1. Purpose.**

§ 70-2. Definitions.  
§ 70-3. Duty of Town Engineers.  
§ 70-4. Procedure.  
§ 70-5. Duty of Building Inspector.  
§ 70-6. Duty of Highway Superintendent.  
§ 70-7. Additional or special inspections.  
§ 70-8. Communication of acceptability.  
§ 70-9. Fees.

## **CHAPTER 70. INSPECTIONS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 11-12-1985. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction administration — See Ch. 43.  
Road acceptance inspections — See Ch. 105, Art. II.  
Subdivision of land — See Ch. 109, Art. IV.  
Zoning — See Ch. 129.

#### **§ 70-1. Purpose.**

The purpose of this chapter is to adopt a policy and procedures whereby the cost of certain inspections made by the Town Engineers is defrayed by the developer, and whereby the installation and construction of facilities and site improvements are made in accordance with approved plans.

#### **§ 70-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **HIGHWAY IMPROVEMENTS and UTILITIES**

Include the roadways and the utilities within or without the roadways, including sanitary sewers, storm sewers, water mains, parking areas, if any, grading, landscaping and drainage facilities and other appurtenances or related structures and equipment, hereinafter collectively called "highway improvements."

##### **INSPECTION SCHEDULE**

Includes the schedule attached hereto as Exhibit A. Editor's Note: Exhibit A is on file in the office of the Town Clerk.

#### **§ 70-3. Duty of Town Engineers.**

It is the duty of the Town Engineers to make inspections of highway improvements.

#### **§ 70-4. Procedure.**

A. It is the duty of the owner/developer to furnish to the Town Engineers a construction time estimate, and requests for the Town Engineers shall be submitted with at least 48 hours' notice for the purpose of inspecting each phase of development.

**[Amended 10-3-1991 by L.L. No. 3-1991]**

B. If such inspections reveal that the highway improvements are installed defectively or not in accordance with the approved plans, the Town Engineers shall notify, in writing, the appropriate Town official and the owner/developer (or his engineer/architect) of such defects. It shall be the duty of the owner/developer to correct such defects.

C. After the owner/developer has completed the highway improvements, the Town Engineers shall make a final inspection to prepare, when necessary, a list of items to be completed before the highway/street may be accepted by the Town. After the owner/developer has completed the list, the Town Engineers will make a follow-up inspection.

D. After the follow-up inspection has been made, the Town Engineers shall file a written report with the Highway Superintendent and with the Town Clerk. Such written report shall include the times and dates of on-site inspections and the purposes thereof.

#### **§ 70-5. Duty of Building Inspector.**

It is the duty of the Building Inspector to make inspections of residential or nonresidential buildings.

**§ 70-6. Duty of Highway Superintendent.**

It is the duty of the Highway Superintendent to make inspections of the highway improvements.

**§ 70-7. Additional or special inspections.**

A. If requested by the Building Inspector or the Highway Superintendent or the Town Planning Board, the Town Engineers shall make additional or special inspections to the residential or nonresidential buildings.

B. The cost of such special or additional inspections shall be in the first instance borne by the Town, but the owner/developer shall, prior to the issuance of a certificate of occupancy for a building, fully reimburse the Town for the cost of such special or additional inspections attributable to the building for which a certificate of occupancy is sought.

C. It shall be the duty of the Town Engineers to inform the Building Inspector of the amount of the cost of such additional or special inspections and the building to which such cost is attributable, and it shall be the duty of the Building Inspector to collect such amount prior to the issuance of such certificate of occupancy.

**§ 70-8. Communication of acceptability.**

The forms for inspection of subbase and subgrade shall be the vehicle to communicate acceptability.

**§ 70-9. Fees.**

**[Amended 10-3-1991 by L.L. No. 3-1991; 11-5-1992]**

Fees for construction inspections shall be based on the linear footage of the road being inspected, for residential uses, and based on the gross square feet of floor area for commercial/industrial uses. Editor's Note: The inspection fee schedule is on file in the office of the Town Clerk.

**CHAPTER 73. LITTERING**

§ 73-1. Definitions.

§ 73-2. Littering in streets and public places unlawful.

§ 73-3. Abandoning or discarding articles.

§ 73-4. Littering from vehicles unlawful.

§ 73-5. Penalties for offenses.

**CHAPTER 73. LITTERING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-4-1990 by L.L. No. 7-1990. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Dumps and dumping — See Ch. 57.

Hazardous materials — See Ch. 67.

Vehicles and traffic — See Ch. 119.

**§ 73-1. Definitions.**

For purposes of this chapter, the following terms shall be defined as follows:

**GARBAGE**

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and material such as paper, cardboard, wood, cloth, food cans, glass containers and bottles.

**PERSON**

Any person, employee, servant, agent, firm, partnership, association, company or organization or entity of any kind.

**PUBLIC PLACE**

Includes parking areas, rights-of-way, parks, trails, grounds or other public areas.



**REFUSE**

All putrescible and nonputrescible solid wastes, including garbage, rubbish and ashes.

**RUBBISH**

Nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes such as yard clippings, metals, wood, glass, bedding, crockery, household appliances, shopping carts, automobiles or parts thereof and similar materials.

**STREET**

Includes any public street, roadway, highway, lane or alleyway.

**§ 73-2. Littering in streets and public places unlawful.**

No person shall deposit, throw, cast, lay or suffer or permit any other person to deposit, throw, cast or lay any waste, litter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the Town.

**§ 73-3. Abandoning or discarding articles.**

No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage in any street or public place in the Town.

**§ 73-4. Littering from vehicles unlawful.**

No person, being the owner, driver or manager of an automobile or other vehicle shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or materials, shavings, rubbish, litter, waste materials, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street or public place in the Town.

**§ 73-5. Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be guilty of a violation punishable as follows:

A. For the first offense, by imprisonment for a period not to exceed 15 days or by fine, the minimum of which shall be \$50 and the maximum of which shall be \$1,000, and appropriate community service related to solid waste management and cleanup for a period not to be less than eight hours.

B. For a second and subsequent offense, by imprisonment for a period not to exceed 30 days or by fine, the minimum of which shall be \$100.00 and the maximum of which shall be \$1,000, and appropriate community service related to solid waste management and cleanup for a period not to be less than 16 hours.

**CHAPTER 79. NOISE AND NUISANCES**

§ 79-1. Intent; construal of provisions.

§ 79-2. Exceptions.

§ 79-3. Unlawful acts.

§ 79-4. Warnings.

§ 79-5. Penalties for offenses.

§ 79-6. Enforcement.

**CHAPTER 79. NOISE AND NUISANCES**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-5-1989. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Dogs — See Ch. 53.

Peddling and soliciting — See Ch. 85.

Vehicles and traffic — See Ch. 119.

Off-road vehicles — See Ch. 123.

**§ 79-1. Intent; construal of provisions.**

A. It is the intent of the Town to prevent excessive, unnecessary or unusually loud noises. It is further intended that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Wilton and its inhabitants.

B. This chapter shall be liberally construed so as to effectuate the purposes described in this section. Nothing herein shall be construed to abridge the emergency powers of any Town department or the right of such department to engage in any necessary or proper activities. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter.

#### **§ 79-2. Exceptions.**

This chapter shall not apply to the operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school.

#### **§ 79-3. Unlawful acts.**

A. The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Said noise shall be prohibited when it is of such character, intensity and duration or of any type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.

B. The following acts and the causing thereof are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

(1) Horns and signaling devices: The sounding of any horn or other signal device on any automobile, motorcycle, bus or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; and the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of any such device for an unnecessary period of time.

(2) Noisy vehicles. No person shall:

(a) Use an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud, unnecessary grating, grinding, rattling or other noise.

(b) Operate any vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires or revving the motor of such vehicle.

(c) Modify or cause to be modified the muffler, exhaust system or other noise-control device of any vehicle in a manner that will increase the noise emitted by such vehicle above that emitted by the vehicle when newly manufactured, regardless of the date of manufacture. The noise-control devices of any vehicle operated in the Town shall be maintained and in good working order. No person shall operate or permit to be operated a vehicle where the muffler, exhaust system or other noise control device has been so modified or has not been maintained.

(3) Recreational vehicles (including snowmobiles). No person shall operate or permit to be operated any motor-powered recreational vehicle not licensed for operation on public streets pursuant to the New York State Vehicle and Traffic Law:

(a) On private property of another without the express prior written consent of the owner and the occupancy of said property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation. Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of recreational motor vehicles on their property in connection with the principal use of said property by the members of any such club or organization.

(b) On any public grounds or property, including Town- or school-owned land, which shall include but not be limited to parks, ballparks and recreation areas.

(c) In such a manner as to create unnecessary noise so as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property.

(d) In a careless, reckless or negligent manner so as to endanger the safety or property of any person.

(4) Discharge of exhaust: the discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine or motor, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety.

(6) Noise near schools and other institutions: the creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.

(7) Loading and unloading: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(8) Hawking and peddling: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood and is unreasonable under the circumstances.

(9) Drums, loudspeakers and similar devices: the use of a drum, loudspeaker or any other sound-producing instrument or device for the purpose of attracting public attention by the creation of noise, except where authorized by special permit to be issued by the Building Inspector, who shall make reasonable rules and regulations therefor.

(10) Sound reproduction. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound so as to produce unreasonable or unnecessary noise at any time, except for activities open to the public or for the public benefit and for which permission has been granted by the Town.

(11) Animals. No person shall keep, permit or maintain any animal under his control that causes unnecessary noise by continued barking, howling or other animal noises.

(12) Shouting. No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places in such a manner and for a period of time as to be unreasonable under the circumstances.

(13) Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property, resulting in loud grinding, hammering, sawing and similar noise, shall be prohibited if said noise is unnecessary or unreasonable under the circumstances.

(14) Noise in the conduct of any business: the creation of unreasonable or unnecessary noise in the operation, conduct and/or maintenance of any business, factory, plant yard or manufacturing establishment, except as otherwise provided in this chapter, including but not limited to excavating, blasting, grinding, breaking, crushing or processing of any substance (where permitted).

(15) The operation of restaurants, taverns, bars and discos.

(a) No restaurant, tavern, bar, nightclub, disco or other similar use, whether public or private, shall be conducted so that unreasonable or unnecessary music or other noise is caused by and/or emanates from said use.

(b) Any owner, operator or proprietor of such a business use or the owner licensee or person in control of any private premises shall so limit the level of noise emanating from the premises.

(c) Further, it shall be the duty of any such person to disperse any assembly of persons loitering, drinking alcoholic beverages or otherwise engaging in lewd or disorderly conduct adjacent to or near the premises or to immediately notify the police of such conduct.

(16) Fraternities and sororities, dormitories, private clubs, meeting halls and private residences. No noise from parties, entertainment, music or social gatherings of any kind, whether public or private, shall be such that noise caused by and/or emanating from said use can be heard between the hours of 9:00 p.m. and 7:00 a.m. the following day inside any residence, regardless of whether the windows of such residence are open, or at any other time if said noise is unnecessary or unreasonable under the circumstances.

#### **§ 79-4. Warnings.**

A. In those cases of unreasonable noise, other than violations of § 79-3B(1), (2), (3) and (4), the person or persons responsible shall be advised of any conduct prohibited herein by the police or any Town officer authorized to enforce the provisions of this chapter. After such warning, if any party shall continue or repeat said conduct or similar conduct, he shall be in violation of this chapter.

B. It shall be sufficient if said warning is oral and/or in person or over the telephone.

C. No such warning shall be required in any case of a violation of § 79-3B(1), (2), (3) and (4).

#### **§ 79-5. Penalties for offenses.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

If any party shall knowingly violate the provisions of this chapter or engage in conduct in violation of this chapter, he shall be punished by a fine of not less than \$25 and not to exceed \$250 or by imprisonment for not more than 15 days, or both. Each incidence of any violation of a provision herein shall constitute a separate offense.

#### **§ 79-6. Enforcement.**

A. It shall be the duty of the Saratoga County Sheriff's Department and the New York State Police to enforce the provisions of this chapter.

B. If a violation of this chapter shall occur, the Sheriff's Deputy or state police officer shall issue an appearance ticket based upon a written statement by the complainant.

#### **CHAPTER 85. PEDDLING AND SOLICITING**

§ 85-1. Definitions.

§ 85-2. Exceptions.

§ 85-3. Town license/temporary merchant certificate required.

§ 85-4. Application for license.

§ 85-5. Investigation.

§ 85-6. Fees.

§ 85-7. Performance regulations; license restrictions.

§ 85-8. Orders taken by solicitors; bond requirements.

§ 85-9. Warning; revocations; penalties for offenses.

§ 85-10. Appeals.

§ 85-11. Records; numbering of licenses.

§ 85-12. Severability.

§ 85-13. Effective date.

Attachments:

85a Peddling and Soliciting Application

#### **CHAPTER 85. PEDDLING AND SOLICITING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 4-6-1995 by L.L. 2-1995. Editor's Note: This local law supersedes former Ch. 85, Peddling and Soliciting, adopted 9-8-1975, as amended. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Noise and nuisances — See Ch. 79.

#### **§ 85-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CHARITABLE ORGANIZATION**

Any benevolent, philanthropic, patriotic, not-for-profit group, association or organization, e.g., Fire Departments, first aid squads, religious organizations, schools, etc.

**ENFORCEMENT OFFICIAL**

Includes the Town Health Officer, the Town Building Inspector/Code Enforcer, the Town Planning Board, the Town Clerk, any member of the Saratoga County Sheriff's Department, any member of the New York State Police, any member of the Wilton Town Board and any other agent or representative appointed by the Town to act in this capacity.

**ESTABLISHED PLACE OF BUSINESS**

A building or store in which a person transacts business and deals in the goods, wares and merchandise he offers for sale during regular business hours.

**MERCHANDISING**

To buy, sell or trade all goods, wares, food, fruit, vegetables, farm products, magazines, periodicals and all kinds of articles of personal property for domestic use, including the distribution of samples, orders or contracts for a service or product, home improvements or alterations and gathering of information to be used in the preparation of any poll or survey.

**PEDDLER, SOLICITOR**

Any person, whether a resident of Wilton or not, acting as principal or agent, consignee or employee or as an agent or representative of a firm, partnership, corporation, organization, association, society or club who goes from house to house or from place to place, without appointment, and who travels on the streets and roads in the Town engaged in the practice of merchandising or any nature whatsoever. This definition is also intended to include the definition for hawker, huckster and vendor.

**PERMANENT MERCHANT**

Any person, firm or corporation with an established place of business in the Town of Wilton which is open during regular business hours for a period of at least 10 consecutive months in each year. (Note: Any "permanent merchant," as defined in this chapter, or his agent, consignee or employee who sells goods or services away from his established place of business by going from house to house or from place to place, without appointment, and who travels on the streets and roads in the Town shall be considered a peddler/solicitor, as defined in this section, and shall be subject to the same rules and regulations.)

**TEMPORARY MERCHANT**

A merchant or vendor who chooses a specific location within the Town upon which to erect or park a cart, tent, wagon, truck or stand or other structure from which to engage in merchandising, with the intent to return to the same location each day. This category shall include temporary, off-premises roadside stands established for the purpose of selling vegetables, fruit or other farm products, food wagons, Christmas trees and any other nonperishable goods. A temporary merchant must not have a vested interest in the location and must have the written permission from the owner(s) of the location to conduct the sale of the intended products.

**TEMPORARY MERCHANT CERTIFICATE**

That which allows an individual or his agent or employee to operate the temporary business identified on the temporary merchant certificate in the geographic area indicated for the time period specified.

**TOWN LICENSE**

That which allows an individual or his agents or employees to operate the business specified on the Town license in the geographic areas indicated for the time periods specified.

**§ 85-2. Exceptions.**

A. Nothing in this chapter shall be held to apply to:

(1) Any person holding a sale required by statute or by order of any court or any person conducting a bona fide auction sale pursuant to law.

(2) Any person selling personal property at wholesale to dealers in such articles.

(3) Any honorably discharged United States veteran who has procured a license as provided under § 32 of the General Business Law of the State of New York except that, as provided in § 8 of the General Business Law, such veteran shall be required to complete an abbreviated license application. A Town license will be issued and no fee will be charged.

(4) Individual residents of the Town of Wilton conducting garage sales on their own property.

(5) Any person engaged in the delivery of goods, merchandise or services to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement, e.g., periodic route deliveries of newspapers, fuel, frozen foods, etc.

(6) Farmers and truck gardeners who themselves, or through their employees or agents, sell and/or produce Christmas trees on their own property that they have grown on their own property.

(7) Berry pickers who sell on their own property the berries they have picked on their own property.

(8) Any permanent merchant selling the same goods in front of his established place of business, provided that said permanent merchant complies with all other applicable federal, state and local statutes, e.g., sidewalk sales. This exemption is intended to include the sidewalk sales conducted inside and outside local shopping malls in the Town.

(9) Charitable organizations, as defined in § 85-1, except that such organization's agent or representative shall be required to complete an abbreviated Town license application. A Town license will be issued and no fee will be charged.

(10) A temporary merchant, as defined in § 85-1, except that such temporary merchants shall be required to apply for a temporary merchant certificate, as defined in § 85-1, from the Town of Wilton Planning Board.

B. This chapter shall also not apply so as to unlawfully interfere with interstate commerce.

### **§ 85-3. Town license/temporary merchant certificate required.**

It shall be unlawful for any peddler or solicitor or temporary merchant, as defined in § 85-1 of this chapter, to engage in such activity within the Town of Wilton without first obtaining either a Town license from the Town Clerk or a temporary merchant certificate from the Town of Wilton Director of Planning and Engineering or the Town of Wilton Planning Board (see Chapter 129, Zoning, § 129-169).

### **§ 85-4. Application for license.**

Editor's Note: The Peddling and Soliciting Application is included at the end of this chapter. At least 45 days prior to the date of the period for which an applicant seeks a license hereunder, such applicant shall file with the Town Clerk a sworn, written application, in duplicate, on a form to be furnished by said Town Clerk, which shall give the following information:

A. The name and description of the applicant, including date of birth, driver's license number and social security number.

B. The permanent home address and full local address, if any, of the applicant.

C. The name and address of the employer or firm being represented, together with credentials establishing the exact relationship.

D. A brief statement of the nature of the business and a description of the merchandise or service to be sold.

E. The length of time for which the license is desired.

F. The geographic area to be solicited.

G. If a vehicle is to be used, a description of such vehicle and its license number.

H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the property or goods are located at the time of the application and the proposed method of delivery.

I. A photograph of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure approximately two by two inches.

J. Two business references located in the County of Saratoga or State of New York or Town of Wilton or, in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.

K. A statement as to whether the applicant has been convicted of any crime, misdemeanor, felony or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

L. For the purposes of this chapter, it is intended that the above information will be provided for each person who will be engaged in the same activity under the same Town license.

M. If the business involves weighing the product, the application shall be accompanied by a certificate from the New York State Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

N. Any other applicable federal, state or local license or approval, including a food handler's license from the New York State Health Department if food items are to be sold.

O. Such other information as may be required by the Town Clerk.

#### **§ 85-5. Investigation.**

A. Before any Town license is issued under this chapter, the application and relative information shall be referred to the Saratoga County Sheriffs Department for the making of an investigation of the applicant and his agents or employees as it deems necessary for the protection of the public good. A report of such investigation shall be made to the Town Clerk.

B. The Town Clerk also reserves the right to seek a recommendation from the Town Attorney and/or the Wilton Town Board before any license is issued. In the event that a Town Board recommendation is sought, the applicant shall be required to appear before that body at a time and place convenient to the members.

C. No license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. A license may be refused if the applicant's character or business responsibility is found to be unsatisfactory.

D. If one or more of the applicant's agent's or employee's character or business responsibility is found to be unsatisfactory, the applicant may delete such person or persons from his application and submit an amended application. Any added agents or employees will be subject to the same investigative referral to the Saratoga County Sheriff's Department.

#### **§ 85-6. Fees.**

The license fee shall be as follows: \$25

#### **§ 85-7. Performance regulations; license restrictions.**

A. A licensed peddler or solicitor shall:

(1) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased food products, provisions or merchandise of whatever nature.

(2) Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

(3) Not blow a horn, ring a bell or use any other noisy device or shout or cry out to attract public attention.

(4) Not stand or permit the vehicle used by him to stand in one place in any public place, street or roadway for more than 10 minutes, unless with the express permission of both the Saratoga County Sheriff's Department and the Town of Wilton Highway Superintendent or some other Town official, or in front of any personal property for any time if the owner of or lessee thereof objects.

(5) Not permit any vehicle used by him to stop or remain on any crosswalk or in any Town right-of-way.

(6) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or in any public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

B. A license shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation of this chapter.

C. Such license shall automatically expire on the last day of the calendar year, but such license may specifically state and provide for an earlier expiration date. No license shall be valid for more than one year.

D. No license shall be granted to a person under 18 years of age.

E. No applicant to whom a license has been refused or who has had a license revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.

F. Every licensee or his agents or employees while exercising his license shall carry the license with him and shall exhibit the same upon demand.

G. Whenever a license shall be lost or destroyed by the holder or his agent or employee, a duplicate license may be issued under the original application and bond, if applicable, by the Town Clerk upon the filing with her of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery. Such duplicate license shall be marked "DUPLICATE LICENSE TO REPLACE LOST ORIGINAL."

H. No peddler or solicitor shall begin operation before the hour of 9:00 a.m., or continue operation after the hour of 7:00 p.m., nor shall such peddler or solicitor operate at any time that will cause public annoyance or disturbance of residents within their homes. These times are interpreted as Eastern standard time (E.S.T.) and/or daylight saving time (D.S.T.).

I. No peddler or solicitor shall peddle or solicit on any school property or playground at any time.

#### **§ 85-8. Orders taken by solicitors; bond requirements.**

A. Any application for a license as a peddler or solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery will be required by the Town Clerk to be accompanied by a bond to the Town of Wilton approved as to form and surety by the Town Attorney in the penal sum not to exceed \$2,000 with a sufficient surety or sureties, or sufficient collateral security, conditioned for making a final delivery of goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment on such order shall be refunded.

B. Any person aggrieved by the action of any licensed solicitor shall have right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect and, in case of a cash deposit, such deposit shall be retained by the Town of Wilton for a period of 90 days after the expiration of any such license, unless sooner released by the Town Clerk.

C. In addition to the bond requirement, any peddler or solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery will be required to provide a written order, in duplicate, stating the terms of the order and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit is paid to the peddler or solicitor. Such order or agreement shall, when applicable, comply with the New York State and federal truth in lending statutes.

#### **§ 85-9. Warning; revocations; penalties for offenses.**

A. Upon receipt of a complaint by any Town official or by any local police agency, the licensee shall be issued a warning. If such offensive action continues after the warning is issued, the license shall be immediately revoked by the Town Clerk.

B. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Written notice of such revocation and the reason(s) therefor shall be served by the Town Clerk upon the person named in the application or by mailing the same, certified mail, return receipt requested, to the applicant at the address given in the application.

C. Any person or his agent or employee who shall act as a peddler or solicitor, as defined herein, without a license or who shall violate any of the provisions of this chapter or who shall continue to peddle or solicit after his license has been revoked shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$250 or a term of imprisonment for up to 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

#### **§ 85-10. Appeals.**

Any person aggrieved by the action of the Town Clerk in the denial of an application for a license or in reference to the revocation of a license shall have the right of appeal to the Wilton Town Board. Such appeal shall be filed with the Town



Clerk within 14 days after the applicant receives the notice of action complained of. Such appeal shall be in writing and shall fully state the grounds for the appeal. The Wilton Town Board shall set a time and place for a hearing on the appeal and the applicant shall be so notified. The decision and order of the Wilton Town Board on such appeal shall be final and conclusive.

#### **§ 85-11. Records; numbering of licenses.**

It shall be the duty of the Town Clerk to keep a record of all applications and licenses granted with supporting documentation and information including the license number assigned, the license fee collected and the period for which the license is issued. All licenses shall be issued from a properly bound book with permanent reference stubs. All licenses shall be numbered in the order in which they are issued.

#### **§ 85-12. Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any 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 part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§ 85-13. Effective date.**

This chapter shall take effect immediately upon filing in the office of the Secretary of State.

Attachments:

85a Peddling and Soliciting Application

#### **CHAPTER 91. RECORDS, PUBLIC ACCESS TO**

§ 91-1. Purpose; scope.

§ 91-2. Records access officers designated.

§ 91-3. Location.

§ 91-4. Hours for public inspection.

§ 91-5. Requests for access.

§ 91-6. Subject matter list.

§ 91-7. Denial of access.

§ 91-8. Fees.

§ 91-9. Public notice.

#### **CHAPTER 91. RECORDS, PUBLIC ACCESS TO**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 10-3-1991 by L.L. No. 3-1991. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Records retention — See Ch. 25.

#### **§ 91-1. Purpose; scope.**

A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

B. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, Editor's Note: See Article 6 of the Public Officers Law. as well as records otherwise available by law.

D. The following records, pursuant to Town and state law, are not accessible to the public.

(1) Those which are specifically exempted from disclosure by state or federal statute.

(2) Those which, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of Subdivision 2 of § 89 of the Public Officers Law.

(3) Those which, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.

(4) Those which are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.

(5) Those which are compiled for law enforcement purposes and which, if disclosed, would:

- (a) Interfere with law enforcement investigations or judicial proceedings;
- (b) Deprive a person of a right to a fair trial or impartial adjudication;
- (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
- (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

(6) Those which, if disclosed, would endanger the life or safety of any person.

(7) Those which are interagency or intra-agency materials which:

- (a) Are not statistical or factual tabulations or data.
- (b) Are not instructions to staff that affect the public.
- (c) Are not final agency policy or determinations.
- (d) Are not external audits, including but not limited to audits performed by the Comptroller and the federal government.

(8) Those which are examination questions or answers which are requested prior to the final administration of such questions; or

(9) Those which are computer access codes.

E. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

#### **§ 91-2. Records access officers designated.**

A. The Town Board of the Town of Wilton is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers:

Town Clerk  
20 Traver Road  
Gansevoort, New York 12831-9127

B. Records access officers are responsible for ensuring appropriate agency response to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. Records access officers shall ensure that personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist the requester in identifying requested records, if necessary.

(3) Upon locating the records, take one of the following actions:

(a) Make records available for inspection; or

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(4) Upon request for copies of records, make a copy available upon payment or offer to pay established fees, if any, in accordance with § 91-8.

(5) Upon request, certify that a record is a true copy.

(6) Upon failure to locate records, certify that:

(a) The Town of Wilton is not the custodian for such records; or

(b) The records of which Town of Wilton is custodian cannot be found after diligent search.

#### **§ 91-3. Location.**

Records shall be available for public inspection and copying at the office of the Town Clerk, 20 Traver Road, Gansevoort, New York 12831-9127.

#### **§ 91-4. Hours for public inspection.**

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 9:00 a.m. until 4:00 p.m.

#### **§ 91-5. Requests for access.**

A. A written request is required.

B. A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.

C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

D. If the records access officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, such failure may be construed as a denial of access that may be appealed.

#### **§ 91-6. Subject matter list.**

A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.

B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

#### **§ 91-7. Denial of access.**

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided promptly, as required in § 91-5D of these regulations, such failure shall also be deemed a denial of access.

C. The following person or persons or body shall hear appeals for denials of access to records under the Freedom of Information Law. Editor's Note: See Article 6 of the Public Officers Law.

Town Board of the Town of Wilton  
20 Traver Road  
Gansevoort, New York 12831-9127  
(518)587-7566

D. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:

- (1) The date of the appeal.
- (2) The date and location of the requests for records.
- (3) The records to which the requester was denied access.
- (4) Whether the denial of access was in writing or due to failure to provide records promptly as required in § 91-5D.
- (5) The name and return address of the requester.

E. The individual or body designated to hear appeals shall inform the requester of its decision in writing within 10 business days of receipt of an appeal.

F. The person or body designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
162 Washington Avenue  
Albany, New York 12231

G. The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection E of this section.

#### **§ 91-8. Fees.**

A. There shall be no fee charged for:

- (1) Inspection of records.
- (2) Search for records.
- (3) Any certification pursuant to this chapter.

B. Copies of records shall be provided on the following fee schedule:

- (1) The fee for photocopies not exceeding nine by 14 inches is \$0.25 per page.
- (2) The fee for copies of records other than photocopies which are nine by 14 inches or less shall be the actual copying cost, excluding fixed agency costs such as salaries.

#### **§ 91-9. Public notice.**

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

#### **CHAPTER 94. REFUSE COLLECTION**

##### **§ 94-1. Purpose.**

##### **§ 94-2. Definitions.**

##### **§ 94-3. Prohibitions.**

##### **§ 94-4. Complaint of violation; filing and specifications.**

##### **§ 94-5. Penalties for offenses.**

#### **CHAPTER 94. REFUSE COLLECTION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 6-5-1997 by L.L. No. 4-1997. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Dumps and dumping — See Ch. 57.

Littering — See Ch. 73.

#### **§ 94-1. Purpose.**

It is hereby declared to be the policy of the Town of Wilton to safeguard the right of its residents within the privacy of their properties to be free from intrusive unwanted sounds which may jeopardize the well being, public health, comfort, convenience, safe being and welfare of its citizens and the peace and quiet of its inhabitants. The provisions and provisions hereinafter obtained, and enforcement provisions hereinafter obtained, shall not be utilized or construed in any matter as to deny any rights or privileges granted and recognized by the First Amendment of the Constitution of the United States.

#### **§ 94-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **REFUSE COLLECTING ACTIVITIES**

The loading or unloading of refuse collecting vehicles.

##### **REFUSE COLLECTION VEHICLE**

Any motor vehicle designed to compact and/or transport refuse.

#### **§ 94-3. Prohibitions.**

It shall be unlawful for any person to operate a refuse collecting vehicle for the purpose of refuse collecting activities within the Town during the hours of 9:00 p.m. to 7:00 a.m. daily.

#### **§ 94-4. Complaint of violation; filing and specifications.**

Any person who observes a violation of this chapter may file a complaint under oath or an affirmation with a Justice of the Town of Wilton or with the Code Enforcement Officer, specifying the nature of the violation, the date and time thereof and a complete description of the vehicle and operator, including the license plate number, if known. Two complaints, each originating from separate households, shall be required as the basis for enforcing the provisions of this chapter.

#### **§ 94-5. Penalties for offenses.**

Any person, firm, association or corporation who violates any provision of this chapter shall be guilty of an offense punishable by a fine of not more than \$250 and/or by imprisonment for not more than 15 days. Each violation of this chapter shall be a separate offense.

#### **CHAPTER 97. (RESERVED)**

#### **CHAPTER 97. (RESERVED)**

Former Ch. 97, Sewers, consisting of Art. I, adopted 5-12-1988, as amended, and Art. II, adopted 7-11-1991, was repealed 4-6-1995.

#### CHAPTER 101. (RESERVED)

#### **CHAPTER 101. (RESERVED)**

Former Ch. 101, Soil Erosion and Sediment Control, adopted 4-19-1990 by L.L. No. 3-1990, as amended, was repealed 5-4-1995. For current provisions, see Ch. 129, Zoning. Art. XXVII, Timber, Soil and Stream Regulations.

#### CHAPTER 105. STREETS AND SIDEWALKS

##### ARTICLE I. Prior Notification of Defects

##### § 105-1. Notification required.

##### § 105-2. Contents of notice.

##### § 105-3. Transmittal of notices.

##### § 105-4. Record of notices.

##### § 105-5. Supersession of Town Law.

#### **CHAPTER 105. STREETS AND SIDEWALKS**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Editor's Note: Former Ch. 105, Streets and Sidewalks, adopted as follows: Art. I, 10-7-1985 by resolution, as amended; Art. II, 10-10-1985 by Res. No. 58; Art. III, 9-11-1986 by Res. No. 67; and Art. IV, 2-6-1986 by L.L. No. 1-1986, as amended, was repealed 4-6-1995.**

**Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Records retention — See Ch. 25.

Highway Administration — See Ch. 68.

Littering — See Ch. 73.

Noise and nuisances — See Ch. 79.

Sidewalks, pathways and streetlighting — See Ch. 107.

Subdivision of land — See Ch. 109.

Vehicles and traffic — See Ch. 119.

Off-road vehicles — See Ch. 123.

#### **ARTICLE I. Prior Notification of Defects**

**[Adopted 8-7-2003 by L.L. No. 2-2003]**

##### **§ 105-1. Notification required.**

A. No civil action shall be maintained against the Town or Town Superintendent of Highways, nor other employees or offices thereof acting in such capacity, for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk, or culvert being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, sidewalk, crosswalk, or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger, or obstruction complained of.

B. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

##### **§ 105-2. Contents of notice.**

The written notice hereunder shall contain at least the following information:

A. Name and mailing address of the person giving notice.

B. A precise statement as to the nature and extent of any defective, unsafe, dangerous, or obstructed condition or the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert within the Town of Wilton.

C. The approximate date that such condition first became known to the person giving the notice.

D. The exact location of such condition, giving, wherever possible, reference to a street address or addresses, utility pole numbers or such other geographic reference as will aid the Town in properly locating such condition.

#### **§ 105-3. Transmittal of notices.**

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

#### **§ 105-4. Record of notices.**

The Town Clerk shall keep a separate indexed record of all notices received pursuant to Town Law, § 65-a, Subdivision 4.

#### **§ 105-5. Supersession of Town Law.**

This article shall supersede in its application to the Town of Wilton Subdivisions 1 and 3 of § 65-a of the Town Law.

#### **CHAPTER 107. SIDEWALKS, PATHWAYS AND STREETLIGHTING**

§ 107-1. Title.

§ 107-2. Purpose.

§ 107-3. Definitions.

§ 107-4. Construction and maintenance of sidewalks.

§ 107-5. Standards for sidewalks and streetlighting.

§ 107-6. Owner-caused defects.

§ 107-7. Partial exemption from chapter.

Attachments:

107a Sternberg Palmetto Luminaire

#### **CHAPTER 107. SIDEWALKS, PATHWAYS AND STREETLIGHTING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 1-5-2006. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fees — See Ch. 63.

Streets and sidewalks — See Ch. 105.

#### **§ 107-1. Title.**

This chapter shall be known and cited as the "Wilton Sidewalk, Pathways and Street Lighting Ordinance."

#### **§ 107-2. Purpose.**

The purpose of this chapter is to regulate the repair, construction and maintenance of public sidewalks and pathways on/or along a public road to keep them in proper and safe condition for public use; to regulate outdoor night lighting fixtures to promote safety in the pedestrian environment while preserving the privacy and integrity of residential neighborhoods.

#### **§ 107-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **PATHWAY**

An off-road facility shared use path separate from the public road (though sometimes in the public road right-of-way) that has been constructed by the Town of Wilton.

**SIDEWALK**

A walkway along the margin of a street designated and prepared for the use of pedestrians to the exclusion of motorized vehicles.

**STREETLIGHTS**

An outdoor artificial illuminating device along public sidewalks.

**§ 107-4. Construction and maintenance of sidewalks.**

A. The Town Board reserves the right to construct sidewalks in the H-1 and CR-2 Zoning Districts. Sidewalks will be constructed by the Town in the area reserved as an easement. Sidewalks will be wholly owned by the landowner. The Town will charge a fee in the amount of \$30 per linear foot along the proposed sidewalk's path less any paved areas this path will cross, per the approved site plan, of lot frontage from the applicant for construction of sidewalks in the H-1 and CR-2 Zones. See Chapter 63, Fees.

**[Amended 10-5-2006]**

B. The Town Board may construct, repair or maintain, or may order the construction, repair and maintenance of sidewalks for the health, safety and general welfare of the residents of the Town after notifying the involved property owners of the time and place of a hearing of such order before the Town Board. No work shall be commenced until approved by either the Town Highway Superintendent or State Department of Transportation or Saratoga County having jurisdiction over the right-of-way/easement within which the sidewalk is located, if necessary.

C. The five-foot sidewalk area shall be considered part of the 35% green space requirement.

D. The owner or owners of all lots, parcels and premises within the Town are required to maintain, repair and keep safe sidewalks adjacent to or upon their property and premises in or along the public street in the Town.

E. It shall be the duty of all owners of premises within the limits of the Town to keep all sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street right-of-way, in good repair and free from dangerous ice, snow, or other dangerous obstructions and conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalks. Such owner shall further indemnify and reimburse the Town for any and all liability, costs and expenses, which the Town might incur as a result of any such defective or dangerous sidewalks.

F. Whenever any snow or ice shall fall or drift on or across any sidewalk, the owner or occupant of the lot, building or other premises adjacent to or abutting the sidewalk shall remove such snow and ice or cause the same to be removed within a reasonable of time, as determined by the Town.

G. No person shall permit or cause any building material, dirt, sand, excavated material, wood, rubbish, any article or other substance or merchandise to be dropped, delivered, piled or placed in any way above or upon any sidewalk or pathway so as to obstruct the sidewalk or pathway except by special permission of the Town. Merchandise necessarily delivered on the sidewalks or pathways shall be immediately removed to the interior of the address to which it was destined.

**§ 107-5. Standards for sidewalks and streetlighting.**

**A. Sidewalks.**

(1) All sidewalks shall be constructed to grade established by existing adjoining walks or, in the absence of the foregoing, by the Town Engineer, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving. Paving bricks may be substituted for concrete when authorized by the Town.

(2) All sidewalks shall be at least five feet in width.

(3) Paving shall be constructed on at least a two-inch-thick sand cushion and shall be at least four inches in depth except where across driveways, where it shall be at least six inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.



(4) The surface shall be roughened with a brush or other equipment to prevent smooth and slippery surfaces.

**B. Streetlighting.**

(1) Lighting standard shall be Sternberg twelve-foot ornamental model # 2512-TFP5, A 453 Globe, black finish, with 120-volt mogul base. 150-watt high-pressure sodium lamp, and a Type III refractor, House Side Shield Attachment, or approved equal. Other exterior site/building lighting should be of similar style. Editor's Note: Sternberg Palmetto Luminaire diagram included at the end of this chapter.

(2) All streetlights shall be equipped with a photometric eye feature.

(3) Streetlights shall be located according to the following guidelines:

(a) At least one pedestrian scaled ornamental light per intersection or access drive;

(b) Between intersections, lights shall be installed approximately every 75 feet, staggered on opposite sides of the right-of-way starting approximately 35 feet from adjoining property lines;

**[Amended 10-5-2006]**

(c) Light standards shall be located at least 25 feet from tree plantings.

**C. Sidewalk landscaping.**

(1) The introduction of street trees within the Hamlet districts will provide a sense of arrival for the motorist entering the area, calm vehicular traffic, define the corridor, provide shade and visual interest, and separate vehicular and pedestrian spaces. A hierarchy of street tree planting is envisioned, utilizing a variety of species based upon size, visual interest, and site constraints. Individual species selection shall be influenced by utilities, building facades, driveway and intersection locations, and land use.

(2) Suggested tree species:

**Large Trees (2 1/2-inch to 3-inch Caliper)**

Acer platanoides	Norway Maple
Fraxinus pennsylvanica	Green Ash
Quercus rubra	Red Oak
Ulmus Americana 'Princeton'	Princeton Elm

**Medium Trees (2-inch to 2 1/2-inch Caliper)**

Acer rubrum	Red Maple
Celtis occidentalis	Common Hackberry
Gleditsia triacanthos var. inermis	Thornless Honeylocust
Tilia cordata	Littleleaf Linden

**Small Trees (1 1/2-inch to 2-inch Caliper)**

Crataegus phaenopyrum var. inermis	Thornless Washington Hawthorn
Malus var. 'Centurion,' 'Liset,' 'Sentinel'	Flowering Crabapple

### Small Trees (1 1/2-inch to 2-inch Caliper)

Pyrus calleryana

Callery Pear

- (3) Trees shall not be planted within 30 feet of an intersection or 15 feet of driveways and alleys.
- (4) Trees shall not be planted within 10 feet of utility poles or fire hydrants.
- (5) Trees shall be spaced at the following distances:

#### [Amended 10-5-2006]

- (a) Large trees: minimum 50 feet apart, starting approximately 25 feet from adjoining or corner property lines.
- (b) Medium trees: minimum 35 feet apart, starting approximately 18 feet from adjoining or corner property lines.
- (c) Small trees: minimum 25 feet apart, starting approximately 12 feet from adjoining or corner property lines.
- (6) Only small trees with a mature height less than 30 feet shall be planted under utility lines. Trees over 30 feet in mature height shall be planted a minimum of 25 feet from overhead utility lines.
- (7) The placement of sidewalk trees may be clustered and do not have to be evenly spaced.

#### § 107-6. Owner-caused defects.

Where sidewalk or pathway defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to trees or other growth, surface drainage, on-site construction or vehicular traffic or other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Town for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

#### § 107-7. Partial exemption from chapter.

The owners of property in Wilton over which a pathway has been constructed are exempt from the requirements of § 107-4, Subsections A, B and C, and § 107-5 of this chapter.

Attachments:

107a Sternberg Palmetto Luminaire

#### CHAPTER 109. SUBDIVISION OF LAND

##### ARTICLE I. Definitions

§ 109-1. Definitions.

§ 109-2. (Reserved)

§ 109-3. (Reserved)

§ 109-4. (Reserved)

##### ARTICLE II. General Requirements

§ 109-5. Parcels subject to subdivision regulations.

§ 109-6. Persons subject to subdivision regulations.

§ 109-7. (Reserved)

§ 109-8. Compliance with the Zoning Ordinance.

§ 109-9. Review required prior to sale or construction.

§ 109-10. (Reserved)

§ 109-11. (Reserved)

§ 109-12. (Reserved)

§ 109-13. (Reserved)

§ 109-14. (Reserved)

##### ARTICLE III. Review Procedure

§ 109-15. Preapplication conference.

§ 109-16. Conceptual review.

§ 109-17. Preliminary review.

§ 109-18. Final review.

§ 109-19. Consultation with other agencies and officials.

§ 109-20. Public land.  
§ 109-21. Conservation subdivision design.  
§ 109-22. (Reserved)  
§ 109-23. (Reserved)  
§ 109-24. (Reserved)  
ARTICLE IV. Road and Utility Design Standards  
§ 109-25. Additional improvements.  
§ 109-26. Street layout.  
§ 109-27. Blocks and lots.  
§ 109-28. Method of construction.  
§ 109-29. Methods of completing construction.  
§ 109-30. Utilities.  
§ 109-31. Road specifications.  
§ 109-32. Establishment of letters of credit.  
§ 109-33. Reduction of letter of credit.  
§ 109-34. Road construction inspections.  
§ 109-35. Final inspection.  
§ 109-36. Issuance of certificates of occupancy.  
§ 109-37. Road certification.  
§ 109-38. Taxation of parcels deeded to the Town.  
§ 109-39. (Reserved)  
§ 109-40. (Reserved)  
§ 109-41. (Reserved)  
§ 109-42. (Reserved)  
§ 109-43. (Reserved)  
§ 109-44. (Reserved)  
ARTICLE V. Variances and Modifications  
§ 109-45. Variances.  
§ 109-46. Modifications.  
§ 109-47. Extension of time limit.

Attachments:

109a App Notification of Int Landowners  
109b Subdivision Standard Drawing 1.3  
109c Subdivision Standard Drawing 1.6  
109d Catch Basin Detail  
109e Typical Road Section  
109f Typical Cul-de-Sac  
109g Table V-1 Class of Soils

## **CHAPTER 109. SUBDIVISION OF LAND**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 4-6-1995; Editor's Note: This resolution superseded former Ch. 109, Subdivision of Land, adopted 1-13-1977, as amended. amended in its entirety 6-1-1995. Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction administration — See Ch. 43.

Fees — See Ch. 63.

Zoning — See Ch. 129.

### **ARTICLE I. Definitions**

#### **§ 109-1. Definitions.**

For the purpose of this chapter, the following words and terms shall have the meanings indicated:

##### **BOARD**

The Planning Board of the Town of Wilton or any person authorized by the Planning Board to act as its representative.

##### **CONSTRUCTION**

Paving, utility and miscellaneous constructions in public rights-of-way or easements as shown on the subdivision development map and not privately owned construction covered by building permits.

##### **LOT, DOUBLE FRONTAGE**

A lot with the rear and front lot lines abutting existing or proposed streets.

##### **LOT, REVERSE FRONTAGE**

A lot with the rear lot line abutting an existing or proposed street.

**MASTER PLAN**

A Comprehensive Plan for the development of the Town as authorized in § 272-a of the Town Law.

**OFFICIAL MAP**

A map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks heretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of the Town Law.

**OWNER**

The owner, or his agent, of the land proposed to be subdivided.

**PARCEL, ORIGINAL**

Any lot, plot or piece of land which is shown as an individual parcel on the Town of Wilton Tax Map.

**PARCEL, RESULTING**

Any parcel which is created by the subdivision of an original parcel.

**PERFORMANCE BOND**

An obligation in writing, under seal, issued by a surety company satisfactory to the Town Board, binding the obligor to pay a sum of money to the Town if the obligor fails to satisfactorily install and/or maintain improvements as required under § 277, Subdivision 1, of the Town Law, as amended, or required in a Planned Development District duly formed under Article XXI of Chapter 129, Zoning, of the Code of the Town of Wilton.

**PLAT, PRELIMINARY**

A drawing showing the salient features of a proposed subdivision submitted to the Planning Board for its consideration prior to submission of the final plat.

**PLAT, FINAL**

The final drawing upon which the owner's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be submitted to the County Clerk for recording.

**REVIEW, FINAL**

The complete process of reviewing a final submission and issuing a final approval or disapproval by the Board.

**REVIEW, PRELIMINARY**

The complete process of reviewing a preliminary submission and issuing a conditional approval, conditional approval with modifications or disapproval by the Planning Board.

**ROADWAY**

The portion of a street which is designated for vehicle use.

**STREET**

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, cul-de-sac, place or however otherwise designated, and includes the entire area within the right-of-way.

**STREET, ARTERIAL**

Those used or destined to be used primarily for fast or heavy traffic, whether existing or proposed.

**STREET, LOCAL**

Those which are used primarily for access to the abutting properties.

**STREET, MARGINAL ACCESS**

Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

**STREET, COLLECTOR**

Those which carry traffic from minor streets to the major system of arterial streets and highways. "Collectors" may also serve as secondary arteries to carry some traffic. A street which is the outlet toward an arterial street for more than 100 acres or is a main entrance to a residential development shall be considered a "collector street."

**STREET, HALF**

Those streets that are less than full width, in either paving or width.

**SUBDIVISION**

A division of land into two or more lots.

**SUBMISSION, FINAL**

The final plat and all other documents the subdivider is required to submit for final review of a subdivision by the Board.

**SUBMISSION, PRELIMINARY**

The preliminary plat and all other documents required for preliminary review of the subdivision by the Board.

**TOWN**

The Town Board of the Town of Wilton, Highway Superintendent of the Town of Wilton and/or other official responsible by law for the function referred to. It may also refer to the person authorized to act as the representative of the responsible official or officials.

**§ 109-2. (Reserved)****§ 109-3. (Reserved)****§ 109-4. (Reserved)****ARTICLE II. General Requirements**

**§ 109-5. Parcels subject to subdivision regulations.**

**[Amended 7-2-1997]**

Criteria for determining whether or not the division of a parcel constitutes a subdivision, and are thereby subject to the Town of Wilton Subdivision Regulations herein, shall be as follows:

- A. Number of parcels in a residential subdivision. If, after the original parcel(s) is subdivided, three or more separate parcels exist, then said resulting parcels would be considered a subdivision.
- B. Number of parcels in a commercial/industrial subdivision. If, after the original parcel(s) is subdivided, two or more separate parcels exist, then said resulting parcels would be considered a subdivision.
- C. The creation of a third distinct resulting parcel within any consecutive three-year period shall, at that time, constitute a subdivision, and all of the provisions of the Subdivision Regulations herein shall automatically apply to all such resulting parcels thereof, including the first two parcels.
- D. Landlocked resulting parcels. Any parcel that does not have frontage on a Town, county or state road shall be subject to subdivision review.
- E. Parcels subject to the Subdivision Regulations are as follows:
  - (1) Original parcels.
  - (2) Resulting parcels.
  - (3) Unrecorded parcels not shown on the Wilton Tax Map.

**§ 109-6. Persons subject to subdivision regulations.**

One owner or group of persons acting in concert as part of a common scheme or plan who own the original parcel(s) in question individually or collectively shall be subject to subdivision regulations.

**§ 109-7. (Reserved)**

Editor's Note: Former § 109-7, Parcels subject to subdivision regulations, was repealed 7-2-1997. See now § 109-5.

**§ 109-8. Compliance with the Zoning Ordinance.**

All new parcels created in the Town of Wilton, whether by subdivision or other means, shall meet all requirements of area, setbacks and frontage of the Zoning Ordinance. Editor's Note: See Ch. 129, Zoning. Except when existing parcels or portions of existing parcels are combined and existing structures do not currently meet the setback requirements, the preexisting nonconforming status of said setbacks shall remain on the new parcel.

**§ 109-9. Review required prior to sale or construction.**

When any subdivision of land is proposed to be made within the Town and before any contract for the sale of or any offer to sell such subdivided land or any part thereof is made and before any construction is begun and before any building permit shall be granted, the owner shall submit his subdivision for review by the Planning Board.

**§ 109-10. (Reserved)**

**§ 109-11. (Reserved)**

**§ 109-12. (Reserved)**

**§ 109-13. (Reserved)**

**§ 109-14. (Reserved)**

**ARTICLE III. Review Procedure**

**§ 109-15. Preapplication conference.**

The purpose of this step is to determine feasibility of the project before the owner has invested a substantial amount of money.

- A. The owner shall present such information as the Board may require.
- B. The Board shall inform the owner on general subdivision requirements as well as particular requirements for the subdivision under review, as dictated by the Master Plan, Official Map or other considerations.
- C. The preapplication conference may take place at any time acceptable to the Board.
- D. The Planning Board shall advise as to feasibility and any special considerations for the subdivision design. A field walk with the owner may be required. Editor's Note: Former Subsection D, requiring the owner to furnish copies of a sketch plan, was repealed 12-6-2001.

**§ 109-16. Conceptual review.**

- A. The owner shall present a conceptual submission at a Planning Board meeting. The date of the conceptual submission shall be the date of the meeting at which it is presented.
- B. The Board shall communicate to the owner, in writing, within 45 days, a decision concerning the conceptual submission. If the conceptual submission is approved, the Board shall express its approval as conditional approval and state specific modifications, if any, which shall be required in the preliminary submission. If modifications are required, the reasons therefor shall be given.
- C. If the conceptual submission is disapproved, the Board shall state the reasons for its disapproval.
- D. The action of the Board shall be noted on two copies of the conceptual submission form to which shall be attached reference statements of any conditions and requirements determined by the Board. One copy shall be returned to the owner and the other retained by the Board.
- E. If the conceptual submission is disapproved, resubmission may be made with no additional application fee required. A resubmission made after six months from the date of disapproval may be treated like a new submission and require a new conceptual review and fee.

**§ 109-17. Preliminary review.**

- A. The owner shall present a preliminary submission at a Planning Board meeting. The date of the preliminary submission shall be the date of the meeting at which it is presented.
- B. Proposed subdivisions falling under § 239-i and 239-n of the General Municipal Law, which would refer to any lands that fall within 500 feet of any state- or county-owned lands, waterways, roads, highways, rights-of-way, etc., shall be made available to the County Planning Board.
- C. A field walk by the Board with the owner may be required. Temporary stakes showing street center lines may be required.
- D. The Board shall hold a public hearing on the proposed subdivision within 45 days of the date of the preliminary submission. Notice of said public hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.
- E. The Board shall communicate to the owner, in writing, within 45 days after the public hearing, its decision concerning the preliminary submission. If the preliminary submission is approved, the Board shall express its approval as conditional approval and state specific modifications, if any, which shall be required in the final submission. If modifications are required, the reasons therefor shall be given. The time in which the Planning Board must take action

on such plat may be extended by mutual consent of the owner and the Planning Board. Within five days of the approval of the preliminary plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office and a certified copy mailed to the owner.

F. If the preliminary submission is disapproved, the Board shall state the reasons for its disapproval.

G. The action of the Board shall be noted on two copies of the preliminary submission form, to which shall be attached reference statements of any conditions and requirements determined by the Board. One copy shall be returned to the owner and the other retained by the Board.

H. If the preliminary submission is disapproved, resubmissions may be made with no additional fees required. A resubmission made after six months from the date of disapproval may be treated like a new submission and require a new preliminary review and fees.

I. Preliminary submission shall include the following:

(1) If construction is to precede final review, 10 prints of the plat, development map and plan/profiles shall be submitted which meet the requirements for final submission.

(2) Ten copies of the preliminary submission shall be submitted and shall include the following:

(a) Preliminary plat to a scale not smaller than 50 feet to the inch, drawn accurately to scale, with approximate dimensions shown, and including all the information required for a final plat, except monuments and iron pipes and the certification of standards of accuracy.

[1] In addition, highways or other major public or private improvements planned for future construction on or near the proposed subdivision, including those shown on the Official Map or Master Plan, shall be shown.

[2] All contiguous land owned or under option by the owner shall be shown with percolation tests, soil-boring data and subsurface information. The Town's Engineer(s) and/or Building Inspector shall be present to witness the digging of test holes.

[3] Water elevations and subsurface information, including groundwater elevation, shall be noted where appropriate.

(b) A plan/profile for each street, with a horizontal scale of no more than 50 feet to the inch and vertical scale of no more than five feet to the inch, showing all the information required for the final submission of a plan/profile, except that approximate stationing may be shown. In addition, profiles of the present surface shall be shown on the center line and both right-of-way lines of all streets and on the center line of all easements. All building lots shall be shown on the plan, showing the existing and proposed grades with positive drainage away from all structures. Limits of clearing shall also be shown on the grading plan.

(c) All sheets shall not exceed 30 inches by 42 inches and shall not be less than 8 1/2 inches by 14 inches. When more than one sheet is required, all shall be the same size and an overall plan of the same size shall be provided showing the entire subdivision and utilities at a smaller scale.

(d) In addition to the required drawings, the following information shall be submitted as part of the preliminary submission:

[1] A completed Town of Wilton preliminary submission form.

[2] Request for any zoning changes proposed for the area to be subdivided.

[3] Conditions of dedication of areas proposed to be dedicated to public use.

[4] Preliminary designs of bridges and culverts (final designs if construction is to proceed final review).

[5] A draft of any protective covenants whereby the owner proposes to regulate land use in the subdivision and otherwise protect the proposed development.

[6] A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ 129-205 through 129-210 of this Code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in §§ 129-206. The approved preliminary subdivision plat shall be consistent with the provisions of Chapter 129, Article XXVIII.

**[Added 12-7-2006 by L.L. No. 4-2006]**

(e) A fee shall be paid with the preliminary submission which is set forth in Chapter 63 of this Code, and no fees shall be waived or accepted in lieu of green areas.

(f) More detailed information may be required by the Planning Board as a part of the preliminary submission in special cases.

**§ 109-18. Final review.**

A. If the preliminary submission is approved, the owner shall present a final submission at a Planning Board meeting within six months of the date of conditional approval.

B. In the event that a final submission of the entire subdivision or part of it is not made within six months from the date of the conditional approval, the application may be considered withdrawn and any conditional approval or waivers of required improvements by the Board may be considered lapsed.

C. The date of the final submission shall be the date of the meeting at which it is presented.

D. The final submission shall conform to the approved preliminary submission and shall contain any modifications specified by the Board. If desired by the owner, and approved by the Planning Board, residential subdivisions consisting of 50 or more lots may include a portion of the approved preliminary plat, which s/he proposes to record and develop at that time, provided that such portion conforms to all requirements of these regulations.

**[Amended 9-5-2002]**

E. Within 62 days from and after the time of the public hearing, if any, the Board shall approve, modify and approve, grant conditional approval or disapprove the final submission and communicate its decision to the owner, in writing.

F. Under certain conditions, the Board may waive this second hearing (§ 276 of Town Law). In the event that the hearing is waived, Board action shall be within 62 days of submission.

G. If the final submission is approved by the Board, an appropriate notation to that effect shall be made of the fact on the original Mylar of the final plat submitted to the Board. One copy shall be returned to the owner, and two copies shall be retained by the Board for its records.

H. The owner shall file the approved final plat with the office of the County Clerk within 30 days after approval by the Board. If the final plat is not filed within this time, the approval shall expire, as provided in § 276 of the Town Law.

I. The owner may obtain building permits and begin building construction only after filing of the final plat in the office of the County Clerk.

J. If the final submission is disapproved, resubmissions may be made with an additional fee required. A resubmission made after six months from the date of disapproval may be treated like a new submission and require a final review and fee. No additional application fee shall be required.

K. Final submission shall include the following:

(1) Final plat, including one copy drawn in ink on Mylar or black-line prints on reproducible permanent material acceptable to the Board, plus five prints to a scale not smaller than 50 feet to the inch showing the following:

**[Amended 12-6-2001]**

(a) All existing and proposed property lines, building setback lines, easements and right-of-way lines with dimensions, azimuths or angle data and curve data.



- (b) All monuments, iron pipes and bench marks.
  - (c) The names of the owners of all adjacent properties.
  - (d) Street names, existing and proposed.
  - (e) All property reserved by the owner or dedicated to public use.
  - (f) A house number for each lot, which corresponds to the requirements in § 109-27G of this chapter, which shall also be the lot number.
  - (g) A North arrow.
  - (h) A standard title block.
  - (i) A key map.
  - (j) The proposed use of each lot.
  - (k) Standards of accuracy meeting Town of Wilton requirements shall be noted on the map and certified by a land surveyor registered in New York State.
  - (l) Contour lines at two-foot intervals to United States Geological Survey datum.
  - (m) Watercourses, marshes, rock outcrops and other important land features.
  - (n) Right-of-way lines, street paving and street stationing.
  - (o) Sanitary sewers, storm drains, gas lines and waterlines with all appurtenances, as required by the Planning Board.
  - (p) Street name signs. (A letter of intent to install signs in locations approved by the Town may be accepted as a substitute.) All signs are to conform to the Town Standard Design Drawing 1.6, Street Name Sign. Editor's Note: Drawing 1.6 is located at the end of this chapter.
  - (q) The final plat shall contain the signature and seal of a professional engineer registered in New York State or a qualified land surveyor under § 7208, Subdivision n, of the Education Law.
- (2) A plan/profile of each street and utility easement, including one copy drawn in ink on Mylar or blackline prints on reproducible permanent material acceptable to the Board, plus five prints, with a horizontal scale of not less than 50 feet to the inch and a vertical scale of not less than five feet to the inch showing the following:

**[Amended 12-6-2001]**

- (a) All pavement, storm drains, sanitary sewers, gas lines and waterlines with all appurtenances, as required by the Planning Board.
- (b) Pavement and utility stationing, including all horizontal and vertical control point and grades.
- (c) The signature and seal of a professional engineer registered in New York State or a qualified land surveyor under § 7208, Subdivision n, of the Education Law.
- (d) A North arrow.
- (e) A standard title block.
- (f) All lettering shall be neat and legible.

(3) All sheets shall be 30 inches by 42 inches and shall not be less than 8 1/2 inches by 14 inches. When more than one layout sheet is required, all shall be the same size and an index sheet of the same size shall be provided, showing the entire subdivision to an appropriate scale.

(4) In addition to the required drawings, the following documents shall be submitted as part of the final a submission:

(a) A deed description and proof of ownership of the land to be subdivided.

(b) An offer of cession, in a form approved by the Planning Board, of all land included in streets, walks, easements and recreation areas not specifically reserved by the owner. If required by the Board, there may be a payment in lieu of the offer of recreation areas. Approval of the plat does not constitute acceptance of the offer of cession.

(c) A certificate of adequacy of the proposed water supply and sewerage services as require by the Department of Health and/or the Environmental Conservation Department of the State of New York and the Wilton Water and Sewer Authority.

(d) A completed Town of Wilton final submission form.

(e) Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations.

(f) The final design of bridges and culverts, unless included in preliminary submission.

(g) Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.

(h) A stormwater pollution prevention plan consistent with the requirements of §§ 129-205 through 129-210 of this Code and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in § 129-206. The approved final subdivision plat shall be consistent with the provisions of Chapter 129, Article XXVIII.

**[Added 12-7-2006 by L.L. No. 4-2006]**

(5) More detailed information may be required by the Planning Board as a part of the final submission in special cases.

#### **§ 109-19. Consultation with other agencies and officials.**

The Planning Board may consult with the Town Building Inspector, Fire Commissioners, Environmental Management Council, Town Highway Superintendent, Town Engineer and/or designated engineering consultants for the Town, other local and county officials, the New York State Health Department, Department of Environmental Conservation and Department of Transportation.

#### **§ 109-20. Public land.**

##### **A. Payment of fee in lieu of land.**

(1) The owner shall offer to the Town usable land equal in size to 5% of the owner's subdivided tract. This land shall be used by the Town of Wilton for parks, playgrounds or for other specific public recreational uses as deemed desirable by the Town when deemed desirable by the Town.

(2) However, if the Planning Board should consider that 5% of the total area would not be useful for a public purpose or if the dedication of land within the subdivision would not conform to the Master Plan or Official Map, the owner shall pay to the Town a fee as provided in Chapter 63, Fees, per lot included in the plat. This payment shall not be used by the Town for any purpose other than the purchase of land and the development of land and facilities to be used for public recreational use serving the subdivision.

**B. Land to be offered.** Unique and scenic areas and those areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board should they be desirable for public open spaces. Where such

sites and open spaces are not shown on the Master Plan and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Planning Board may recommend that the Town Board require the offering or reservation of areas in excess of the minimum of 0.5%. Under such conditions, a money payment at a fair market value determined at the time the application for approval of the final subdivision plat is made to the Planning Board shall be made to the owner to compensate his loss in excess of the contribution of 0.5%.

C. The determination of the value of the land upon which money payments shall be based shall be made by a board of three, consisting of a representative of the Town, a representative of the owner and a third person acceptable to the other two parties. All costs involved shall be borne equally by the Town and the owner.

#### **§ 109-21. Conservation subdivision design.**

**[Added 10-6-2005, as revised 11-10-2005]**

A. Purpose and intent. The purpose of this regulation is to implement the recommendations in the Town of Wilton Comprehensive Plan (adopted in 2005). This regulation guides the design, review and approval process for developments that preserve open land, reduce sprawl, enhance visual character, and practice environmental conservation. This regulation shall be used as a tool to effectively manage the impacts of rapid residential growth on community character, quality of life, and natural resources. Conservation subdivision design is the required technique for residential subdivisions involving 10 or more lots, and regulations and related standards in this section shall apply. Subdivisions involving less than 10 lots are encouraged to use the conservation subdivision design.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

##### **CONSERVATION SUBDIVISION DESIGN (CSD)**

Conservation subdivisions are characterized by common open space and clustered compact lots. The purpose of a conservation subdivision is to protect farmland, open space and natural resources while allowing for the maximum number of residential lots under current community zoning and subdivision regulations.

##### **DEDICATED OPEN SPACE**

Lands within or related to a development that are intentionally set aside to be preserved as open space, and which are designed and intended for the common use of and often for the enjoyment of the residents of the development. These are lands intentionally set aside for the protection of unregulated open space such as woodlands, farmland, and scenic viewsheds. These lands may include complimentary structures and improvements and regulated lands. Public access may be permitted through easements or other means.

##### **DENSITY CALCULATION AREA**

The total area of land subject to the application minus the regulated lands. The lot density is derived by dividing the density calculation area by the minimum lot size of the underlying zoning district, except in the R-1 zone when served by both municipal water and sewer, divide by 25,000 square feet; when served by either municipal water or sewer, divide by 35,000 square feet; or when served by neither municipal water or sewer, divide by 45,000 square feet.

**[Amended 3-2-2006]**

##### **REGULATED LANDS**

- (1) Freshwater wetlands as mapped pursuant to federal and/or NYSDEC designated wetlands;
- (2) Water sources as classified pursuant to NYSDEC stream classification system or delineated under the Town's stream resource management guidelines;
- (3) Slopes in excess of 15%;
- (4) Other areas of significance as may be identified by the Town of Wilton's Open Space, Recreation and Pathways Plan.

C. Planning Board review and waiver authority. Review and permit authority is through the Planning Board. The Planning Board may waive the conservation subdivision design in the case where there are minimal environmental constraints, including NYSDEC or ACOE wetlands, hydric soils or soils with high water tables, DEC classified streams, slopes greater than 15%, known ecologically sensitive habitats, and where there are no lands with other open space value as determined by the Planning Board. If the Planning Board determines that a conservation design is impractical, unfeasible or does not meet the objectives of this section it may waive any further review required by this section.

D. Procedural elements. Each step of the design process must be discussed and approved of by the Planning Board with fees paid prior to conceptual design. Additional costs may also be levied for experts needed by the Planning Board.

(1) Density and open space area calculations.

(a) Lot density and dedicated open space calculation.

[1] Step One: Total area of land subject to the application/land owned by the applicant minus the regulated lands = buildable land.

[2] Step Two: Buildable land minus 15% = density calculation area.

[3] Step Three: density calculation area divided by the zoning density (or average lot size to be used for the appropriate R-1 zone case as spelled out in Subsection B, definitions) equals total permitted number of lots.

**[Amended 3-2-2006]**

[4] Step Four: Apply a minimum of 35% to the density calculation area and this shall become the required dedicated open space. Where regulated lands represent more than 50% of the total land area, a minimum of 15% of the developable land shall be reserved for the dedicated open space.

(b) See attached table for examples of conservation subdivision calculations.

**Examples of Conservation Subdivision V. Conventional Subdivision**  
**[Added 10-6-2005, as revised 11-10-2005]**

<b>Conservation Subdivision — Example A</b>	<b>Conservation Subdivision — Example B</b>	<b>Conventional Subdivision</b>
<b>Hypothetical Scenario:</b>	<b>Hypothetical Scenario:</b>	<b>Hypothetical Scenario:</b>
Lot Area = 100 acres	Lot Area = 100 acres	Lot Area = 100 acres
Regulated Lands = 20 acres	Regulated Lands = 60 acres	Regulated Lands = 20 acres
<b>Step One: Buildable Land Area</b>	<b>Step One: Buildable Land Area</b>	Step One: Buildable Land Area
Lot Area minus Regulated Lands:	Lot Area minus Regulated Lands:	Lot Area minus Regulated Lands:
100 acres — 20 acres = 80 acres	100 acres — 60 acres = 40 acres	100 acres — 20 acres = 80 acres
<b>Step Two: Density Calculation Area</b>	<b>Step Two: Density Calculation Area</b>	<b>Step Two: Density Calculation Area</b>
Buildable Land minus 15% <sup>1</sup> :	Buildable Land minus 15% <sup>1</sup> :	Not applicable
80 acres - 12 acres = 68 acres	40 acres - 6 acres = 34 acres	
<b>Step Three: Total Permitted Number of Lots</b>	<b>Step Three: Total Permitted Number of Lots</b>	<b>Step Three: Total Permitted Number of Lots</b>
Density Calculation Area divided by Zone Density	Density Calculation Area divided by Zone Density	Density Calculation Area divided by Zone

**Examples of Conservation Subdivision V. Conventional Subdivision**  
**[Added 10-6-2005, as revised 11-10-2005]**

<b>Conservation Subdivision — Example A</b>	<b>Conservation Subdivision — Example B</b>	<b>Conventional Subdivision</b>
		Density
68 acres ÷ 80,000 square feet = 37 lots	34 acres ÷ 80,000 square feet = 19 lots	80 acres ÷ 80,000 square feet = 44 lots
<b>Step Four: Dedicated Open Space</b>	<b>Step Four: Dedicated Open Space</b>	<b>Step Four: Dedicated Open Space</b>
Regulated Lands that represent less than 50% of total require 35% reserved for Dedicated Open Space:	Regulated Lands that represent more than 50% of total require 15% reserved for Dedicated Open Space:	Not required
80 acres x 35% = 28 acres of Dedicated Open Space	40 acres x 15% = 6 acres of Dedicated Open Space	
<b>Step Five: Land for Lot Layout</b>	<b>Step Five: Land for Lot Layout</b>	<b>Step Five: Land for Lot Layout</b>
Buildable Land Area minus Dedicated Open Space:	Buildable Land Area minus Dedicated Open Space	Not applicable
80 acres - 28 acres = 52 acres available for lot layout	40 acres — 6 acres = 34 acres available for lot layout	80 acres available for lot layout
Average lot size:	Average lot size:	Average lot size:
52 ÷ 37 = 1.4 acres (60,984 sf) avg. lot size	34 acres ÷ 19 lots = 1.8 acres (78,408 sf) avg. lot size	80 ÷ 44 = 1.8 acres (78,408 sf) avg. lot size
<b>Subdivision Yields:</b>	<b>Subdivision Yields:</b>	<b>Subdivision Yields:</b>
28 acres of open space	6 acres of open space	20 acres of open space
52 acres developed	34 acres developed	80 acres developed
37 houses	19 houses	44 houses
Shorter road — less cost for construction and maintenance	Shorter road — less cost for construction and maintenance	Longer road — more cost for construction and maintenance
Less disturbance, more vegetation preserved	Less disturbance, more vegetation preserved	More disturbance, less vegetation preserved

**NOTE:**

<sup>1</sup> Allowance for internal roads and circulation.

(2) Submittal requirements.

(a) A preapplication review conference is required. Attendees will include the applicant, a Town Board and Planning Board member, and any additional persons as determined by the Supervisor. The primary purpose of this conference is to introduce the potential applicant to the intent of the standards and procedures of this section and to identify potential environmental concerns. Developers shall provide a map with only regulated lands and remaining lands identified plus an outline of the ownership, use and maintenance of the dedicated

open space. Subsections E, F and G describe the specific dimensional requirements, design process, design standards, and ownership, use and maintenance of dedicated open space areas.

(b) Conceptual subdivision plan. The developer must meet with the Planning Board to discuss the proposed development and should do so before expending significant engineering funds. Materials needed for the discussion shall include:

[1] Site Context Map, which illustrates the parcel in relation to its adjacent neighborhoods. This map should be to scale and show various kinds of major natural resource areas or features as identified by the Town of Wilton, particularly if they cross parcel lines or adjoining lands. Also, it is recommended that a GIS aerial photograph with the parcel boundary overlaid be included, however, it is not required.

[2] Site Analysis Map, which locates and describes noteworthy resources that should be protected. This map identifies topography, boundaries, intended density and the location of special resources and features. Special resources and features include wetlands and steep slopes greater than 15%, mature woodlands, hedgerows, farmland, unique or special wildlife habitats, historic, archeological or cultural features, vistas, unusual geologic formations, and scenic views onto and off of the parcel. Water bodies, significant or endangered plant life (where readily definable), and probable soil composition should also be identified on the Site Analysis Map. Site context and analysis maps may be combined. All maps should be provided at a scale from one inch equals 100 feet to one inch equals 200 feet.

[3] Alternative layout(s) for the proposed development, as identified in the preapplication review conference.

[4] A written discussion of how the developer has addressed the intent of this section as stated in Subsection A, Purpose and intent.

(c) Preliminary subdivision design plan: The preliminary design is a formalization of the conceptual design and shall be done by a certified professional. It shall be developed in the following manner:

[1] Verify the extent of the regulated lands regulated by law. Graphically represent the limitations imposed by this regulation identified in the Site Analysis Map.

[2] Identify dedicated open space areas, including proposed improvements such as trails. Also identify the intended plan for the ownership, use and maintenance of the dedicated open space in accordance with Subsection G.

[3] Locate the housing sites in a fashion that respects the intent of this section, plus delineates the private yards and shared amenities so as to provide a rational integrated community.

[4] Align the streets and community pathways to adequately connect the previously established residential sites.

[5] Draw property lines so that no property is less than the required minimum lot sizes stated in Subsection E of this section.

(d) Development of septic systems, roads, sidewalks and stormwater control must meet the Town standards. When planning for stormwater control, the Town may require access to certain areas of the dedicated open space.

(e) The final subdivision design plan represents the project's final submittal and should contain the final, detailed engineering drawings of the agreed upon subdivision design. The plan shall include standard notations, plot plan, buildable areas for residences, restricted conservation lands, circulation roadway/pathway designs, stormwater control measures, landscaping, septic system designs, soil examination test results, water quality reports, and water quantity estimates.

(f) Residential cluster subdivisions (including conservation subdivision designs) shall be approved by the Planning Board simultaneous with their approval of the subdivision plat pursuant to the "Town of Wilton Subdivision Regulations" or its replacement or update. Public hearings shall be held as required by Town law.

#### E. Dimensional requirements.

(1) Minimum lot requirements for conservation subdivision designs are set at the following levels:

(a) Lots with municipal sewer and water: no minimum lot size.

(b) Lots with municipal water only: 20,000 square feet per lot.

(c) Lots with municipal sewer only: 30,000 square feet per lot; a hydrogeological study and associated testing shall be required for a subdivision of 10 or more lots that include any lot(s) with on-site water to determine the availability of reliable on-site water. A consultant from a list approved by the Town Board shall perform the hydrogeological study. The hydrogeological study may be waived at the discretion of the Planning Board.

(d) Lots with on-site sewer and water: 40,000 square feet per lot. A hydrogeological study and associated testing shall be required for a subdivision of 10 or more lots with any lot(s) that include on-site sewer and water to determine the availability of reliable on-site water. A consultant from a list approved by the Town Board shall perform the hydrogeological study. The hydrogeological study may be waived at the discretion of the Planning Board.

(2) Applicants are encouraged to modify lot size, shape, and other dimensional requirements for lots within a conservation subdivision design, including applying average lot density, which increases design flexibility by permitting a wider range of lot sizes. Average density allows individual lots in a conservation subdivision design to be a variety of sizes as long as the average density of all the lots equals the minimum density of the underlying zoning. All lot modifications are subject to the following limitation:

(a) All lots must meet the minimum standards set forth in Subsection E, above.

(b) At least 50% of the required road frontage and setbacks (except R-1 side yard setback, which shall be no less than 20 feet) for the underlying zoning district shall be maintained in the conservation subdivision design unless the Planning Board otherwise authorizes a reduction.

**[Amended 3-2-2006]**

F. Design standards. The following design standards shall apply to all conservation subdivision designs and shall govern the development and design process:

(1) Any dedicated open space, unless conveyed to the Town, shall include the Town's standard language for easements across dedicated open space areas.

(2) The dedicated open space shall be perpetually preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes.

(3) Dedicated open space shall be contiguous where practicable and possible. Contiguous shall be defined as being connected. These areas should, if possible, form a continuous whole that ties together with similar areas on similar sites, creating the potential for a network of green space extending throughout the community. Dedicated open space will still be considered connected if a roadway or an accessory amenity separates it. The Planning Board may waive this requirement for all or part of the required areas where it is determined that allowing noncontiguous dedicated open space will promote the goals of this section.

(4) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the adjacent neighboring areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as flexible elements that can be changed to follow a preferred development scheme.

(5) Streets and drainage facilities shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. Ownership of stormwater facilities such as detention areas will be at the discretion of the Town Board. Ownership shall be determined prior to final approval and noted on final plans.

(6) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

(7) The conservation subdivision design should be separated from neighboring development by a visual buffer consisting of natural and landscaped material, as determined by the Planning Board.

(8) Pedestrian and bicycle trails shall, at the discretion of the Planning Board, be provided to link residences with parking areas, recreation facilities (including parkland and public open space) and adjacent land uses where appropriate or in accordance with any other adopted Town planning document.

(9) The location of stockpiles of demolition debris, fill material, topsoil, etc. shall be identified.

G. Ownership, use, and maintenance of regulated lands and dedicated open space.

(1) Ownership, use and maintenance of regulated lands and dedicated open space areas shall occur under one or more of the following conditions:

(a) Through a homeowners' association (required to be reviewed and filed with the Town);

(b) On individual lots with deed restrictions or conservation easements;

(c) Conveyed to a private or public land trust or government entity; or

(d) Conveyed to the Town for passive or active recreational use, public facilities, infrastructure, or other such uses as determined by the Town. The implementation of this option requires Town Board approval.

(2) The Town of Wilton shall be consulted to determine their interest and needs prior to conceptual approval. The Town's implementation of this need may be in the form of an easement, regulation, restriction, or fee ownership of land.

(3) Land identified in the open space, recreation and pathways plan as valuable open space that is offered by the developer to the Town shall receive a 10% density bonus.

(4) Dedicated open space areas can be used for a mix of activities such as wildlife habitat and conservation, historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes. Wastewater and stormwater management systems serving the conservation subdivision design may also be located within the dedicated open space area.

(5) If the open space is to be owned and maintained by a homeowners' association, it is the intent of the conservation subdivision design that the HOA own and maintain more uses than open space lands and stormwater drainage systems. The Planning Board will review what the HOA owns and maintains. Possible ownership considerations will be, but are not limited to, sidewalks, lighting, roadways, accessory buildings, recreational facilities and equipment, stormwater structures, utility components, etc.

**§ 109-22. (Reserved)**

**§ 109-23. (Reserved)**

**§ 109-24. (Reserved)**

**ARTICLE IV. Road and Utility Design Standards**

**§ 109-25. Additional improvements.**

The standards and specifications for single-family residential subdivisions are contained in these regulations. Additional improvements or improvements meeting more stringent standards and specifications may be required by the Planning Board for multifamily dwellings and commercial and industrial subdivisions.

**§ 109-26. Street layout.**

A. The arrangements, character, extent, width and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.



B. All subdivisions in excess of 24 dwelling units containing a street more than 1,000 feet in length shall have two means of access.

C. Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or undesirable.

D. Local streets shall be so laid out that their use by through traffic shall be discouraged.

E. Where a subdivision abuts or contains an arterial street, the Planning Board may require marginal access streets, reverse frontage lots with screen planting contained in a nonaccess reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

F. Where a subdivision abuts or contains a railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

G. The Planning Board shall require that street names be approved by the County Highway Department or the Town officials designated by the Town Board to avoid duplications or use of similarly sounding or spelled names.

H. Public access shall be provided to streets, water plants, sewage disposal plants or to other land dedicated or to be dedicated to public use.

I. Where a subdivision is traversed by a watercourse, there shall be a stormwater easement not less than 50 feet in width conforming substantially with the lines of such watercourse and such further width or construction, or both, as shall be adequate to confine a design storm as specified in the subdivision storm drainage design standards.

#### **§ 109-27. Blocks and lots.**

A. The lengths, widths and shapes of blocks and lots shall be determined with due regard to:

(1) Zoning requirements.

(2) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(3) The need for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

(5) Block length, which shall generally not exceed 2,000 feet nor be less than 600 feet.

(6) Intersections with arterial streets, which shall be held to a minimum and preferably spaced at least 1,000 feet apart.

(7) The need for pedestrian walks not less than 10 feet in width, property line to property line, which shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

B. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.

C. The subdividing of the land shall be such as to provide that each lot abuts a public street which provides satisfactory access via streets to an existing public street or highway.

D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or other disadvantageous use (see § 109-26E) or to overcome specific disadvantages of topography and orientation.

E. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

F. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision.

G. Numbering.

**[Amended 7-2-1997]**

(1) Developers are required to use a Guide to Practical Methods of House Numbering for Suburban or Rural Communities, a house numbering system compatible with the proposed Saratoga County 911 Service. Below is a paragraph pertaining to the numbering of lots taken from the guide.

(2) Numbering of lots shall be in accordance with United States Post Office guidelines:

"There is a numbering standard which exists when a numbering project is undertaken. The standard calls for all street numbering to begin in the east and work toward the west and to begin in the south and work towards the north. You should use your best judgment when determining whether a particular street or road runs in an easterly or northerly direction. The closer you adhere to this method of placing your street numbers and in what direction they run, the closer you will be in compliance with what is considered the national standard. Again, here you would want to be extra attentive to streets and roads which enter your municipality from another. Check to see if any numbering exists and, if it does, what it is.

"The use of odd and even numbering placement also has a standard to which you should adhere. Generally, when numbering a street which runs south to north, the even numbers go on the east side and odd numbers on the west. When setting out numbers on streets which run in an east-to-west direction, the even numbers are on the north side of the street and the odd numbers on the south side of the street.

"Dealing with culs-de-sac is not that difficult. First, assess the exact impact the cul-de-sac has on the flow of traffic on the street. If the cul-de-sac is a simple eyebrow design or a mere indentation in the normal flow of traffic, you might want to try to keep the numbering for that side of the street intact, e.g., continue the odds or evens as though they were located on the standard street. If the cul-de-sac has a separate name, you will probably want to begin a new numbering range."

H. All new subdivisions shall be required to contain a thirty-foot easement to facilitate access to drainage systems by the Town's Highway Superintendent.

**§ 109-28. Method of construction.**

All improvements granted final approval shall be constructed in each new subdivision in accordance with the standards and requirements established by the Town Planning Board and in accordance with the condition of the final approval. The owner may install such improvements at his own cost and expense or may secure the formation of a special district to install such improvements pursuant to pertinent laws of the State of New York.

**§ 109-29. Methods of completing construction.**

A. Two methods of completing subdivision construction are provided in accordance with Town Law § 277.

(1) The owner may install improvements prior to final approval and submit a performance bond at the time of final submission, in an amount approved by the Town, to cover the cost of those improvements which are not installed.

(2) The owner may decide to install no improvement prior to final approval and submit such performance bond to cover the cost of improvements.

B. The steps to be followed in the subdivision review process will vary depending on which method the owner adopts.

#### **§ 109-30. Utilities.**

A. It shall be the responsibility of the owner to provide waterlines, storm drains, sanitary sewers, bridges and street pavement to the limits of the subdivision. These facilities shall be constructed as required for inclusion in future Town of Wilton Water and Sewer Authority systems. Each owner shall be responsible for the complete construction even though larger than normal sizes may be required.

B. All utilities (e.g., telephone and electric) when deviating from a straight-line course between the source and a house shall be so designated.

C. The minimum distance separation between the bottom of an individual sewerage disposal system and the seasonal high groundwater, bedrock or impervious layer shall be increased from two feet to four feet. For septic systems requiring the placement of fill, the licensed professional shall provide an additional certification for the fill installation. This shall be provided to the Town when the final certified (stamped and signed) record drawing is submitted.

**[Amended 10-3-1996; 4-5-2007; 6-7-2007]**

#### **§ 109-31. Road specifications.**

The following specification is the standard for the construction of new roads in the Town of Wilton, Saratoga County, New York. It provides both minimum requirements for materials and workmanship for roads built on sand or granular subgrades and new roads constructed on silty or clayey subgrades (A-6 and A-7 soil). [Note: Reference is made to American Association of State Highway and Transportation Officials soil classifications A-1 through A-7 as defined in the Asphalt Institute Manual, Series No. 10 (MS-10), March 1978 Edition.] Unless specifically stated otherwise, all road work shall conform to the most recent version of New York State Department of Transportation's Standard Specifications.

A. Clearing and grubbing of right-of-way. Sod, topsoil, organic matter, foreign material and cobbles larger than four inches shall be removed from the entire right-of-way and shall be disposed of in an acceptable manner. In cases where the subgrade consists of A-6 or A-7 soil, the removal of the appropriate amount of this material shall be accomplished in an acceptable manner prior to grading the subgrade.

B. Effect of weather conditions on construction. Application of asphaltic concrete on new roads shall be permitted only during the time period of April 1 to November 1. The temperature during this time for construction shall be at least 50° F. Construction shall not occur during wet weather or during other adverse weather conditions. Deviation from these conditions shall be permitted only by special permission from the Town Highway Superintendent.

C. Subgrade. The "subgrade" is defined as the original soil existing in the right-of-way over which the subbase is to be placed. "Artificial subgrade" refers to the granular material used to replace a specified depth of removed poor subgrade material.

(1) Grading and compaction. Grading and compaction of the subgrade shall commence after completion of the clearing and grubbing operation and shall be done in compliance with the accompanying drawing and the approved grade profile prior to the application of the subbase material. Compaction of the subgrade shall be accomplished by means of a vibratory eight-to-ten-ton roller as outlined in § 203-3.12 B.2 of the New York State Department of Transportation Standard Specifications. The method of compaction used shall also comply with the above-referenced standard.

(2) Testing and inspection of the subgrade. Compaction of the subgrade shall be achieved to the satisfaction of the Town Highway Superintendent and Town Engineer. Placement of the subbase shall not proceed until approval of the subgrade is received from the Town of Wilton.

D. Subbase. The subbase course shall consist of NYSDOT Section 667, Type B, and of a thickness equal or greater than that referenced in the Typical Road Section. Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter.

**[Amended 3-2-2006]**

(1) Substitution. The substitution of rubble material in place of the gravel shall be permitted only if so designated on the approved plan and if approved by the Town Highway Superintendent after observing the material prior to its placement. The minimum acceptable thickness of rubble shall be at least 50% of the gravel thickness.

(2) Testing and inspection of the subbase. Prior to the placement of the gravel, the contractor shall have a sample analyzed that is truly representative of that material to be used for compliance with the appropriate New York State Department of Transportation standard. A New York State approved laboratory for sieve analysis shall be used. The results of the sample tested shall be submitted for the Town's approval. Town approval, in writing, shall be obtained before the commencement of any work. In the event that the gravel bank changes, the procedure outlined above shall be repeated. Additional testing may be required at the discretion of the Town of Wilton.

(3) Construction. The maximum thickness of lifts permitted for the subbase shall be six inches. Compaction of the subbase shall be accomplished by means of an eight-to-ten-ton roller or other compacting device defined in § 203-3.12 of the New York State Department of Transportation Standard Specifications and shall be graded in accordance with the accompanying drawing. Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter. Any imperfections, irregularities or other damage in the subbase shall be repaired prior to the installation of the base course.

#### E. Binder course.

(1) The binder course shall consist of a thickness equal or greater than that referenced in the Typical Road Section, Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter. after compaction, of Type 3 asphalt concrete (Item 403.13 of the New York State Department of Transportation Standard Specifications) binder material.

(2) Application of the base course shall be in conformance with § 401-3 of the New York State Department of Transportation Standard Specifications and shall be graded as shown on the accompanying drawing Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter. and the approved grade profile.

#### F. Top course.

(1) The top course shall consist of a thickness equal or greater than that referenced in the Typical Road Section, Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter. after compaction, of Type 6F asphalt concrete (Item 403.1701 of the New York State Department of Transportation's Standard Specifications) top material.

(2) Application of the top course shall be in conformance with § 401-3 of the New York State Department of Transportation's Standard Specifications and shall be graded as shown on the accompanying drawing Editor's Note: The drawing entitled "Typical Road Section" is located at the end of this chapter. and the approved grade profile.

(3) The construction of the top course shall be deferred until 50% of the building lots fronting on the section of road in a particular phase have received certificates of occupancy or two years from the date of the road acceptance has passed, whichever comes first.

(4) All pavement penetrations, except valves and manhole covers, shall be set flush with the binder course elevation; valves and manhole covers shall be set 1/4 inch below the binder course elevation. Metal risers shall be installed just prior to top course paving to keep the pavement penetrations flush with the top course elevation, except valves and manhole covers shall be set 1/4 inch below the top course elevation.

#### G. Poor subgrade; minimum requirements.

(1) A "poor subgrade" is defined as that which consists of silty or clayey material and designated A-6 or A-7 under the American Association of State Highway and Transportation Officials soil classification system.

(2) When a poor subgrade exists, an artificial subgrade, as previously defined, shall be substituted for a portion of the subgrade as shown on the drawing. The artificial subgrade shall consist of granular material (sand) and shall be approved for use by the Town Highway Superintendent prior to installation. The compacted depth of the artificial subgrade shall be 12 inches.

(3) Additional requirements shall be imposed if deemed necessary.

H. Industrial and commercial roads. Roads intended primarily for industrial or commercial uses or other surfaces subjected to excessive wheel loadings may require special design. These situations shall be evaluated on an individual basis.

I. Drainage facilities.

(1) Prior to the construction of drainage facilities, the plans and specifications shall be approved by the Town Highway Superintendent and the Town Engineer, in writing. The basis for the design of drainage facilities shall be accomplished by means of an acceptable method for calculating runoff, such as the Rational Method or Soil Conservation Service Technical Release No. 55. Complete calculations for determining runoff quantities shall accompany all submittals for Town approval.

(2) Catch basins shall be a minimum four feet inside diameter. Drop inlets may be used in lieu of catch basins for the purpose of collecting surface water discharge to a catch basin. Drop inlets shall be at least 2 1/2 feet square. The height shall be ample to provide minimum cover over pipe as required. See Catch Basin Detail for both catch basin and drop inlet design. Editor's Note: The Catch Basin Detail is located at the end of this chapter.

(3) Unusual conditions.

(a) Where unusual conditions exist, such as the need for groundwater recharge to replenish water wells, flat topography, excessively high or low groundwater table, etc., a special design for stormwater systems shall be required.

(b) In areas where topography limits stormwater system design to on-site disposal, it is preferred that retention areas be used, if conditions warrant it, in conjunction with an underdrain system. Dry wells may be incorporated in the overall design on certain cases.

(4) Drainage easements shall be created a minimum of 25 feet from the top of drainage swales and basins in order to ensure that the Town has adequate area for any future maintenance.

J. Additional requirements.

(1) In certain cases, guiderails may be required. This requirement shall be discussed with the owner during the plan review process, if required. All guiderails shall be box beam per NYSDOT Specifications.

**[Added 2-1-2007]**

(2) Road elevation shall ensure the construction of driveways with a maximum slope of 5% from pavement edge to the road right-of-way line.

(3) The radii at all intersection shall be 35 feet for subbase, base and top courses.

(4) All new roads shall receive a graded layer of suitable topsoil material from the edge of the pavement to the right-of-way extremity. Mulching and seeding of this area shall occur as soon as practical. The road shall be acceptable to the Town only upon the appearance of a dense stand of grass in nonblacktopped areas.

(5) All catch basins, drop inlets and piping shall be free of sediment, silt and debris when accepted by the Town of Wilton.

(6) Areas containing erosion or eroded soil or areas not containing a dense stand of grass contained within the road shall constitute grounds for denial of acceptance.

(7) Prior to the issuance of any certificates of occupancy or the acceptance of the road, stakes shall be placed on the front corners of the property designating the line between the landowner's property and the Town right-of-way.

(8) All stumps, grubbings, logs, and limbs generated from subdivision projects shall be hauled off-site and disposed of properly. Chipping/tub grinding of this material on-site will be allowed in lieu of off-site disposal, if approved by the Planning Board. These grindings shall not be disposed of in any defined open space areas.

**[Added 2-1-2007]**

**§ 109-32. Establishment of letters of credit.**

**[Amended 7-2-2002; 3-6-2003]**

A. The Town Board may require the establishment of a letter of credit which shall cover the cost of all improvements in the public right-of-way, with the exception of water distribution and sewage collection systems and all other items considered to be Wilton Water and Sewer Authority improvements. A detailed written estimate of all costs shall be provided to the Town. Costs shall reflect current values for the work and materials involved and shall be representative of actual cost to the Town of Wilton to execute the work should the contractor or owner not complete the project. Cost estimates shall be reviewed by the Town Highway Superintendent and the Town Engineer.

B. The letter of credit shall include assurance of reimbursement of maintenance costs to the Town if needed prior to the expiration date of the letter of credit and an inflation factor if deemed appropriate.

C. The written approval of the Town Engineer and Highway Superintendent of the plans and specifications for the new road and drainage system shall precede letter of credit acceptance.

D. The final amount of the letter of credit shall require the approval of the Town Board.

E. The form of the letter of credit shall be acceptable to the Town.

**§ 109-33. Reduction of letter of credit.**

**[Amended 7-2-2002; 3-6-2003]**

A. Various items of construction may be inspected and approved upon their completion and the amount of the letter of credit may be reduced, provided that it does not become less 20% of the original value of the letter of credit.

B. The creation of a letter of credit (or continuance of the initial letter of credit) in an amount equal to 20% of the cost of the road construction shall be in effect until one year after the granting of final acceptance, and subsequently reduced to 10% for the second and final year. The twenty-percent to ten-percent, two-year letter of credit shall be a single document accepted by the Town prior to the acceptance of the road.

C. When the top course is being deferred, a separate letter of credit for the full value of cleaning the binder course, tack coating and paving of the top course may be required by the Town. After the top course is installed and accepted, the twenty-percent to ten-percent, two-year letter of credit may also be required for this top course work.

**§ 109-34. Road construction inspections.**

A. The engineer's inspection shall include the following:

- (1) The width and thickness of the pavement.
- (2) The width, thickness and compaction of the subbase.
- (3) The compaction of the subgrade.
- (4) General compliance with approved plans relative to road grades, cross-slope of travel lanes and slopes of graded areas.
- (5) The method and effectiveness of seeding and mulching of all areas required.
- (6) The location, positioning and cleaning of drainage facilities. Editor's Note: Former Subsection A(7), regarding water and sewer facilities, was repealed 11-17-1997.

B. Roads constructed by the Town Highway Department shall be exempt from this requirement.

**§ 109-35. Final inspection.**

A. Upon completion of construction, a final inspection shall be held by the Town. Minor changes from the development map and plan/profiles as required by conditions of the work site may be allowed in the actual construction.

B. Contingencies set upon approvals of any kind shall be met before the approval can be considered final and valid.

C. The Town Board shall consider accepting new roads only after 100% of the associated road and utility work is completed in the opinion of the Highway Superintendent and Director of Planning and Engineering. Conditional road acceptances shall not be permitted, except in exceptional circumstances as determined by the Town Board.

**[Amended 5-4-2000; 2-1-2001; 3-6-2003]**

D. Before final acceptance of the road by the Town Board, the Town Clerk shall receive, by the 15th of the month prior to the Town Board meeting at which the road is to be accepted:

**[Amended 3-5-1998; 2-1-2001]**

(1) Proof of Wilton Water and Sewer Authority acceptance of water and/or sewer facilities.

(2) The deed to the Town excluding the water and/or sewer facilities that have been previously conveyed to the Wilton Water and Sewer Authority and an easement granting to the Wilton Water and Sewer Authority access to their facilities. Deed filing costs shall be paid by the developer.

(3) Title insurance for the proposed new Town road naming the Town as an endorsee of the policy, which said title insurance demonstrates clear and marketable title.

(4) A tax search indicating that there are no delinquent taxes owed on the property.

(5) Letters from the Highway Superintendent and the Director of Planning and Engineering indicating that the proposed road has had a final inspection and is ready for acceptance by the Town.

(6) The twenty-percent to ten-percent, two-year letter of credit incorporating 100% of the value of the top course.

**[Amended 7-2-2002; 3-6-2003]**

(7) As-built drawings on Mylar if, in the Town's opinion, substantial field changes in the road and/or drainage system have occurred. A certification by a P.E. or A.L.A. that the stormwater management facilities meets the approved plan (or as-builts, if prepared) is required in all cases.

**[Amended 2-1-2007]**

#### **§ 109-36. Issuance of certificates of occupancy.**

A. Certificates of occupancy shall not be issued until the roadway asphalt binder course is in place. All roads to be dedicated to the Town shall be accepted by the Town Board prior to the issuance of certificate of occupancy.

**[Amended 12-6-2001]**

B. Provisions for temporary T-turnarounds shall be established, if deemed necessary.

C. A phasing program can be agreed upon by all parties, if requested, and shall be done during the Planning Board review.

#### **§ 109-37. Road certification.**

The Town Board may require that the construction of all new roads in the Town of Wilton shall be certified by a New York State licensed professional engineer. This certification shall consist of a statement by the owner's engineer, seal affixed, certifying he has inspected the installation of the improvements within the subdivision and certifies that they have been installed in accordance with the plans which received final approval by the Planning Board.

**§ 109-38. Taxation of parcels deeded to the Town.**

Owners of parcels deeded to the Town after the taxable status date (March 1) shall have to pay taxes for the entire following year.

**§ 109-39. (Reserved)**

**§ 109-40. (Reserved)**

**§ 109-41. (Reserved)**

**§ 109-42. (Reserved)**

**§ 109-43. (Reserved)**

**§ 109-44. (Reserved)**

**ARTICLE V. Variances and Modifications**

**§ 109-45. Variances.**

Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments extraordinary hardships may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and public interest secured, provided that no such waiver shall be granted which shall have the effect of nullifying the intent and purpose of the Official Map, the Zoning Ordinance, Editor's Note: See Ch. 129, Zoning. these regulations or ordinances of the Town. In granting changes and modifications, the Planning Board may require such conditions as shall, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

**§ 109-46. Modifications.**

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community or other planned development which, in the judgment of the Planning Board, provides adequate public spaces and improvements for the circulation, recreation, light and air and services the needs of the community when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**§ 109-47. Extension of time limit.**

Whenever a time limit is specified in these regulations, the Board may extend the limit upon request by the owner, provided that the Board is legally empowered to do so.

Attachments:

109a App Notification of Int Landowners

109b Subdivision Standard Drawing 1.3

109c Subdivision Standard Drawing 1.6

109d Catch Basin Detail

109e Typical Road Section

109f Typical Cul-de-Sac

109g Table V-1 Class of Soils

**CHAPTER 113. TAXATION**

**ARTICLE I. Veterans Exemption**

**§ 113-1. Purpose.**

**§ 113-2. Legislative intent.**

**§ 113-3. Word usage.**

**§ 113-4. Change of exemption.**

**§ 113-5. Proportional increase or decrease in exemption.**

**ARTICLE II. Senior Citizens Exemption**

**§ 113-6. Exemption granted.**

**§ 113-7. Computation of exemption.**

**§ 113-8. Continuation of exemption in event of older spouse's death.**



§ 113-9. Amount of exemption.  
§ 113-10. Restrictions.  
§ 113-11. Filing of petitions and notices.  
§ 113-12. Applications for renewal of exemptions.  
§ 113-12.1. Computation of age.  
ARTICLE III. Exemption for Improvements for the Disabled  
§ 113-13. Eligibility.  
§ 113-14. Required certificates.  
§ 113-15. Continuation of exemption.  
ARTICLE IV. Business Investment Exemption  
§ 113-16. Exemption reduced to zero.  
ARTICLE V. Exemption to Qualified Volunteer Fire Fighters and Volunteer Ambulance Workers  
§ 113-17. Legislative intent.  
§ 113-18. Exemptions for certain volunteer fire fighters and ambulance workers.  
ARTICLE VI. Cold War Veterans Exemption  
§ 113-19. Definitions.  
§ 113-20. Purpose.  
§ 113-21. Amount of exemption; limitations.  
§ 113-22. Exception.  
§ 113-23. Duration.  
§ 113-24. Application.

## **CHAPTER 113. TAXATION**

**[HISTORY: Adopted by the Town Board of the Town of Wilton as indicated in article histories. Amendments noted where applicable.]**

### **ARTICLE I. Veterans Exemption**

**[Adopted 5-11-1981 by L.L. No. 1-1981]**

#### **§ 113-1. Purpose.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

The purpose of this article shall be to provide for the preservation of the veterans exemption in connection with taxation on real property in respect to the ratios thereof in the event of the change in the manner of assessing in accordance with § 458, Subdivision 5(a), of the New York State Real Property Tax Law.

#### **§ 113-2. Legislative intent.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

Pursuant to the provisions of § 458 of the New York State Real Property Tax Law as heretofore adopted and amended by the Legislature of the State of New York, including the amendments by reason of the adoption of Chapter 134 of the Laws of 1979, effective May 24, 1979, and by the adoption of Chapter 880 of the Laws of 1980, effective November 26, 1980, the purpose of this article is to preserve the ratio which each veterans exemption from taxation on real property bears to the total assessed value of real property for which such exemption has been granted, whenever such total assessed value increases or decreases due to full-value assessments.

#### **§ 113-3. Word usage.**

The meanings of words and expressions as used in this article shall be identical to their meanings as used in §§ 307 Editor's Note: Section 307 of the Real Property Tax Law has expired. See now § 458 of that law. and 458, as amended, of the Real Property Tax Law of the State of New York.

#### **§ 113-4. Change of exemption.**

**[Amended 10-3-1991 by L.L. No. 3-1991]**

If the ratio between the exemption granted under § 458, Subdivision 1, of the Real Property Tax Law of the State of New York and the total value of assessed property for which such exemption has been granted increases or decreases due to

full-value assessments in the Town of Wilton, the amount of the exemption heretofore or hereafter granted shall be increased or decreased in such subsequent year in the same proportion as the total assessed value has been increased or decreased. Such adjustment shall be made by the Assessors in a manner provided in Subdivision 1(3) of § 458 of the Real Property Tax Law of the State of New York, and no application therefor need be filed by or on behalf of any owner of any eligible property.

**§ 113-5. Proportional increase or decrease in exemption.**

**[Added 4-8-1985 by L.L. No. 1-1985; amended 12-5-1996 by L.L. No. 2-1996; 8-7-2008 by L.L. No. 4-2008]**

A. The veteran's exemption provided by § 458 of the Real Property Tax Law shall be increased or decreased in proportion that the assessed valuation of real property on which the exemption has been granted is increased or decreased due to full value assessments in the Town of Wilton.

B. Whereas, § 458-a(2) of the Real Property Tax Law has been amended to allow the base exempt limits for the § 458-a exemption to include increased maximum limits and home value cap to take effect on the first of January next succeeding the date on which it shall have become law and, whereas, this section shall apply to assessment rolls on the basis of taxable status date occurring on or after such date, now therefore, this section will:

(1) Increase the home value cap to \$240,000.

(2) Reinstate the original equalization provision of the law which will allow municipality caps to fluctuate from year to year as equalization rates change so as to ensure that veterans will receive the same benefit from the exemption in different towns (which have the same cap) but which assess at different levels of assessed valuation.

(3) Increase the maximum exemption allowable in § 458-a, Subdivisions 2(a), (b) and (c) of this section to \$36,000, \$24,000 and \$120,000, respectively.

**ARTICLE II. Senior Citizens Exemption**

**[Adopted 9-13-1982 by L.L. No. 3-1982]**

**§ 113-6. Exemption granted.**

There shall be exempt from real property tax in the Town of Wilton real property owned by one or more persons each of whom is 65 years of age or over or real property owned by husband and wife, one of whom is 65 years of age or over. Such exemption shall be to the extent of 50% of the assessed valuation thereof.

**§ 113-7. Computation of exemption.**

Such exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

**§ 113-8. Continuation of exemption in event of older spouse's death.**

The real property exemption granted to husband and wife pursuant to this article, one of whom is 65 years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse, so long as the surviving spouse is at least 62 years of age.

**§ 113-9. Amount of exemption.**

**[Amended 10-10-1983 by L.L. No. 3-1983; 12-4-1986 by L.L. No. 5-1986; 4-5-1990 by L.L. No. 2-1990; 3-7-1991 by L.L. No. 2-1991; 10-3-1991 by L.L. No. 3-1991; 2-2-1995 by L.L. No. 1-1995; 12-5-1996 by L.L. No. 1-1996; 2-16-2005 by L.L. No. 1-2005]**

A. Pursuant to § 467(b) of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by a husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Wilton to the extent indicated below, provided that the income of the owner, or combined income of the owners, does not exceed the amounts indicated below:

<b>Annual Income/Source of Exemption</b>	<b>Percentage of Assessed Value Exempt from Taxation</b>
Up to and including \$24,000	50%
More than \$24,000 but less than \$25,000	45%
\$25,000 or more but less than \$26,000	40%
\$26,000 or more but less than \$27,000	35%
\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%
\$31,500 or more but less than \$32,400	5%

B. The income tax year and method of determining income shall meet the definitions and standards as set forth in Subdivision 3 of § 467 of the Real Property Tax Law.

**§ 113-10. Restrictions.**

No exemption shall be granted unless the owner or owners shall have title vested in them for at least 24 months prior to the date of making application for exemption, subject to all other qualifications as contained in Subdivision 3(b) of § 467 of the Real Property Tax Law.

**§ 113-11. Filing of petitions and notices.**

All provisions concerning filing of petitions and notices shall comply with the provisions of § 467 of the Real Property Tax Law.

**§ 113-12. Applications for renewal of exemptions.**

**[Added 2-15-1987 by L.L. No. 1-1987]**

A. The Assessors of the Town of Wilton are hereby authorized to accept applications for renewal of exemptions relating to persons 65 years of age or over pursuant to § 467 of the Real Property Tax Law after the taxable status date.

B. In the event that the owner of property who has received an exemption pursuant to said section on the preceding assessment roll fails to file the application required pursuant to said section on or before taxable status date, such owner may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

**§ 113-12.1. Computation of age.**

**[Added 12-4-1997]**

Any person otherwise qualifying for an exemption under § 467 of the Real Property Tax Law shall not be denied the exemption under this section if he/she becomes 65 years of age after the appropriate taxable status date (March 1) and on or before December 31 of the same year.

### **ARTICLE III. Exemption for Improvements for the Disabled**

**[Adopted 10-10-1983 by L.L. No. 2-1983]**

#### **§ 113-13. Eligibility.**

Improvements to any real property used solely as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to said improvements. The improvements must be used for the purpose of facilitating and accommodating the use and accessibility of the property by a physically disabled resident owner or a member of a resident owner's household who is physically disabled and resides in the property.

#### **§ 113-14. Required certificates.**

A physically disabled individual shall submit to the Assessor a certified statement from a physician which states that the individual has a permanent physical impairment which substantially limits one or more of his major life activities. If the individual is legally blind, he or she may submit a certificate from the State Commission for the Blind and Visually Handicapped in lieu of the physician's statement. The owner of the property shall file this certificate, together with an application form, with the Assessor by taxable status date.

#### **§ 113-15. Continuation of exemption.**

This exemption is first available in connection with assessment rolls prepared on the basis of taxable status dates occurring on or after January 2, 1984. Once granted, this exemption shall continue until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the physically disabled resident.

### **ARTICLE IV. Business Investment Exemption**

**[Adopted 7-7-1989 by L.L. No. 5-1989]**

#### **§ 113-16. Exemption reduced to zero.**

Pursuant to the authority of Subdivision 7 of § 485-b of the Real Property Tax Law, the partial exemption from property taxes, special ad valorem levies and service charges provided by such § 485-b is hereby eliminated by reducing the per centum of exemption to zero; provided, however, that exemptions existing prior in time to the effective date of this article shall not be subject to any such reduction.

### **ARTICLE V. Exemption to Qualified Volunteer Fire Fighters and Volunteer Ambulance Workers**

**[Adopted 2-2-2006 by L.L. No. 1-2006]**

#### **§ 113-17. Legislative intent.**

The Wilton Town Board recognizes the roles of the volunteer fire fighters and ambulance workers in securing the safety and well-being of our communities. The Wilton Town Board hereby finds that it is in the best interests of the Town of Wilton to encourage volunteerism for said purposes. The New York State Legislature has amended the Real Property Tax Law, in § 466-g, to authorize the Town to permit enrolled volunteer fire fighters and volunteer ambulance workers to be eligible for a real property tax exemption. To that end, by providing the following exemption it is the intent to so encourage volunteerism for our various fire and ambulance companies.

#### **§ 113-18. Exemptions for certain volunteer fire fighters and ambulance workers.**

A. Real property owned by an individual who has been an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service in the Town of Wilton and who resides in Wilton shall be exempt from taxation to the extent of 10% of the assessed value of such property for Town purposes, exclusive of

special assessments; provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such Town unless:

- (1) The applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated ambulance service;
- (2) The property is the primary residence of the applicant;
- (3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
- (4) The incorporated volunteer fire company or fire department or incorporated voluntary ambulance service has certified that the applicant has been an enrolled member of such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service for at least five years and remains an active enrolled member.

C. Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the state board.

D. No applicant who is a volunteer fire fighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

#### **ARTICLE VI. Cold War Veterans Exemption**

[Adopted 8-7-2008 by L.L. No. 5-2008 Editor's Note: This local law provided an effective date of 8-7-2008. ]

#### **§ 113-19. Definitions.**

As used in this article, the following terms and phrases shall have the following meanings:

##### **ACTIVE DUTY**

Full-time duty in the United States Armed Forces, other than active duty for training.

##### **ARMED FORCES**

The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

##### **COLD WAR VETERAN**

A person, male or female, who served on active duty in the United States Armed Forces, during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions.

##### **LATEST STATE EQUALIZATION RATE**

The latest final equalization rate established by the State Board pursuant to Article 12 of this chapter. Editor's Note: "This chapter" refers to Chapter 50-a of the Consolidated Laws of the State of New York.

##### **QUALIFIED OWNER**

A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

##### **QUALIFIED RESIDENTIAL REAL PROPERTY**

Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

##### **SERVICE CONNECTED**

With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval or air service.

#### **§ 113-20. Purpose.**

The purpose of this article is to grant a partial exemption from real property taxation to the extent of 15% of the assessed value up to \$12,000 of assessed value of qualified residential real property which is owned by a Cold War veteran who is a qualified owner, or in the case of a Cold War veteran who is a qualified owner and who received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-related disability, to the extent of the product of the assessed value of such qualified residential real property multiplied by 50% of the Cold War veteran's disability rating up to an assessed valuation of \$40,000 of assessed value, in accordance with the requirements of § 458-b of the Real Property Tax Law.

**§ 113-21. Amount of exemption; limitations.**

Qualified residential real property owned by qualified owners who are Cold War veterans shall be exempt from county real property taxes to the extent as follows:

A. To the extent of 15% of the assessed value of such qualified residential real property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, whichever is less.

B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United State Veterans Administration or from the United States Department of Defense because of a service-connected disability, to the extent of the product of the assessed valuation of such qualified residential real property multiplied by 50% of the Cold War veteran's disability rating; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate, whichever is less.

**§ 113-22. Exception.**

If a Cold War veteran has a real property tax exemption under § 458 or § 458-a of the Real Property Tax Law, such veteran shall not be eligible to receive this exemption.

**§ 113-23. Duration.**

The exemption provided herein shall be granted for a period of 10 years, the commencement of which is as follows:

A. Where a qualified owner owns qualifying residential real property at the effective date of this article, the ten-year period shall be measured from the date of the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

B. Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the date of the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of the qualifying residential real property.

C. If exempt property is sold before the expiration of such ten-year period and replaced by other qualified residential real property, an exemption may be granted for such property for the unexpired portion of the ten-year-exemption period.

**§ 113-24. Application.**

Application for the exemption shall be made by the qualified owner on a form prescribed by the State Board. The owner shall file the completed form in the local assessor's office on or before the appropriate taxable status date.

CHAPTER 119. VEHICLES AND TRAFFIC

**CHAPTER 119. VEHICLES AND TRAFFIC**

**[The vehicles and traffic legislation of the Town of Wilton is on file in the office of the Town Clerk.]**

**GENERAL REFERENCES**

Off-road vehicles — See Ch. 123.

## CHAPTER 123. VEHICLES, OFF-ROAD

§ 123-1. Purpose.

§ 123-2. Definitions.

§ 123-3. Registration.

§ 123-4. Required equipment; standards.

§ 123-5. Operation.

§ 123-6. Penalties for offenses.

§ 123-7. Enforcement.

## **CHAPTER 123. VEHICLES, OFF-ROAD**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 9-5-1985 by L.L. No. 4-1985. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Noise and nuisances — See Ch. 79.

Vehicles and traffic — See Ch. 119.

### **§ 123-1. Purpose.**

The purpose of this chapter is to protect the public health, welfare and safety by prohibiting and/or regulating the operation of off-road recreational vehicles (ORRV's) within the Town of Wilton.

### **§ 123-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **OFF-ROAD RECREATIONAL VEHICLE (ORRV)**

A motor vehicle which is not equipped in conformity with the Vehicle and Traffic Law (§ 381) and which is not registered in accordance with the provisions of the Vehicle and Traffic Law (§ 410) and which is manufactured and sold for operation primarily on areas which are not public highways and has a seat or saddle for the use of the rider and designed to travel on wheels in contact with the ground, and shall include such vehicles commonly known as "motorcycles," "minibikes," "trailbikes," "all-terrain vehicles" and "mopeds," but shall not include such vehicles when used customarily for agricultural, business, gardening or property maintenance purposes, and shall not include snowmobiles.

### **§ 123-3. Registration.**

A. All ORRV's shall be registered with the Town of Wilton through the Town Clerk's office. The annual fee shall be \$2, payable to the Town of Wilton, and shall be renewable 12 months from the date of previous registration. Failure to register any ORRV shall be deemed to be a violation of this chapter and subject the offender to the penalties provided in § 123-6.

**[Amended 10-3-1991 by L.L. No. 3-1991]**

B. The application for registration will require a brief description of the ORRV, including the name of the manufacturer and the factory number (serial number) of the vehicle, the name and address of the owner of the vehicle and, if the owner is a minor, the name and address of the parent(s) or legal guardians.

C. Registration of ORRV's is for use off-road only and is not intended for registration of ORRV's for use on public highways or for use on private lands.

D. Applications for registration will include a copy of the rules and regulations governing the operation and registration of any ORRV.

E. An ORRV registration sticker will be provided by the Town of Wilton and will be displayed on the ORRV in a conspicuous manner.

F. The Town Clerk shall maintain a record of the registration of the ORRV under the distinctive number assigned to the registration sticker.

**§ 123-4. Required equipment; standards.**

- A. All operators will be required to wear a New York State Department of Transportation (DOT) approved helmet and eye protection.
- B. All ORRV's shall conform to a noise level of not more than 86 decibels on the A Scale (SAE Test J1287) and will be equipped with a muffler and USDA approved spark arrestor.
- C. All ORRV's will be required to have brakes capable of holding the ORRV from rolling on a grade.

**§ 123-5. Operation.**

- A. An ORRV may not be operated:
  - (1) Between 10:00 p.m. and 8:00 a.m.
  - (2) One-half hour before sunset and 1/2 hour after sunrise without displaying a headlamp capable of a two-hundred-fifty-foot beam of light and a rear reflector.
  - (3) Without required equipment (DOT approved helmet and eye protection).
  - (4) On any public or private property without permission in writing.
  - (5) On public highways.
  - (6) By anyone under the age of 10 years unless under the direct, on-site supervision of a person over the age of 18 years.
  - (7) Within 200 feet of any dwelling without the consent of the owner, tenant or occupant thereof.
  - (8) Within 200 feet of any dwelling between 5:00 p.m. and 10:00 p.m.
  - (9) Without a registration sticker and certificate.
  - (10) Without a muffler and USDA approved spark arrestor and brake capable of holding the ORRV from rolling on a grade.
- B. Any ORRV must yield the right-of-way to any pedestrian, bicycle, livestock or horseback riders. In the case of livestock or horseback riders, the ORRV shall stop and shut off the motor until the livestock or horses have cleared.
- C. In crossing any highway, the operator of any ORRV shall stop the ORRV, make sure the way is clear and proceed to cross the ORRV at a ninety-degree angle to the highway.
- D. The ORRV shall not be operated in any manner so as to annoy any other person or gatherings of people or in such a manner as to create loud, unnecessary or unusual noise.
- E. The ORRV shall not be operated in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any persons, including the operator of said vehicle.
- F. The owner/operator of any ORRV shall comply with all sections of the New York State Vehicle and Traffic Law and the New York State Penal Law.
- G. The owner/operator is responsible for any damage incurred by his/her ORRV.
- H. Parents or legal guardians shall be held responsible for any damage or violations committed by minors.

**§ 123-6. Penalties for offenses.**



A. A violation of this chapter shall be deemed a violation.

B. Upon conviction, after a hearing before a court of competent jurisdiction, a fine of not less than \$25 and not more than \$250 and/or imprisonment for a period not exceeding 15 days may be imposed, and the certificate of registration may be suspended for a period not to exceed one year. Failure to pay such a fine may result in the impoundment of the offending ORRV until such fine is paid. Three convictions of violations of this chapter within a continuous 18 months may also result in the impoundment of the offending ORRV for a period of time not to exceed 90 days. Such ORRV may, after 90 days, be redeemed by the owner thereof after paying storage fees, if any, and after paying an impoundment fee of \$50 to the Town Clerk.

**[Amended 10-3-1991 by L.L. No. 3-1991]**

C. The parent(s), legal guardian or other person having custody of a person who is under the age of 16 years at the time of the violation of this chapter by such person under the age of 16 years shall likewise be guilty of a violation after a hearing by a court of competent jurisdiction and after a determination that such violation occurred by such person under 16 years, and shall be subject to a fine not less than \$25 and not more than \$250 and/or imprisonment for a period not exceeding 15 days.

**[Amended 10-3-1991 by L.L. No. 3-1991]**

#### **§ 123-7. Enforcement.**

A. Any and all of the rules and regulations of this chapter will be enforced by the Saratoga County Sheriff's Department and the New York State Police, and the Town of Wilton may appoint such other enforcement officers as may be necessary.

B. Rules and regulations can be promulgated and deleted as the need arises by the Town of Wilton.

#### **CHAPTER 129. ZONING**

##### **ARTICLE I. Title; Authority; Purpose**

###### **§ 129-1. Title.**

###### **§ 129-2. Legislative authority; purpose.**

##### **ARTICLE II. Terminology**

###### **§ 129-3. Word usage.**

###### **§ 129-4. Definitions.**

##### **ARTICLE III. General Provisions**

###### **§ 129-5. Districts enumerated.**

###### **§ 129-6. Official Zoning Map.**

###### **§ 129-7. Determination of district boundaries.**

###### **§ 129-8. Compliance required; existing uses.**

###### **§ 129-9. Permits.**

###### **§ 129-10. Certificate of occupancy.**

###### **§ 129-11. (Reserved)**

###### **§ 129-12. Measuring distances.**

##### **ARTICLE IIIA. Historic Preservation**

###### **§ 129-13. Purpose.**

###### **§ 129-14. Historic Preservation Board; membership; terms.**

###### **§ 129-15. Designation of landmarks and historic districts.**

###### **§ 129-16. Property exclusion provision.**

###### **§ 129-17. Certificate of appropriateness; regulation of any alteration, construction, reconstruction or demolition.**

###### **§ 129-18. Maintenance and repair.**

###### **§ 129-19. (Reserved)**

##### **ARTICLE IV. R-1 Residential District**

###### **§ 129-20. Purpose; prohibited activities; permitted uses.**

###### **§ 129-21. Special permit uses.**

###### **§ 129-22. Additional requirements.**

###### **§ 129-23. (Reserved)**

###### **§ 129-24. (Reserved)**

##### **ARTICLE V. R-2 Residential District**

###### **§ 129-25. Descriptive purpose; permitted uses.**

###### **§ 129-26. Special permit uses.**

###### **§ 129-27. Additional requirements.**

###### **§ 129-28. (Reserved)**

§ 129-29. (Reserved)  
ARTICLE VI. R-3 Residential District  
§ 129-30. Purpose; permitted uses.  
§ 129-31. Special permit uses.  
§ 129-32. Additional requirements.  
§ 129-33. (Reserved)  
§ 129-34. (Reserved)  
ARTICLE VII. Reserved  
§ 129-35. (Reserved)  
§ 129-36. (Reserved)  
§ 129-37. (Reserved)  
§ 129-38. (Reserved)  
§ 129-39. (Reserved)  
ARTICLE VIII. R-M Mobile Homes and Mobile Home Parks District  
§ 129-40. Purpose.  
§ 129-41. Applications for new parks; expansion of existing parks.  
§ 129-42. Mobile home park requirements.  
§ 129-43. Mobile homes located outside of mobile home parks.  
§ 129-44. Exceptions.  
§ 129-45. (Reserved)  
§ 129-46. (Reserved)  
§ 129-47. (Reserved)  
§ 129-48. (Reserved)  
ARTICLE VIIIA. RB-1 Residential Business  
§ 129-48.1. Descriptive purpose; permitted uses.  
§ 129-48.2. Special permit uses.  
§ 129-48.3. Additional requirements.  
§ 129-49. (Reserved)  
ARTICLE VIIIB. RB-2 Residential Business  
§ 129-49.1. Descriptive purpose; permitted uses.  
§ 129-49.2. Special permit uses.  
§ 129-49.3. Additional requirements.  
ARTICLE VIIIC. H-1 Hamlet District  
§ 129-49.4. Descriptive purpose; permitted uses.  
§ 129-49.5. Special permit uses.  
§ 129-49.6. Additional requirements.  
ARTICLE IX. C-1 Commercial District  
§ 129-50. Purpose; permitted uses.  
§ 129-51. Special permit uses.  
§ 129-52. Additional requirements.  
§ 129-53. (Reserved)  
§ 129-54. (Reserved)  
ARTICLE X. C-2 Business/Light Industrial District  
§ 129-55. Purpose; permitted uses.  
§ 129-56. Special permit uses.  
§ 129-57. Additional requirements.  
§ 129-58. (Reserved)  
§ 129-59. (Reserved)  
ARTICLE XI. C-3 Commercial/Light Industrial District  
§ 129-60. Purpose; permitted uses.  
§ 129-61. Special permit uses.  
§ 129-62. Additional requirements.  
§ 129-63. (Reserved)  
§ 129-64. (Reserved)  
ARTICLE XII. Reserved  
§ 129-65. (Reserved)  
§ 129-66. (Reserved)  
§ 129-67. (Reserved)  
§ 129-68. (Reserved)  
§ 129-69. (Reserved)  
ARTICLE XIII. I-1 Industrial District  
§ 129-70. Purpose; permitted uses; prohibited uses.  
§ 129-71. Special permit uses.  
§ 129-72. Additional requirements.  
§ 129-73. (Reserved)  
§ 129-74. (Reserved)  
ARTICLE XIV. Reserved  
§ 129-75. (Reserved)  
§ 129-76. (Reserved)  
§ 129-77. (Reserved)

§ 129-78. (Reserved)

§ 129-79. (Reserved)

ARTICLE XV. NC-1 Northway Corridor Overlay District

§ 129-80. Permitted uses.

§ 129-81. (Reserved)

§ 129-82. (Reserved)

§ 129-83. (Reserved)

§ 129-84. (Reserved)

ARTICLE XVI. CRT Composting/Recycling/Transfer/C&D Processing Facility District

§ 129-85. Purpose; prohibited activities; permitted uses.

§ 129-86. Additional requirements.

§ 129-87. (Reserved)

§ 129-88. (Reserved)

§ 129-89. (Reserved)

ARTICLE XVII. Default Zoning

§ 129-90. Purpose; designation.

§ 129-91. (Reserved)

§ 129-92. (Reserved)

§ 129-93. (Reserved)

§ 129-94. (Reserved)

ARTICLE XVIII. CR-1 Commercial/Residential District

§ 129-95. Purpose; permitted uses.

§ 129-96. Special permit uses.

§ 129-97. Additional requirements.

ARTICLE XIX. CR-2 Commercial/Residential Two District

§ 129-98. Descriptive purpose; permitted uses.

§ 129-99. Special permit uses.

§ 129-100. Additional requirements.

§ 129-101. (Reserved)

§ 129-102. (Reserved)

§ 129-103. (Reserved)

§ 129-104. (Reserved)

ARTICLE XX. Nonconforming Uses

§ 129-105. Continuation of lawful uses.

§ 129-106. Discontinuance.

§ 129-107. Reversion from conforming use unlawful.

§ 129-108. Automobile wrecking yards and junkyards.

§ 129-109. Expansion.

§ 129-110. Damaged or destroyed buildings.

§ 129-111. Existing mobile homes.

§ 129-112. (Reserved)

§ 129-113. (Reserved)

§ 129-114. (Reserved)

ARTICLE XXI. PUD Planned Unit Development Districts

§ 129-115. Regulations.

§ 129-116. (Reserved)

§ 129-117. (Reserved)

§ 129-118. (Reserved)

§ 129-119. (Reserved)

§ 129-120. (Reserved)

§ 129-121. (Reserved)

§ 129-122. (Reserved)

§ 129-123. (Reserved)

§ 129-124. (Reserved)

§ 129-125. (Reserved)

§ 129-126. (Reserved)

§ 129-127. (Reserved)

§ 129-128. (Reserved)

§ 129-129. (Reserved)

§ 129-130. (Reserved)

§ 129-131. (Reserved)

§ 129-132. (Reserved)

§ 129-133. (Reserved)

§ 129-134. (Reserved)

ARTICLE XXII. Open Space Subdivisions

§ 129-135. Policy; legislative authority.

§ 129-136. (Reserved)

§ 129-137. (Reserved)

§ 129-138. (Reserved)

§ 129-139. (Reserved)

§ 129-140. (Reserved)  
§ 129-141. (Reserved)  
§ 129-142. (Reserved)  
§ 129-143. (Reserved)  
§ 129-144. (Reserved)  
ARTICLE XXIII. Site Plan Review  
§ 129-145. Commercial or industrial site plan review.  
§ 129-146. Submission and review procedure.  
§ 129-147. Minor or amended site plan approval.  
§ 129-148. Multiple-family residential uses.  
§ 129-149. (Reserved)  
ARTICLE XXIV. Additional Regulations  
§ 129-150. Applicability.  
§ 129-151. Maximum lot coverage.  
§ 129-152. Height regulations.  
§ 129-153. (Reserved)  
§ 129-154. Principal buildings per lot.  
§ 129-155. Residential lots on culs-de-sac.  
§ 129-156. Lots abutting more than one street.  
§ 129-157. Projections into required yards.  
§ 129-158. Undersized lots.  
§ 129-159. In-law apartments.  
§ 129-160. Encroachments on cemeteries.  
§ 129-161. Off-street parking.  
§ 129-162. Off-street loading.  
§ 129-163. Obnoxious or injurious uses.  
§ 129-164. Air and water quality standards; construction standards.  
§ 129-165. Water storage areas; retention/detention areas.  
§ 129-166. Outdoor storage and parking.  
§ 129-167. Agricultural uses.  
§ 129-168. Temporary structures.  
§ 129-169. Temporary merchants.  
§ 129-170. Multiple uses.  
§ 129-171. Building permit prohibited on property with violations.  
§ 129-172. Obstructions on Town rights-of-way prohibited; exemptions.  
§ 129-173. Historic considerations.  
§ 129-174. Design standards for RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Zoning Districts.  
ARTICLE XXV. Special Permits  
§ 129-175. Special permit review.  
§ 129-176. Standard requirements for specific uses.  
§ 129-177. (Reserved)  
§ 129-178. (Reserved)  
§ 129-179. (Reserved)  
ARTICLE XXVI. Signs  
§ 129-180. Intent.  
§ 129-181. Sign requirements.  
§ 129-182. Legal nonconforming signs.  
§ 129-183. Construction.  
§ 129-184. Maintenance.  
§ 129-185. Temporary signs.  
§ 129-186. Unlawful signs.  
§ 129-187. Permit requirements.  
§ 129-188. Special permit signs.  
§ 129-189. Fees.  
§ 129-190. Questions dealing with sign area.  
§ 129-191. (Reserved)  
§ 129-192. (Reserved)  
§ 129-193. (Reserved)  
§ 129-194. (Reserved)  
ARTICLE XXVII. Timber, Silviculture, Soil and Stream Regulations  
§ 129-195. General requirements.  
§ 129-196. Timber harvesting and silvicultural practices.  
§ 129-197. Soil disturbance; excavation, mining, removal and filling of lands.  
§ 129-198. Stream resource management.  
§ 129-199. Permit required.  
§ 129-200. Permit issuance.  
§ 129-201. Penalties for offenses.  
§ 129-202. (Reserved)  
§ 129-203. (Reserved)  
§ 129-204. (Reserved)

ARTICLE XXVIII. Stormwater Control  
§ 129-205. Findings of fact; purpose; statutory authority; applicability; exceptions.  
§ 129-206. Stormwater pollution prevention plans.  
§ 129-207. Performance and design criteria.  
§ 129-208. Maintenance and repair of stormwater facilities.  
§ 129-209. Severability; when effective.  
§ 129-210. Administration and enforcement.  
ARTICLE XXIX. (Reserved)  
§ 129-211. (Reserved)  
§ 129-212. (Reserved)  
§ 129-213. (Reserved)  
§ 129-214. (Reserved)  
§ 129-215. (Reserved)  
§ 129-216. (Reserved)  
ARTICLE XXX. (Reserved)  
§ 129-217. (Reserved)  
§ 129-218. (Reserved)  
§ 129-219. (Reserved)  
§ 129-220. (Reserved)  
§ 129-221. (Reserved)  
§ 129-222. (Reserved)  
ARTICLE XXXI. (Reserved)  
§ 129-223. (Reserved)  
§ 129-224. (Reserved)  
§ 129-225. (Reserved)  
§ 129-226. (Reserved)  
§ 129-227. (Reserved)  
§ 129-228. (Reserved)  
ARTICLE XXXII. (Reserved)  
§ 129-229. (Reserved)  
§ 129-230. (Reserved)  
§ 129-231. (Reserved)  
§ 129-232. (Reserved)  
§ 129-233. (Reserved)  
§ 129-234. (Reserved)  
ARTICLE XXXIII. (Reserved)  
§ 129-235. (Reserved)  
§ 129-236. (Reserved)  
§ 129-237. (Reserved)  
§ 129-238. (Reserved)  
§ 129-239. (Reserved)  
ARTICLE XXXIV. (Reserved)  
§ 129-240. (Reserved)  
§ 129-241. (Reserved)  
§ 129-242. (Reserved)  
§ 129-243. (Reserved)  
§ 129-244. (Reserved)  
ARTICLE XXXV. Administration and Enforcement  
§ 129-245. Enforcement.  
§ 129-246. Permits.  
§ 129-247. Materials to be submitted with permit applications.  
§ 129-248. Certificate of compliance and occupancy.  
§ 129-249. Zoning Board of Appeals.  
§ 129-250. Special use permit classification.  
§ 129-251. Penalties for offenses; complaints.  
§ 129-252. (Reserved)  
§ 129-253. (Reserved)  
§ 129-254. (Reserved)  
ARTICLE XXXVI. Amendments  
§ 129-255. Amendments.  
§ 129-256. Referrals to county.

Attachments:

129a Table of Zoning Map Amend  
129b Sch I Model PUD Local Law  
129c Exhibit A Ord. No. 1 of 1989  
129d Exhibit B Typical Parking Stalldoc  
129e Exhibit C Std Notes for Subdivision Plats  
129f App Notif of Interested Landowners  
129g Schedule A  
129h Schedule B

129i Schedule C  
129j Schedule D  
129k Schedule E  
129l Schedule F  
129m Schedule G  
129n Schedule H  
129o Schedule I  
129p Schedule J  
129q Schedule K  
129r Schedule L  
129s Schedule M  
129t Schedule N  
129u Schedule O  
129v Sample Stormwater Control

## **CHAPTER 129. ZONING**

**[HISTORY: Adopted by the Town Board of the Town of Wilton 5-4-1995 Editor's Note: This ordinance supersedes former Ch. 129, Zoning, adopted 5-6-1974, as amended. . Amendments noted where applicable]**

### **GENERAL REFERENCES**

Building construction administration — See Ch. 43.  
Unsafe buildings — See Ch. 47.  
Fees — See Ch. 63.  
Subdivision of land — See Ch. 109.

### **ARTICLE I. Title; Authority; Purpose**

#### **§ 129-1. Title.**

This chapter shall be known and cited as the "Zoning Ordinance of the Town of Wilton, New York."

#### **§ 129-2. Legislative authority; purpose.**

A. Pursuant to the authority conferred under Town Law, State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 260 to 284, inclusive, and for the purpose of promoting the health, safety, morals, prosperity and general welfare of the residents of the Town of Wilton and efficiency in economy in the process of the development of the Town of Wilton, the following chapter is hereby enacted by the Town Board.

B. This chapter is adopted to promote safety from fire and other dangers; to provide adequate areas between buildings and rights-of-way; to preserve the rural attractiveness of Wilton; and to promote a good civic design, wise land use and efficient expenditures of public funds. This chapter is adopted to provide adequately for public utilities and other requirements and, by means of the state authority, to provide a sound environment for the residents of the Town of Wilton now and in the future.

C. The purpose of the chapter does not supersede any similar and related county, state and federal regulations relating to topics within this chapter, except in those areas where this chapter is more restrictive. The provisions of this chapter shall be deemed to be specific. Those matters for which there are no specific provisions in this chapter shall be referred to the Town Board.

### **ARTICLE II. Terminology**

#### **§ 129-3. Word usage.**

For the purpose of this chapter, certain terms and words shall be interpreted to have the following meanings:

A. Words used in the present tense include the future.

B. Words used in the singular shall include the plural and the plural, the singular.

- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "plot," "piece" and "parcel."
- F. The word "building" includes all other structures of every kind, regardless of similarity to buildings.
- G. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- H. The word "person" includes a corporation as well as an individual.
- I. The word "Town" shall mean the Town of Wilton, New York.

#### **§ 129-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **ABANDONMENT**

To cease or discontinue a use or activity, excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

##### **ABUTTING**

To border.

##### **ACCESSORY**

A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

##### **ACCESSORY APARTMENT**

A second dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory structure on the same lot as the main dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping.

##### **ACCESSORY BUILDING**

See "accessory."

##### **ACCESSORY USE**

See "accessory."

##### **ADULT USES**

These uses shall include but are not limited to the following:

**[Added 1-8-1998 by L.L. No. 1-1998]**

A. **ADULT BOOKSTORE** — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and video tapes and which establishment is customarily not open to the public generally, but excludes any minor by reason of age.

B. **ADULT DRIVE-IN THEATER** — A drive-in theater that customarily presents motion pictures that are not open to the public generally, but excludes any minor by reason of age.

C. **ADULT ENTERTAINMENT CABARET** — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or similar entertainments, and which establishment is customarily not open to the public generally, but excludes any minor by reason of age.

D. **ADULT MOTEL** — A motel which is not open to the public generally, but excludes minors by reason of age, or which makes available to its patrons in their rooms closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which, if presented in a public movie theater, would not be open to the public generally, but would exclude any minor by reason of age, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions or offers a sleeping room for rent for a period of time that is less than 10 hours.

E. **ADULT THEATER** — A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public generally, but excludes any minor by reason of age.

##### **AGRICULTURAL BUILDING**

A structure which is used for the housing of animals (such as horses, chickens, cows, pigs) or their food and forage (such as grains, straw) and equipment used to implement the agricultural use (such as tractor, manure spreader, planter, etc.).

**AGRICULTURE USE**

The raising of crops, including trees, livestock, poultry, fruit or fur-bearing animals, including the sale of products grown or raised directly on such land, but shall not include the construction of new structures associated with agricultural activities.

**[Amended 12-7-2006 by L.L. No. 4-2006]**

**ALTERATION**

As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**AMUSEMENT ARCADE**

A building or part of a building in which five or more in any combination of pinball machines, video games or other similar player-operated amusement devices are maintained.

**AMUSEMENT CENTER**

An indoor or outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including but not limited to rides and booths for the conduct of games and buildings for shows and entertainment.

**ANIMAL FARM**

An admission-charging endeavor whose main attraction is animals.

**APARTMENT HOUSE**

A building with multiple individual dwelling units and intended or designed to be occupied by three or more households living independently of each other, which building may or may not have common service entrances, and which units are rented.

**[Amended 8-4-2005]**

**APPLICANT**

A property owner or agent of a property owner who has filed an application for a land development activity.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**AREA, LOT**

The total area within the lot lines, excluding public rights-of-way.

**ASPHALT PLANT**

A facility where oil products, stone and/or sand are assembled to produce asphaltic material and may include sand and gravel processing activities.

**[Added 12-1-2005]**

**ASSEMBLY PLANT**

A facility where products or articles are assembled and said products or articles are consumed or used at another location. Products or articles that are assembled can be disassembled and are therefore not mixed or fused together which would make the individual parts indistinguishable from each other in the final product. This definition does not include the production of asphalt or concrete.

**[Amended 7-2-1997; 12-1-2005]**

**ASSISTED LIVING COMMUNITY**

A structure or structures in which residential units are accompanied by support services, including the provision of the option of at least one meal per day and personal care services such as medication supervision and assistance with the activities of daily living such as bathing, dressing, grooming, eating and ambulation.

**AUTOMATIC LAUNDRY OR LAUNDROMAT**

Business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory in an apartment house or similar use.

**AUTOMOBILE WRECKING YARD**

The use of any area or portion of any lot or plot, whether inside or outside of a building, for the temporary storage of automobiles awaiting dismantling or dismantled parts of automobiles or for the dismantling, cutting, demolition and burning of automobiles.

**AUTOMOTIVE REPAIR**

The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.



**BALUSTRADE**

A rail and the row of balusters or posts that support it, as along the front of a gallery.

[Added 11-6-2008]

**BANNER**

Any sign of lightweight fabric or similar material that is mounted or attached to a pole, building, fence or any other structure. National, state or municipal flags or the official flag of any institution or business shall not be considered "banners."

**BAR**

See "tavern."

**BASEMENT**

A space partially below grade but having at least 1/2 of its height below the average grade of the adjoining ground.

**BED-AND-BREAKFAST FACILITY**

A facility which is not a hotel or motel, but rather an owner-occupied dwelling in which overnight accommodations for a maximum stay of one week and breakfast only is provided or offered for transient guests for compensation. Such use is secondary to the occupancy of the dwelling by a family.

**BERM**

A hillock or raise in grade generally high enough to visually screen headlights from automobiles or trucks on adjacent properties or to reduce sound levels between adjacent properties.

**BOARDINGHOUSE**

A private dwelling in which at least four but not more than 10 sleeping rooms are offered for rent and meals or kitchen facilities may be furnished to lodgers and in which no transients are accommodated. A rooming house or furnished room house shall be deemed a "boardinghouse."

**BOAT STORAGE, COMMERCIAL**

A place, site or structure used to park, house or store on any one lot boats and/or vessels not owned by property owner or lessee.

**BOND or LETTER OF CREDIT**

A written agreement issued by a qualified agent or banking organization which guarantees either the performance of a certain agreed-upon activity or an equivalent consideration if the activity is not completed as required.

**BUFFER**

An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms, and/or fences, and designed to limit views and sounds from the development to adjacent properties and vice versa.

[Added 8-4-2005]

**BUFFER ZONE**

An unpaved, natural area without buildings designed to reduce the possibility of adverse impact on land or water quality and/or conflicts of land use between two or more areas.

**BUILDABLE LAND**

That portion of a lot exclusive of all federal and all New York State designated freshwater wetlands, New York State classified streams, flood hazard areas, as mapped on FEMA's Flood Insurance Rate Maps, slopes of 15% or greater, critical environmental areas as designated by the New York State Department of Environmental Conservation (NYSDEC) or within the Town of Wilton Comprehensive Plan and other areas of environmental or scenic significance as may be identified by the Planning Board and Town of Wilton Comprehensive Plan or Zoning Ordinance.

**BUILDING**

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area and aids in the development of land. See also "structure."

[Amended 12-7-2006 by L.L. No. 4-2006]

**BUILDING, FRONT**

That portion of a building facing the major or principal access street.

**BUILDING, HEIGHT**

The vertical distance measured from the average elevation of the proposed finished grade around the perimeter of the building to the highest point of the building, except that the height limitations of this chapter shall not apply to mechanical appurtenances usually carried above roof level, radio and television antennas or similar structures. In the case of a building which contains several uses with different height restrictions under this chapter, the predominant use within the building controls the height regulation. For the purposes of this definition, "predominant use" shall mean the class of use having the largest gross floor area within the building.

**BUILDING INSPECTOR (ZONING OFFICER)**

An individual empowered by the Town Board to administer the provisions of these regulations except as specified otherwise herein.

**BUILDING LINE**

That line established by the required front yard depth as the closest point to the front property line at which a building may be constructed. Side and rear building lines shall be determined in a comparative manner.

**BUILDING, PRINCIPAL**

A building in which the main or principal use of the lot is conducted.

**BUILDING SUPPLY/LUMBER YARD**

A business where building supplies are sold either wholesale or retail, including the storage of such supplies.

**BUSINESS OFFICE**

A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations, and personal services.

**[Amended 12-1-2005]**

**CAMP**

Any area of land or water on which is located one or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreation-oriented occupancy, regardless of whether such accommodations are actually occupied on a seasonal basis by adults or by children, either as individuals, families or groups and whether or not conducted for profit.

**CAMPGROUND**

Any area designated for transient occupancy by camping in tents, camp trailers, motor homes, truck cap campers or pickup campers or similar temporary shelter.

**CAMPSITE**

An individual site designed to accommodate transient occupancy by camping in a tent, camp trailer, motor home, truck camper or pickup camper or similar temporary shelter. The area of the campsite shall include the vehicle or tent location, hookups, green space and any other accessory facilities being the required square footage as per § 129-176G(4).

**[Amended 7-2-2002; 4-3-2003]**

**CANOPY**

A permanent roof-like structure either freestanding or connected to a principal building or accessory building.

**CAR WASH**

An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

**CEMETERY**

Land used or intended to be used for the burial of the dead and dedicated for similar purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of said cemetery.

**CERTIFIED FORESTER**

A forestry professional who voluntarily subscribes to the criteria outlined by the Society of American Foresters' Certified Foresters Program.

**[Added 4-5-2007]**

**CHANNEL**

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**CHILD-CARE FACILITY**

See "day-care center."

**CHURCH**

A building for public worship and/or religious services.

**CLEAR-CUTTING**

The removal of trees, shrubs or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of nonnative tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

**CLEARING**

Any activity that removes the vegetative surface cover.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**CLINIC**

A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**CLUB or LODGE**

A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity or to render a service which is customarily considered a business, but not done primarily for profit.

**CLUSTER DEVELOPMENT**

Subdivisions in which lot sizes and bulk requirements of the governing zone are reduced in order to group structures in one or more portions of the site where they will have the least impact on important resources and to permanently preserve open space.

**COCKTAIL LOUNGE**

See "tavern."

**COMMERCIAL RECREATION USE**

Any use involving the provision of recreation facilities or activities for a fee, whether indoors or outdoors.

**COMMERCIAL USE**

Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or provision of recreation facilities or activities for a fee. The term shall include but not be limited to the following; drive-in establishment, fast-food restaurant, service station, public garage, restaurant, retail business and tavern.

**COMMUNITY BUILDING OR CENTER**

A place, structure, area or other facility used for providing fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMPOSTING FACILITY**

A facility which produces compost from the organic fraction of leaves, grass clippings, pine needles, plants, garden waste, branches and brush. This definition specifically excludes inorganic material and/or food and animal products and by-products, sewer waste, solid waste (other than those above) or sludge. Said facility must conform to the requirements of 6 NYCRR 360, Solid Waste Management Facilities, and further revisions thereof.

**COMPREHENSIVE PLAN**

The officially adopted plan for the development of the Town, which indicates the general location for physical growth of the community, together with any and all amendments thereto.

**CONCRETE BATCH PLANT**

The process by which stone, sand, water and cement are combined to make concrete.

[Added 12-1-2005]

**CONDOMINIUM**

See "dwelling, multifamily."

**CONDOMINIUM DEVELOPMENT**

A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

[Added 8-4-2005]

**CONSERVATION EASEMENT**

A perpetual restriction on the use of land created in accordance with the provision of Article 49, Title 3, of the Environmental Conservation Law or Chapter 247 of the General Municipal Law for the purposes of conservation of open space, agricultural land and natural cultural and scenic resources.

**CONSTRUCTION AND DEMOLITION (C&D) DEBRIS**

Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets 10 gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids and pipe and metals that are incidental to any of the above. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and roads and land clearing) includes but is not limited to asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than ten gallons in size and any containers having more than one inch of residue remaining on the bottom and fuel tanks. Specifically excluded from the definition of "construction and demolition debris" is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a department-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding. Also, waste contained in an illegal disposal site may be considered "C&D debris" if the

New York State Department of Environmental Conservation and the Town determines that such waste is similar in nature and content to C&D debris.

**CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING FACILITY**

A processing facility that receives and processes construction and demolition debris by any means approved by the state and/or Town Board.

**CONVENIENCE STORE**

Any retail establishment offering for sale prepackaged food products, household items and goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. Convenience stores may also be associated with the sale of gasoline or fuel for the propulsion of motor vehicles.

**[Amended 12-1-2005]**

**CONVENTION CENTER**

A facility offering meeting rooms and/or exhibit areas providing support activities for those meeting rooms, such as food preparation and not including lodging.

**CROSSWALK or WALKWAY**

An accessway designed for pedestrian traffic and dedicated to public use.

**CUL-DE-SAC**

Minor street with one end open for public access and the other terminating in a vehicular turnaround.

**DAY-CARE CENTER**

A site, building or place designed and/or operated to provide care and/or instruction on a daily/regular basis for four or more persons and operated on a regular basis for a fee.

**DEDICATION**

The deliberate appropriation of property by its owner for general public use.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**DEPARTMENT**

The New York State Department of Environmental Conservation.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**DESIGN MANUAL**

The New York State Stormwater Management Design Manual, most recent version, including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**DESIGN STANDARDS**

A set of subjective standards and recommendations governing the physical form and appearance of development within the district to which they apply. Design standards are to be administered by the Zoning Board of Appeals and Planning Board and applied to development projects subject to their review.

**[Added 8-4-2005]**

**DEVELOPER**

A person who undertakes land development activities.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**DINER**

See "restaurant."

**DISTRIBUTION PLANT**

A facility used to disperse products or articles to another location.

**DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT**

A commercial establishment where business is transacted between the establishment and the person(s) in a vehicle.

**DRY-CLEANING FACILITY**

An establishment which provides washing, drying or dry-cleaning services, on site, where goods are dropped off for cleaning and picked up at a later date, not to include on-site facilities located in conjunction with an apartment complex or living community.

**DUPLEX**

See "dwelling, two-family."

**DWELLING**

A building designed or used as the living quarters for one or more families. The terms "dwelling," "one-family dwelling," "multiple dwelling," "two-family dwelling," "dwelling unit" or "dwelling group" shall not be deemed to include a motel, rooming house, bed-and-breakfast or tourist home.

**DWELLING GROUP**

A group of two or more dwellings occupying a lot in one ownership.

**DWELLING, MULTIFAMILY**

A building or portion thereof containing three or more dwelling units.

**DWELLING, ONE-FAMILY**

A residential building containing not more than one dwelling unit surrounded by open space on the same lot and meets the provisions of the New York State Uniform Fire Prevention and Building Code, is on a permanent foundation and consisting of at least 720 square feet of living space, excluding an accessory building or use; see "dwelling unit."

**DWELLING, SEASONAL**

A dwelling not used for permanent residence and not occupied for more than six months in each year.

**DWELLING, TWO-FAMILY**

A detached building containing two dwelling units only, having a common or party wall separating units, that meets the provisions of the New York State Uniform Fire Prevention and Building Code, is on a permanent foundation and consists of 1,500 square feet of living space, excluding an accessory building or use. This term is intended primarily for duplexes; see "dwelling unit."

**DWELLING UNIT**

A complete housekeeping facility consisting of sleeping, living, bathroom and kitchen facilities.

**EASEMENT**

The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

**ELDERLY**

Persons 55 years of age or older.

**ENCLOSED SHOPPING MALL**

An enclosed retail shopping center containing at least 400,000 square feet of gross leasable area, including two or more retail spaces of at least 30,000 square feet.

**EROSION**

The wearing away of the land surface by rain, flowing water, wind or other geological, mechanical or chemical agents.

**EROSION CONTROL MANUAL**

The most recent version of the New York Standards and Specifications for Erosion and Sediment Control manual, commonly known as the "Blue Book."

**[Added 12-7-2006 by L.L. No. 4-2006]**

**EXTREME FLOOD CONTROL CRITERIA**

Requires storage to attenuate the postdevelopment one-hundred-year, twenty-four-hour peak discharge rate to predevelopment rates. The intent of this criteria is to prevent the increased risk of flood damage from large storm events, maintain the boundaries of the predevelopment one-hundred-year floodplain, and protect the physical integrity of stormwater management practices.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**FAMILY**

One or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel. A "family" may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption, and may also include domestic servants or gratuitous guests.

**FARM**

See "agriculture use."

**FARMLAND**

Any parcel which is used primarily for gain in the raising of an agricultural product.

**FENCE**

Any material erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two contiguous pieces of land.

**[Amended 7-2-1997]**

**FIRING RANGE**

A facility either out of doors or within a building which is designed to accommodate the discharge of firearms and usually includes targets or skeet launchers.

**FLOODPLAIN**

Any land susceptible to being inundated by water from any source.

**FLOODWAY**

The channel or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one-hundred-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FLOODWAY FRINGE**

All the land in the floodplain not lying in the floodway.

**FUNERAL HOME**

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GABLE**

The portion of the front or side of a building enclosed by or masking the end of a pitched roof.

**[Added 11-6-2008]**

**GARAGE, PRIVATE**

An enclosed space for the storage of one or more motor vehicles, provided that no business occupation or service is conducted for profit.

**GARAGE, PUBLIC**

Any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**GAS STATION**

See "service station."

**GOLF AND COUNTRY CLUBS**

Clubs catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes.

**GOVERNING ZONE**

Refers to the requirements of the zone in which a planned unit development application is being made, as indicated on the current Town of Wilton Zoning Map. Editor's Note: The Zoning Map is on file in the Town office. If that zone does not allow residential uses, the "governing zone" shall refer to the single-family requirements of the zone in closest proximity which allows residential uses. If that zone does not allow commercial/industrial uses, the "governing zone" shall refer to the commercial/industrial uses of the zone in closest proximity which allows commercial/industrial uses.

**GRADE**

The average finished ground level of the land around a structure/building.

**GRADING**

Excavation or fill of material, including the resulting conditions thereof.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**GREENHOUSE, COMMERCIAL**

A building in excess of 300 square feet whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

**GREENHOUSE, PRIVATE**

A structure whose roof and sides are made largely of glass or other transparent or translucent material and used for personal enjoyment and whose area is 300 square feet or less.

**GREEN SPACE**

Percentage of a lot or subdivision identified on the approved plan to remain undeveloped.

**GROSS LEASABLE AREA**

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**HEALTH CLUB**

Includes, but is not limited to, gymnasiums (except public), private clubs (athletic, health or recreational), reducing salons and weight control establishments.

**HEALTH-RELATED FACILITY**

A building or site used for the treatment of illness, disease, injury, deformity and other physical or mental condition, including rehabilitation activities, and which is operated by individuals in the health industry licensed by the State of New York.

**HEALTH SERVICES**

Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories; outpatient care facilities, rehabilitation services, blood banks, and oxygen and miscellaneous types of medical supplies and services.

**[Added 12-1-2005]**

**HEIGHT**

The vertical distance from average grade level to highest point of structure, excluding antennas.

**HOME OCCUPATION**

An occupation for gain or support which is conducted by members of a family residing on the premises and conducted entirely within the existing structures and which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof.

**HOMEOWNERS' ASSOCIATION**

A private nonprofit corporation of homeowners for the purpose of owning, operating and maintaining various common properties or facilities.

**HOSPITAL**

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**HOTEL, MOTEL, INN or TOURIST CABIN**

An establishment containing lodging accommodations designed for use by transients or temporary guests, excluding bed-and-breakfast facility.

**HOUSEHOLD PETS**

Animals that are customarily kept for personal use or enjoyment within the home. "Household pets" shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and rodents.

**IMPERVIOUS COVER**

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**[Added 12-7-2006 by L.L. No. 4-2006]**

**INDEPENDENT LIVING COMMUNITY**

A structure or structures in which residential units have an individual kitchen and bathroom, with the option of at least one meal per day plus where one or more of the following services are provided to the residents in the community in common facilities on site: laundry, security and housekeeping.

**INDOOR-OUTDOOR RECREATIONAL FACILITIES**

Parcels, buildings and/or equipment primarily utilized for leisure-time or sport-related activities, including, but not limited to, miniature golf courses, driving ranges, bowling alleys, and private businesses based on providing a recreational activity.

**[Amended 8-4-2005]**

**INDUSTRIAL STORMWATER PERMIT**

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**INDUSTRY, LIGHT**

A use engaged in the production, from previously prepared materials, of finished products or parts, including the processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products, but excluding any basic industrial processing utilizing any raw materials.

**[Amended 7-2-1997]**

**INFILTRATION**

The process of percolating stormwater into the subsoil.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**IN-LAW APARTMENT**

A second dwelling unit in an existing single-family detached dwelling for use as a complete, independent living facility with provision within the in-law apartment for cooking, eating, sanitation and sleeping.

**INTEGRATION**

Interconnection of utilities, roads and open space/recreation, as well as siting and design compatibility.

**JUNK**

Goods that are so worn, deteriorated or obsolete as to make them unusable for their original purpose in their existing condition, but are subject to being dismantled, including but not limited to used paper, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, appliances, fixtures, utensils, used boxes or crates, other lumber, used pipe or pipe fittings and used tires.

**[Added 11-15-1999]**

**JUNKYARD**

A lot, land or structure or part thereof used for the collecting storage and sale of wastepaper, rags, scrap metal or discarded material; or the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**KENNEL**

An establishment housing dogs, cats or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

**KITCHEN**

A room or place for the preparation and cooking of food.

**LAND CLEARING**

The excavation, cutting, removal, alteration, destruction or clearing of perennial or annual vegetation, including trees, or the disturbance of soil.

**LAND DEVELOPMENT ACTIVITY**

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**LANDOWNER**

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**LAUNDROMAT**

An establishment providing washing and/or drying on the premises for rental use to the general public for family laundering.

**LIBRARY**

A place in which literary, musical, artistic or reference materials are kept for public use but not for sale.

**LINE, STREET or RIGHT-OF-WAY LINE**

The dividing line between the street and the lot.

**LINTEL**

A horizontal beam over an opening in a masonry wall, either structural or decorative.

**[Added 11-6-2008]**

**LODGING HOUSE**

A building in which at least four but not more than 10 sleeping rooms are offered for rent and in which no meals are furnished.

**LOGGING**

See "timber harvesting."

**LOT**

A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same.

**LOT AREA**

See "area, lot."

**LOT, CORNER**

A lot or parcel of land abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than 135°.

**LOT COVERAGE**

The lot area or percentage of lot area covered by buildings or structures, including accessory buildings or structures, or the percentage of the area of the lot covered by a building or buildings.

**LOT DEPTH**

The average horizontal distance between the front and rear lot lines.

**LOT FRONTAGE**

The length of the front lot line measured at the street right-of-way.

**LOT LINE**

Any line dividing one lot from another.

**LOT LINE, FRONT**

The line of record bounding a lot, which divides one lot from another lot or from a public or private street or any other public space.



**LOT, SUBSTANDARD**

A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this chapter.

**LOT WIDTH**

The horizontal distance between side lot lines, measured at the required setback line.

**MAINTENANCE AGREEMENT**

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

[Added 12-7-2006 by L.L. No. 4-2006]

**MASSAGE ESTABLISHMENT**

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist or duly licensed massage therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise such as tennis courts, racquetball courts or exercise rooms and which do not receive their primary source of revenue through the administration of massages.

[Added 1-8-1998 by L.L. No. 1-1988]

**MAXIMUM BUILDING HEIGHT**

The dimensions between the average grade level at a point contiguous to the building or structure and the highest point of the building or structure and/or accessories thereto.

**MINIMUM YARD DIMENSION**

Minimum distance allowed between a structure and a lot line.

**MIXED USE**

The development of a tract of land or building or structure with two or more different uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact form.

[Added 8-4-2005]

**MOBILE HOME**

Any portable vehicle which is designed to be transported on its own wheels or those of another vehicle, which is used, designed to be used and capable of being used as a detached single-family residence and which is intended to be occupied as living quarters, containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and with a minimum of 720 square feet of living space.

**MOBILE HOME LOT**

A site of specific total land area which is located within a mobile home park for the accommodations of one mobile home and its occupants.

**MOBILE HOME PARK**

Any parcel of land which is planned and improved for the placement of two or more mobile homes.

**MOBILE HOME STAND**

A durable surface located on a mobile home lot which is to be used for the placement of and capable of supporting a mobile home.

**MODULAR DWELLING**

A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, and which meet all standards of the New York Building Code.

**MOTEL**

See "hotel."

**MUSEUM**

An institution devoted to the procurement, care, study and display of objects of interest or value.

**NET BUILDABLE AREA**

The portion of buildable land which remains after the deduction of 20% of the buildable land for the provision of roadways and utilities.

**NIGHTCLUB**

See "tavern."

**NONCONFORMING USE**

A building, structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

**NONPOINT SOURCE POLLUTION**

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**NURSERY/GARDEN CENTER**

Any land used for growing or stocking of plants, trees and/or shrubs for sale or transplanting.

**NURSING OR CONVALESCENT HOME**

Any dwelling used for the accommodation and care of persons with an illness or persons recuperating from illness or incapacity, where nursing services are furnished.

**OFFICE USE**

Any use of a primarily clerical or professional nature, such as but not limited to insurance, government, real estate, legal or medical services.

**OPEN SPACE**

An area of land not developed with residential, industrial or commercial structures and used for recreation, agriculture or forestry or left in its natural state.

**OPEN SPACE SUBDIVISION**

For the purposes of this chapter, "open space subdivisions" can be defined in two ways:

A. **CLUSTER SUBDIVISION** — Subdivisions in which lot sizes and bulk requirements of the underlying zone are reduced in order to group structures in one or more portions of the site where they will have the least impact on important resources and to permanently preserve open space. The number of lots in a cluster subdivision will not exceed the product of the subdivision's buildable land and the density as allowed by the governing zone.

B. **CONSERVATION DENSITY SUBDIVISION** — Subdivisions in which lots created are at least two times the minimum size required by the zoning district.

**OUTDOOR SALES**

Sidewalk sales, tent sales or other temporary sales activities which are accessory to a principal commercial use where displays and/or sales do not occur within a principal or accessory building.

**OUTDOOR STORAGE**

The keeping of any goods, junk material, merchandise or vehicles in the same place for more than 48 hours in any portion of a lot outside of a walled and roofed structure.

**OVERBANK FLOOD CONTROL**

Requires storage to attenuate the postdevelopment one-hundred-year, twenty-four-hour peak discharge rate to predevelopment rates. The primary purpose of this sizing criteria is to prevent an increase in the frequency and magnitude of out-of-bank flooding generated by urban development.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**PARK**

Any public or private land available for recreational, education, cultural or aesthetic use.

**PARKS**

Land used for recreational purposes, including, but not limited to, nature trails and playing fields, where a fee for use is not charged.

**[Added 7-2-2002; amended 4-3-2003]**

**PARKING SPACE**

An off-street area available for the parking of one motor vehicle and having an area of not less than 162 square feet (nine feet by 18 feet).

**PARKING SPACE, HANDICAPPED**

Parking spaces for disabled people shall be at least 108 inches wide and shall have adjacent access aisle 96 inches wide minimum. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.

**PASTURE**

Land containing the proper vegetation for the purpose of feeding grazing animals, and containing no stumps.

**[Amended 8-6-1998]**

**PEDIMENT**

A low gable, typically triangular with a horizontal cornice and raking cornices, surmounting a colonnade, an end wall, or a major division of a facade.

**[Added 11-6-2008]**

**PEEP SHOWS**

A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure for which a fee is charged and which is not open to the public generally, but excludes any minor by reason of age.

**[Added 1-8-1998 by L.L. No. 1-1998]**

**PENNANT**

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**PERMITTED USE**

Any use requiring no special action by the Zoning Board of Appeals or site plan review by the Planning Board before a building permit is granted by the Zoning Officer and/or Building Inspector, subject to all other applicable provisions of this chapter.

**PERSONAL SERVICE SHOPS**

Shops where personal services are offered, such as but not limited to barbershops, shoe shine shops and beauty parlors.

**PHASING**

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**PILASTER**

A column partially embedded in a wall, usually non-structural.

**[Added 11-6-2008]**

**PLACE OF PUBLIC ASSEMBLY**

Public buildings, schools, halls, convention centers and other spaces and buildings where the general public may congregate, not including social clubs, sportsmen clubs or other private clubs.

**PLANNED UNIT DEVELOPMENT (PUD)**

Land which is planned and developed by a single interest as a whole, in a single phase or in a programmed series of phases. A "PUD" may result in large open space areas, higher density in some sections of the tract of land, flexibility in architectural design and preservation of key natural features.

**PLAYGROUND**

A piece of land used for and normally equipped with facilities for recreation, especially by children.

**PLOT PLAN (FOR BUILDING PERMIT)**

A plan prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

**POLLUTANT OF CONCERN**

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**PRINCIPAL USE**

The main or primary purpose for which land or a structure is designed, arranged or intended or for which land or structures may be occupied or maintained under this chapter.

**PRINTING AND PUBLISHING FACILITY**

An establishment that provides duplicating services including photocopying, blueprint and offset printing, including collating of booklets and reports.

**PROFESSIONAL SERVICE**

A service or profession that requires licensure or certification from the State of New York.

**[Added 11-15-1999]**

**PROJECT**

Land development activity.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**PUBLIC UTILITY**

A company of one or more persons or corporations or authorities operating an agency or agencies for public service, which may be subject to the jurisdiction, supervision and regulations of the New York State Public Service Commission. Not to include, for the purposes of this chapter, telecommunication towers which are defined separately.

**[Added 6-6-1996; amended 1-5-2006]**

**RECHARGE**

The replenishment of underground water reserves.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**RECREATIONAL, ACTIVE**

Lands utilized for recreational pursuits that require the construction of facilities and amenities such as ball fields, playgrounds, tennis courts, swimming pools or other similar facilities.

**RECREATIONAL, PASSIVE**

Land left primarily undeveloped with the possible exceptions of trails, for such pursuits as hiking, bird-watching, cross-country skiing or other similar activities.

**RECREATIONAL VEHICLE AND TENTING CAMPSITE**

A designated site of specific total land area which is planned and improved for the seasonal placement of two or more tents, shelters, recreational vehicles or other accommodations used for camping or recreational purposes only and which does not allow any unit to occupy the designated site for a period in excess of 30 days. Editor's Note: The definition of "recreation vehicle park, seasonal," which immediately followed this definition, was repealed 7-2-2002. This definition was also repealed 3-6-2003.

**[Amended 7-2-2002; 4-3-2003]**

**RECYCLABLES HANDLING AND RECOVERY FACILITY**

A solid waste processing facility, other than collection and transfer vehicles, at which nonputrescible recyclables are separated from the solid waste stream or at which previously separated nonputrescible recyclables are processed.

**RESIDENTIAL UNIT**

One or more rooms providing sleeping facilities for the occupants thereof and which shall include provisions for cooking, living and sanitary facilities.

**RESTAURANT**

An establishment that serves food and beverages primarily to persons served on the premises. This includes cafes, tearooms and outdoor cafes.

**RESTAURANT, FAST-FOOD**

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**RESULTING PARCEL**

Any parcel which is created by the division of an original parcel.

**RETAIL BUSINESS**

The offering, for a fee, of goods and merchandise, excluding restaurants, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

**RETAIL/WAREHOUSE STORES**

The offering, for a fee, of goods and merchandise, in a warehouse-type setting, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

**[Added 12-3-1998]**

**ROADSIDE STAND**

A sales site, intended for the sale of agricultural products, for limited seasonal duration.

**ROOMING HOUSE**

See "boardinghouse."

**SAWMILL**

Any building, site or place used for cutting or milling of raw timber into dimensional lumber.

**SCREENING**

Varying methods of visually shielding or obscuring adjoining structures, buildings or uses by fencing, walls, earth berms, and/or densely planted vegetation.

[Added 8-4-2005]

**SEDIMENT CONTROL**

Measures that prevent eroded sediment from leaving the site.

[Added 12-7-2006 by L.L. No. 4-2006]

**SELF-SERVICE STORAGE FACILITY**

A building or group of buildings consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or wares.

[Amended 7-2-1997]

**SENIOR CITIZEN HOUSING**

Units designed to provide housing and auxiliary services to senior citizens, as defined by state and federal standards.

**SENIOR LIVING COMMUNITY**

An assisted living community or an independent living community in which the premises, building or buildings provide congregate living arrangements in which at least one person occupying each residential unit meets the definition of elderly and in which all other occupants of each residential unit shall be an adult person.

**SENSITIVE AREAS**

Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

[Added 12-7-2006 by L.L. No. 4-2006]

**SERVICE ESTABLISHMENT**

A property primarily used for ceremonial, cultural, exhibit, fraternal, funereal, recreational, religious, meeting or social activities offered to the general public, regardless of whether or not a fee is charged; where the sale of any goods or merchandise is clearly incidental to the activity of the property.

**SERVICE STATION**

Any area of land, including structures, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing or repairing such motor vehicles.

**SETBACK**

The required minimum horizontal distance between the building line and the related front, side or rear property line.

**SEWER DISPOSAL SYSTEM**

Any structure, pumping system and piping system which provides sewage disposal for more than one property.

[Added 6-6-1996]

**SIDEWALK CAFE**

An area adjacent to and directly in front of a street level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes, or a combination thereof.

**SIGN**

Any rigid material, structure or device or part thereof composed of a logo or lettered or pictorial matter or upon which a logo, lettered or pictorial matter is placed when used or located out-of-doors or outside or upon the exterior of any building.

**SIGN, A-FRAME OR SANDWICH**

A specific type of mobile sign which is typically constructed or shaped in the form of the letter "A."

**SIGN, ATTACHED**

A sign painted on the outside of a building or affixed to and erected parallel to the face of the building and supported throughout its length by such building.

**SIGN, BILLBOARD OR ADVERTISING**

A sign or structure which directs attention to an idea or product, business activity, service or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises on which sign is located or affixed.

**SIGN, DETACHED**

A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

**SIGN, OFF-SITE**

A sign which contains advertising which does not apply to premises or any use of premises wherein it is displayed or posted.

**SIGN, PORTABLE**

Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle, that is used for the expressed purpose of advertising a business establishment, product, service or entertainment when said sign or vehicle is so placed as to attract the attention of the motoring or pedestrian traffic.

**SIGN, TEMPORARY**

A display, informational sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

**SILVICULTURAL PLAN**

A brief narrative describing the intensity and age classes of trees to be removed (including their approximate percentage) and the time between thinning cycles.

[Added 4-5-2007]

**SILVICULTURE**

An ongoing practice involving the dedicated and cyclic use of land expressly for the production of timber or other forest-related products.

[Added 11-10-2005; amended 4-5-2007]

**SINGLE-FAMILY DETACHED**

See "dwelling, one-family."

**SOIL DISTURBING ACTIVITY**

Any activity which directly or indirectly changes the natural topography or vegetation cover of an area by excavation or clearing of trees, except silvicultural activities.

[Amended 4-5-2007]

**SOIL EROSION AND SEDIMENT CONTROL PLAN**

A plan which fully indicates the necessary land protection and structural measures, including a schedule of the timing of their installation, which shall effectively minimize soil erosion and sediment yields.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 (OR SUBSEQUENT PERMIT)**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

[Added 12-7-2006 by L.L. No. 4-2006]

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02**

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

[Added 12-7-2006 by L.L. No. 4-2006]

**SPECIAL USE**

A use that would not be appropriate generally or without restrictions throughout the zoning district and may be subject to special requirements, different from those usual requirements for the district in which conditional use may be located.

**SPECIAL USE PERMIT**

A permit issued by the Zoning Board of Appeals authorizing the commencement of a particular special use.

**STABILIZATION**

The use of practices that prevent exposed soil from eroding.

[Added 12-7-2006 by L.L. No. 4-2006]

**STABLE, PRIVATE**

An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

**STABLE, PUBLIC**

An accessory building in which horses are kept for commercial, use including training, teaching, boarding, hire and sale.

**STOP-WORK ORDER**

An order issued which requires that all construction activity on a site be stopped.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORAGE SHED**

An accessory building used to store materials or small equipment, not including vehicles, which supports the principal use of the site.

**STORM DRAINAGE SYSTEM**

All structural works and grounds alterations, as well as natural drainage patterns, which affect or regulate the flow of surface drainage, including those used to intercept, collect and transmit water or to discharge water above or below ground level.

[Added 8-4-2005]

**STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER HOTSPOT**

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER MANAGEMENT**

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER MANAGEMENT FACILITY**

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER MANAGEMENT OFFICER**

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices. Plan reviews and site inspections may be delegated to a consultant paid for by the applicant; however, the final approval must be made by a municipal employee or board member.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER MANAGEMENT PRACTICES (SMPs)**

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

[Added 12-7-2006 by L.L. No. 4-2006]

**STORMWATER RUNOFF**

Flow on the surface of the ground resulting from precipitation.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**STORY**

That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is over six feet above average level of the finished grade adjoining the exterior walls of such story or if it is used for business or dwelling purposes.

**STREAM CHANNEL PROTECTION VOLUME**

Designed to protect stream channels from erosion by providing twenty-four-hour extended detention of the one-year, twenty-four-hour storm event.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**STREET**

A public or private road which affords the principal means of access to abutting properties.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground, other than public utility systems, for local distribution, located within a public right-of-way.

**[Amended 6-6-1996]**

**SUBDIVISION**

A division of land into two or more lots.

**SURFACE WATERS OF THE STATE OF NEW YORK**

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste-treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**[Added 12-7-2006 by L.L. No. 4-2006]**

**SWIMMING POOL**

Any artificial pool or structure intended for bathing or swimming purposes, made of concrete, masonry, metal or other impervious material, over 12 inches in depth, and shall include both aboveground and in-ground pools.

**TAVERN**

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25% of the gross receipts.

**TAXI DISPATCH FACILITY**

An establishment for the storage of taxicabs or similar vehicles in conjunction with an office space used as a central facility for the dispatch of the vehicles.

**[Added 12-6-2001]**

**TELECOMMUNICATION TOWER**

Any structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals (for the purpose of communication).

**[Added 6-6-1996]**

**TEMPORARY MERCHANT**

A merchant or vendor who chooses a specific location within the Town upon which to erect or park a cart, tent, wagon, truck or stand from which to engage in merchandising, with the intent to return to the same location each day. This category shall include temporary, off-premises roadside stands established for the purpose of selling vegetables, fruit or other farm products; food wagons; Christmas trees; and any nonperishable goods. A "temporary merchant" shall not have a vested interest in the location and shall have written permission from the owner(s) of the location to conduct the sale of the intended products.

**TIMBER HARVESTING**

Commercial harvesting of merchantable trees on more than one acre of land.



[Amended 11-10-2005; 4-5-2007]

**TOURIST HOME**

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**TOWNHOUSE**

A single-family dwelling unit attached to another similar dwelling unit, utilizing common open space and parking.

**TRAINING AND INSTRUCTIONAL CLASSROOM AND FACILITIES**

A structure or group of structures where one or more rooms are used to educate a person or group of persons in the use of specific tools or equipment or to perform a specific task.

[Added 11-15-1999]

**TRANSFER STATION**

A solid waste management facility other than a recyclables handling and recovery facility, used oil facility or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for future processing, treating, transfer or disposal. Transfer of solid waste from vehicle to vehicle for the purpose of consolidating loads, as part of the initial collection process, is not considered a "transfer station," provided that the transfer activity occurs along the collection route where the point of transfer changes from day to day. Transfer of leakproof, closed modular containers of solid waste from vehicle to vehicle, including truck to train, for the purpose of consolidating loads for shipment to an authorized disposal or treatment facility is not considered a "transfer station," provided that the contents of each container remain in its closed container during the transfer between vehicles; storage remains incidental to transport at the location where the containers are consolidated; containers are acceptable to the New York State Department of Environmental Conservation and maintained in a safe, nuisance-free (e.g., dust, odor, noise, etc.) manner; and the transfer location is under the ownership or control of the transporter.

**TRANSIENT RESIDENCE**

Hotels, motels, inns, tourist cabins and similar multiple dwellings (excluding mobile home parks) intended to provide lodging for transients on a temporary basis.

**TRANSPORTATION FACILITY**

An establishment which transports goods/products from one location to another by dispatching from a central location to haul goods/products from one location to another or to many other locations. A transportation facility may also include accessory uses including but not limited to an office, maintenance and repair of vehicles.

[Added 3-7-2002 by Res. No. 87]

**TRUCK STOP**

Any building, premises or land in which or upon which a business, service, or industry involving the maintenance, servicing or storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities solely for the use of truck crews.

[Added 12-1-2005]

**TRUCK TERMINAL**

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another.

**USE**

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**UTILITY STRUCTURES**

Facilities, such as but not limited to electric lines and poles, gas mains, water mains, sewer and communication lines, not including, however, high-voltage transmission lines and poles.

**UTILITY SUBSTATION**

A subsidiary station such as but not limited to electric, gas, water, sewer and communication. Editor's Note: The former definition of "variance," which immediately followed this definition, was repealed 7-2-1997.

**VARIANCE, AREA**

A modification of the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location of design or access, off-street parking, landscaping or signs) to authorize, on a specific lot, a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

[Amended 7-2-1997]

**VARIANCE, USE**

A modification of the use regulations to allow the establishment, on a specific lot, of a use otherwise prohibited in the district.

[Amended 7-2-1997]

**VETERINARY HOSPITAL**

A place for the care and treatment of injured or sick animals.

**WAREHOUSE**

A building used primarily for the storage and distribution of manufactured products, supplies, food and equipment.

**WAREHOUSING AND DISTRIBUTION**

A use engaged in, but not limited to, storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding explosives or bulk storage of materials that create hazardous or commonly recognized offensive conditions.

[Amended 6-7-2007]

**WATERCOURSE**

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

[Added 12-7-2006 by L.L. No. 4-2006]

**WATER DISTRIBUTION SYSTEM**

Any structure, pumps and piping system which supplies potable water to more than one property.

[Added 6-6-1996]

**WATER QUALITY VOLUME**

A calculated volume of water designed to improve water quality sizing to capture and treat 90% of the average annual stormwater runoff volume.

[Added 12-7-2006 by L.L. No. 4-2006]

**WATERWAY**

A channel that directs surface runoff to a watercourse or to the public storm drain.

[Added 12-7-2006 by L.L. No. 4-2006]

**WETLAND**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." Note: Certain areas may be classified as designated wetlands by state and federal agencies.

**WHOLESALE TRADE**

Establishments or places of business primarily engaged in selling merchandise to retailers, industries, commercial institutions or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

[Added 8-4-2005]

**WOODWORKING SHOP**

A shop where woodworking activities are carried out, including construction, repair, refinishing of furniture and decorative woodcrafts. Showrooms are prohibited.

**YARD**

An open, unoccupied space on the same lot with a main building. The depth, for front or rear yards, or width, for side yards, shall be measured as the least distance between nearest covered portion of the building and the property line or right-of-way, whichever is shorter.

**YARD, FRONT**

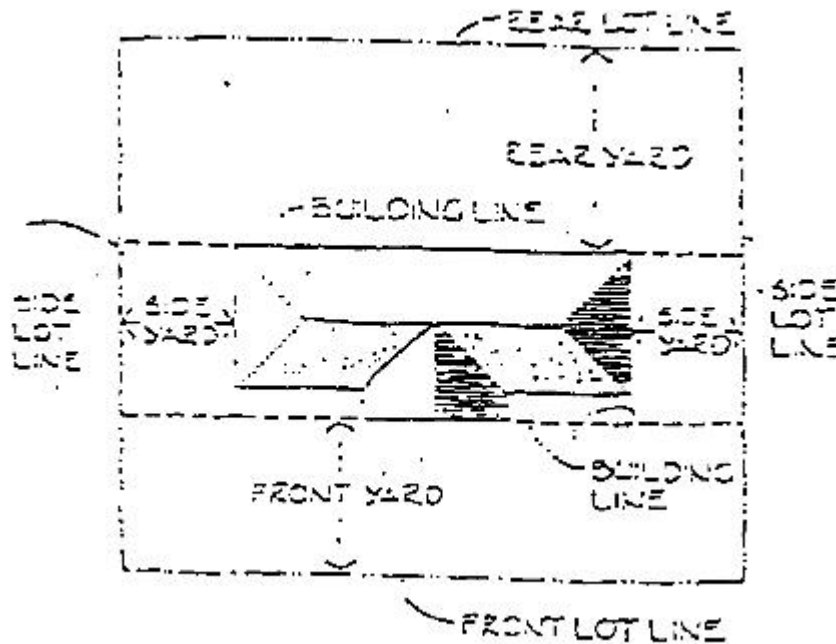
The required open space extending along the street line of any street on which the lot abuts.

**YARD, REAR**

The required open space extending along the rear lot line (not a street line) throughout the whole width of the lot.

**YARD, SIDE**

The required open space extending along the side lot line from the front yard to the rear yard.



**ZONE**

A mapped area to which a uniform set of regulations applies.

**ZONING OFFICER**

An individual responsible for overseeing and coordinating the administration of the Zoning Ordinance and Subdivision Regulations.

**ARTICLE III. General Provisions**

**§ 129-5. Districts enumerated.**

**[Amended 7-2-1997; 12-1-2005; 3-1-2007]**

The Town of Wilton is hereby divided into the following classes of districts:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-M Mobile Homes and Mobile Home Parks District
- RB-1 Residential Business
- RB-2 Residential Business
- H-1 Hamlet
- C-1 Commercial District
- C-2 Business/Light Industrial
- C-3 Commercial/Light Industrial District

I-1	Industrial District
NC-1	Northway Corridor Overlay District
CRT	Composting/Recycling/Transfer/C&D Processing Facility District
CR-1	Commercial Residential
CR-2	Commercial Residential
PUD	Planned Unit Development District

#### **§ 129-6. Official Zoning Map.**

The districts, as identified, bounded and defined, are shown on the map entitled "Official Zoning Map of the Town of Wilton." This Zoning Map is hereby adopted as a part of this chapter and is on file with the Town Clerk. Regardless of the existence of other printed copies of the Zoning Map which from time to time may be made or published, the Official Zoning Map of the Town of Wilton shall be located with the Town Clerk and shall be the final authority as to the current zoning status of land and water areas in the Town of Wilton. Editor's Note: The Zoning Map is on file in the Town office.

#### **§ 129-7. Determination of district boundaries.**

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow center lines. In the event that roads are abandoned, this shall not affect the location of these boundaries. When the actual district boundary is in doubt, the Building Inspector shall refuse action. In these cases, the applicant shall be referred to the Zoning Board of Appeals which shall interpret the Zoning Map and the purposes set forth in all relevant provisions of this chapter. (Boundary limits shall usually include an area 600 feet from the centers of roads within the districts.)

#### **§ 129-8. Compliance required; existing uses.**

As of the effective date of this chapter, all existing undeveloped land and all new construction shall conform to the requirements of this chapter and amendments thereto. No building or use shall be altered unless in conformance with these regulations. Existing uses shall be considered permitted nonconforming uses and be subject to the provisions of Article XX.

#### **§ 129-9. Permits.**

A. A permit is required for but not limited to the following activities:

- (1) Alteration of any structure.
- (2) Banner placement.
- (3) Construction of any structure.
- (4) Demolition of any structure.
- (5) Driveway installation.
- (6) Mobile home placement or replacement.
- (7) Modular home placement.
- (8) Relocation of structures.
- (9) Septic installation.
- (10) Sewer hookup.

(11) Sign placement.

(12) Soil and woodland conservation. Editor's Note: Refer to Article XXVII, Timber, Soil and Stream Regulations, of this chapter.

(13) Installation of solid-fuel-burning devices.

(14) Installation of swimming pools, including aboveground pools.

B. The Town reserves the right to require additional permits as deemed necessary.

#### **§ 129-10. Certificate of occupancy.**

A certificate of occupancy must be issued by the Building Inspector for any land changed in use and any buildings hereafter constructed or modified in any way prior to occupancy. The certificate shall state that the new usage is in conformance with the provisions of this chapter.

#### **§ 129-11. (Reserved)**

#### **§ 129-12. Measuring distances.**

**[Added 2-5-1998; amended 12-6-2001]**

All distances as set forth in this chapter shall be deemed to be distances of .0 feet and all surveys and plans submitted for review shall have distances measured to a distance of .0 feet. All distances shall be measured on the horizontal. Slope and property contours shall not be considered when determining a correct distance. Unless otherwise indicated in this chapter, all dimensions shall be measured from the property line and shall be the shortest distance between the two points.

### **ARTICLE IIIA. Historic Preservation**

**[Added 11-8-2007** Editor's Note: This zoning amendment was originally adopted as Art. XXVIII, §§ 129-205 through 129-210, but was renumbered to be included as Art. IIIA, §§ 129-13 through 129-18, because Art. XXVIII, §§ 129-205 through 129-210, were already in use. ]

#### **§ 129-13. Purpose.**

Recognizing the Town of Wilton's rich history and acknowledging that the preservation, protection, enhancement and continued use of historic structures and sites serves the best interests of all the people, this article is intended to:

- A. Preserve, protect and promote the use of historic landmarks which reflect the Town's cultural, social, economic, political and architectural history.
- B. Safeguard the property rights of owners.
- C. Stabilize and improve property values.
- D. Foster civic pride.
- E. Strengthen the economy.
- F. Protect and enhance the appeal of the Town for residents, tourists, and visitors and for educational purposes.

#### **§ 129-14. Historic Preservation Board; membership; terms.**

A Historic Preservation Board is hereby established and shall consist of five members. All members shall be appointed by the Town Board, have an interest in historic preservation and shall serve for terms of five years, provided that one original member will serve an initial term of one, two, three, four or five years. All members must be residents of the Town of

Wilton. One position will be held by the Wilton Town Historian and another by a member of the Wilton Heritage Society. The Town Supervisor shall appoint a chairman.

**§ 129-15. Designation of landmarks and historic districts.**

A. For the purpose of furthering the goals and purpose of this article and the preservation, protection, perpetuation and use of landmarks and historic areas, certain buildings, historic districts or landmarks for designation have been identified. Those buildings, districts and landmarks are so designated on Appendix A, Schedule of Designated Historic Districts, Buildings and Landmarks. Editor's Note: A copy of Appendix A is available in the Town offices.

B. The Historic Preservation Board may make additions to Appendix A, subject to Town Board ratification. In identifying any area, place, building, structure or similar object as a landmark to add to Appendix A, the Historic Preservation Board shall apply one or more of the following criteria:

- (1) It possesses special character, historic interest or value as part of the cultural, political, economic or social history of the Town.
- (2) It is identified with an historic personage.
- (3) It embodies the distinguishing characteristics of an architectural style.
- (4) It exemplifies the cultural, economic, social or historic heritage of the Town.

C. In identifying a group of properties as an historic district, the district shall be geographically within a clearly identifiable area of a number of structures which give it distinct historic or aesthetic character. The boundaries of the historic district so designated shall be specified in detail.

**§ 129-16. Property exclusion provision.**

All property owners that hold title to any property identified in Appendix A Editor's Note: A copy of Appendix A is available in the Town offices. shall be notified in writing that their property has been designated as an historic building or landmark or that it is part of an historic district. An owner receiving such notice may opt out of inclusion in the Schedule of Designated Historic Districts, Buildings and Landmarks by notifying the Historic Preservation Board in writing within 90 days of the receipt of said notice. Properties that remain on the schedule shall receive appropriate recognition by the Town of Wilton and the Historic Preservation Board with a suitable historic marker or plaque and may receive additional benefits as the Town of Wilton Town Board may deem suitable.

**§ 129-17. Certificate of appropriateness; regulation of any alteration, construction, reconstruction or demolition.**

A. No person shall alter, construct, remove, reconstruct, demolish or otherwise change the exterior of any property designated a landmark or within the historic district without first obtaining a certificate of appropriateness from the Historic Preservation Board. Exterior improvements which need the approval of the Board include:

- (1) Erection of a new building.
- (2) Demolition of a building, porch, garage or any part thereof.
- (3) Additions, alterations or enclosures.
- (4) Any other exterior changes requiring a governmental permit.
- (5) Any major change in landscaping and changes in the amount of paving in parking areas and their screening.

B. The following procedures shall apply in regard to such a change in any such property:

- (1) Any application to the Town for a building or demolition permit for a change as described above shall also be deemed an application for a certificate of appropriateness and shall be forwarded to the Historic Preservation Board with copies of all detailed plans, elevations, specifications and documents relating thereto. The Historic Preservation Board shall act on such applications within 10 business days. No building or demolition permit shall be issued for the work until a certificate of appropriateness has been issued by the Historic Preservation Board. If

the Historic Preservation Board has not acted on such application within 10 business days, the application will be assumed to be approved and the changes appropriate.

(2) If the Historic Preservation Board finds that the change proposed by the applicant will not adversely affect any significant historic or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this article or will remedy any conditions imminently dangerous to life, health or property, as determined by the Building Inspector or the Code Enforcement Officer, then the Historic Preservation Board shall issue a certificate of appropriateness.

(3) This certificate shall be in addition to, not in lieu of, any building or demolition permit or variances required by the Town.

(4) If the Historic Preservation Board finds that the change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or is inconsistent with the spirit and purpose of this article, the Historic Preservation Board shall disapprove the application and so advise the applicant, in writing, and a copy shall be filed with the Town Clerk's office within 30 days after receiving the application.

(5) Appeals. Any person aggrieved by the decision of the Historic Preservation Board by reason of hardship or by disapproval of an application for a certificate of appropriateness may, within 30 days of the date the decision is filed with the Town Clerk, submit a written application with the Town Board for review of that decision.

#### **§ 129-18. Maintenance and repair.**

Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior feature of a landmark property or property within an historic district which does not involve a change in design, material or outward appearance thereof nor prevent any change that the Building Inspector or Code Enforcement Officer shall certify is required by law.

A. Every owner, lessee or occupant of a designated historic property shall keep the same in good repair as follows:

(1) All of the exterior portions of such properties.

(2) All interior portions thereof which, if not maintained, may cause exterior portions to deteriorate.

B. The provisions of this article shall be in addition to all other provisions of law requiring any such improvements.

#### **§ 129-19. (Reserved)**

### **ARTICLE IV. R-1 Residential District**

Editor's Note: See Schedule A and Article XXIV for additional requirements.

#### **§ 129-20. Purpose; prohibited activities; permitted uses.**

A. This R-1 Residential District is designated as that area where residents desire to live in predominantly detached, single-family housing. Commercial or industrial activities are prohibited.

B. Uses permitted in R-1 Residential Districts shall be as follows: See Schedule A.

#### **§ 129-21. Special permit uses.**

**[Amended 7-2-1997; 7-2-2002; 4-3-2003]**

The following shall be allowed as special permit uses: See Schedule A.

#### **§ 129-22. Additional requirements.**

**[Added 7-2-2002; amended 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

**§ 129-23. (Reserved)**

**§ 129-24. (Reserved)**

#### **ARTICLE V. R-2 Residential District**

Editor's Note: See Schedule B and Article XXIV for additional requirements.

**§ 129-25. Descriptive purpose; permitted uses.**

**[Amended 8-6-1998; 7-2-2002]**

A. The R-2 Residential District is limited to agriculture, rural residential and certain other nonintensive land uses. Industrial activities are prohibited.

B. Uses permitted in the R-2 Residential District shall be as follows: See Schedule B.

**[Amended 4-3-2003]**

**§ 129-26. Special permit uses.**

**[Amended 7-2-1997; 8-6-1998; 7-2-2002; 11-7-2002; 4-3-2003]**

The following shall be allowed as special permit uses: See Schedule B.

**§ 129-27. Additional requirements.**

**[Added 7-2-2002; amended 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

**§ 129-28. (Reserved)**

**§ 129-29. (Reserved)**

#### **ARTICLE VI. R-3 Residential District**

See Schedule C and Article XXIV for additional requirements.

**§ 129-30. Purpose; permitted uses.**

A. The R-3 Residential District is designated as an area where residents desire to live in predominantly detached, single-family housing and for agriculture and certain nonintensive land uses. Industrial activities are prohibited.

B. The uses permitted in R-3 Residential Districts shall be as follows: See Schedule C.

**[Amended 8-6-1998; 7-2-2002]**

**§ 129-31. Special permit uses.**

**[Amended 7-2-1997; 8-6-1998; 7-2-2002; 4-3-2003]**

The following shall be allowed as special permit uses: See Schedule C.



**§ 129-32. Additional requirements.**

**[Added 7-2-2002; amended 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

**§ 129-33. (Reserved)**

**§ 129-34. (Reserved)**

**ARTICLE VII. Reserved**

Editor's Note: This article, as amended 7-2-1997, 8-6-1998, 7-2-2002 and 4-3-2003, formerly contained regulations for the R-3CD District.

**§ 129-35. (Reserved)**

**§ 129-36. (Reserved)**

**§ 129-37. (Reserved)**

**§ 129-38. (Reserved)**

**§ 129-39. (Reserved)**

**ARTICLE VIII. R-M Mobile Homes and Mobile Home Parks District**

See Schedule D and Article XXIV for additional requirements.

**§ 129-40. Purpose.**

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the Town of Wilton by establishing specific requirements and regulations governing the occupancy and maintenance of mobile home parks.

**§ 129-41. Applications for new parks; expansion of existing parks.**

**[Amended 6-6-1996]**

A. Application must be made to the Planning Board consisting of a conceptual submission as outlined in the conceptual application section of the ordinance for residential subdivisions, including regulations regarding SEQRA requirements.

B. After submission of a complete application, the Planning Board shall review the application and make a recommendation and refer the applicant to the Town Board. The Town Board shall set a date for and conduct a public hearing for the purpose of considering the application. The public hearing shall be conducted within 62 days of the receipt of the recommendation from the Planning Board. The applicant will be required to send formal notification by certified mail of the public hearing to all persons owning property contiguous to the affected parcel(s) and across any street or public roadway from the affected parcel(s) and any other property owners that the Town Board deems necessary. An additional public hearing may be necessary to meet the requirements of SEQRA as outlined in § 8-0101 of the Environmental Conservation Law.

C. Where the application involves property lying within a distance of 500 feet from the Town boundary or from the boundary of any existing or proposed County or state land, recreation area, road or highway, New York State designed wetland or significant habitat area or in any other instances where General Municipal Law § 239-m is applicable, the Town Board shall refer the application to the Saratoga County Planning Board for its review. The Town Board shall render its decision to approve or disapprove or approve with conditions the application within 62 days after the public hearing unless an extension of time is mutually agreed upon by the Town Board and the applicant. If approved or approved with conditions, the Town Board shall refer the applicant back to the Planning Board which will review the application according to the requirements of the Subdivision Regulations, unless specified otherwise herein. See Ch. 109, Subdivision of Land.

**§ 129-42. Mobile home park requirements.**

**A. Site.**

- (1) The park shall be located on a well-drained site where soil conditions are suitable and shall be properly graded to ensure rapid surface runoff and free at all times from stagnant pools of water.
- (2) Brush shall be cleared from the site so as to reduce fire hazard.
- (3) The park shall be at least 10 acres in size, with 250 feet of frontage on a public road.
- (4) No open burning of trash shall be permitted.

**B. Mobile home lots.** Each mobile home park shall be marked off into mobile home lots, and each lot shall be numbered. Each mobile home lot shall have an area of not less than 10,000 square feet with a minimum narrow dimension of 75 feet if served by central water and if serviced by and connected to the Saratoga County Sewer System. If serviced only by a central water system, each mobile home lot shall have a minimum lot area of 15,000 square feet with a minimum narrow dimension of 100 feet. There shall be a seventy-five-foot buffer around the perimeter of the park along the adjacent property lines.

**C. Mobile homes.** No mobile home shall be located nearer than a distance of:

- (1) A minimum of 35 feet from an adjacent mobile home in any direction.
- (2) A minimum of 100 feet from an adjacent property line.
- (3) A minimum of 100 feet from a public street or highway.
- (4) A minimum of 25 feet from the nearest edge of any roadway located within the park.
- (5) Accessory structures must be a minimum of 15 feet from an adjacent mobile home in any direction.

**D. Accessibility.**

(1) Each mobile park shall be easily accessible from an existing public highway. Where a mobile park has more than six mobile homes, two points of entry and exit must be provided unless a large improved turnaround area for emergency vehicles is maintained. All entrances and exits shall be free of any material which would impede the visibility of the driver on the public highway or street.

(2) Each park shall have improved streets for the convenient access to all mobile home lots and other park facilities.

(a) The street systems shall remain as private roads and shall be designed and maintained by the owner to permit safe and convenient vehicular circulations within the park.

(b) All streets shall have the following minimum widths:

[1] One-way traffic: 14 feet.

[2] Two-way traffic: 22 feet.

(c) Except in cases of emergency, no parking shall be allowed on such streets.

**E. Parking.** Two off-street parking spaces shall be provided on each mobile home lot. Each space shall have a minimum width of nine feet and length of 18 feet. Additional off-street parking spaces shall be provided for guests, deliveries and service vehicles.

F. Utilities and service facilities. The following utilities and service facilities shall be provided prior to the occupancy of any lots by mobile homes within such development, which shall be in accordance with the regulations and requirements of the New York State Department of Health (NYSDOH):

(1) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile homes and facilities in the park. When individual water systems are proposed and the NYSDOH (Glens Falls District Office) does not inspect constructed facilities, the facilities shall be inspected at the time of construction by a professional engineer (P.E.), registered architect (R.A.) or exempt licensed land surveyor (L.L.S.) for compliance with approved plans, and written certification shall be submitted to the approving NYSDOH prior to occupancy of the premises.

(2) Each mobile home shall be provided with a sewer to receive the waste from such home. The sewer shall be connected to a public or private sewer system or septic system so as not to present a health hazard. Sewer connections in unoccupied lots shall be sealed to prevent the emission of any odors. Systems not inspected by the NYSDOH (Glens Falls District Office) shall be required to provide certification as outlined in § 129-42F(1).

(3) Garbage and rubbish shall be disposed of as frequently as necessary.

(4) No community laundry facilities shall be permitted in any mobile home park unless suitable plans for waste disposal have been approved by the New York State Department of Health.

(5) Each mobile home lot shall be provided with weatherproof electrical service connections and outlets which are a type accepted by an electrical inspection agency approved by the Town of Wilton.

G. Recording. The owner or operator of each mobile home park shall keep a written record of all persons occupying or using park facilities. This record shall be available for a period of at least three years from date of occupancy and shall include the name and address of the owner and/or occupant or occupants, the date of arrival and departure and vehicle license number, if any.

H. Travel trailers. When a seasonal recreational vehicle park and mobile home park are to be combined on the same parcel of land, such seasonal recreational vehicle park and mobile home park shall have separate locations. There shall be a fifty-foot buffer with adequate screening designed in accordance with Planning Board approval between the two sections. The maintenance of this buffer area will be the responsibility of the park owner.

#### **§ 129-43. Mobile homes located outside of mobile home parks.**

##### **A. Regulations.**

(1) No mobile home shall be allowed to remain on any public right-of-way or other public place, except emergency parking which shall be permitted for a period not more than 72 hours unless otherwise prohibited by law.

(2) Mobile homes shall not be placed within the Town of Wilton outside of parks, except those which are allowed by the receipt of a variance from the Wilton Zoning Board of Appeals. These homes must meet all specifications outlined in § 129-43B.

##### **B. Mobile home requirements.**

(1) Any mobile home located outside a mobile home park shall have an adequate supply of potable water and a sewage disposal system.

(2) No mobile home outside a mobile home park shall be placed other than as follows:

##### **[Amended 12-7-1995]**

(a) The lot must meet the lot size and frontage requirements set up for the governing zone.

(b) The home must be placed so as to meet the setback requirements for the governing zone.

(3) Within 60 days of placement, the undercarriage of all mobile homes must be securely enclosed.

C. Existing mobile homes.

(1) A mobile home which is in lawful existence prior to the enactment of this article but not located in a mobile home park may be continued to be used as living quarters.

(2) If the owner of the land desires to replace the mobile home with one of equal or greater value, such owner shall file an application with the Building Inspector.

**§ 129-44. Exceptions.**

None of the provisions of this article shall be applicable to the following:

A. The business of a mobile home or travel trailer sales, except where the units are used as living quarters.

B. A mobile home or trailer located on the site of a work project which is used solely as an office or storage house in connection with the work project, provided that it is removed within 30 days after completion of such project.

**§ 129-45. (Reserved)**

**§ 129-46. (Reserved)**

**§ 129-47. (Reserved)**

**§ 129-48. (Reserved)**

**ARTICLE VIIIA. RB-1 Residential Business**

See Schedule E and Article XXIV for additional requirements.

**[Added 12-1-2005]**

**§ 129-48.1. Descriptive purpose; permitted uses.**

A. The Residential Business District (RB-1) is reserved to promote an area for office and low-intensity commercial uses and to encourage continued uses consistent with rural residential areas.

B. Uses permitted in the Residential Business District shall be as follows: See Schedule E.

**§ 129-48.2. Special permit uses.**

The following shall be allowed as special permit uses: See Schedule E.

**§ 129-48.3. Additional requirements.**

**[Amended 3-1-2007]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, RB-2, CR-1, CR-2, C-2 and C-3 Zoning Districts.

**§ 129-49. (Reserved)**

**ARTICLE VIIIB. RB-2 Residential Business**

Editor's Note: See Schedule F and Article XXIV for additional requirements. With the addition of a new Article VIIIA by a resolution adopted 3-1-2007, this former Article VIIIA was renumbered as Article VIIIB.

**[Added 3-1-2007** Editor's Note: This resolution also renumbered former §§ 129-49.1 through 129-49.3 as §§ 129-48.1 through 129-48.3, respectively. ]

**§ 129-49.1. Descriptive purpose; permitted uses.**

A. The Residential Business District (RB-2) is reserved to promote an area for office, day care, and bed-and-breakfast facility uses and to encourage continued uses consistent with rural residential areas.

B. Uses permitted in the Residential Business District shall be as follows: See Schedule F.

**§ 129-49.2. Special permit uses.**

The following shall be allowed as special permit uses: See Schedule F.

**§ 129-49.3. Additional requirements.**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, RB-2, CR-1, CR-2, C-2 and C-3 Zoning Districts.

**ARTICLE VIIC. H-1 Hamlet District**

Editor's Note: See Schedule G and Article XXIV for additional requirements.

**[Added 12-1-2005; amended 3-2-2006; 10-5-2006; 11-6-2008]**

**§ 129-49.4. Descriptive purpose; permitted uses.**

A. The Hamlet One District (H-1) is reserved to encourage increased pedestrian-oriented residential, commercial and retail activity and create a location where greater flexibility is permitted and encouraged for the mixed use of retail, office and residential uses.

B. Uses permitted in the Hamlet One District shall be as follows: See Schedule G.

**§ 129-49.5. Special permit uses.**

The following shall be allowed as special permit uses: See Schedule G. Editor's Note: Schedule G is located at the end of this chapter.

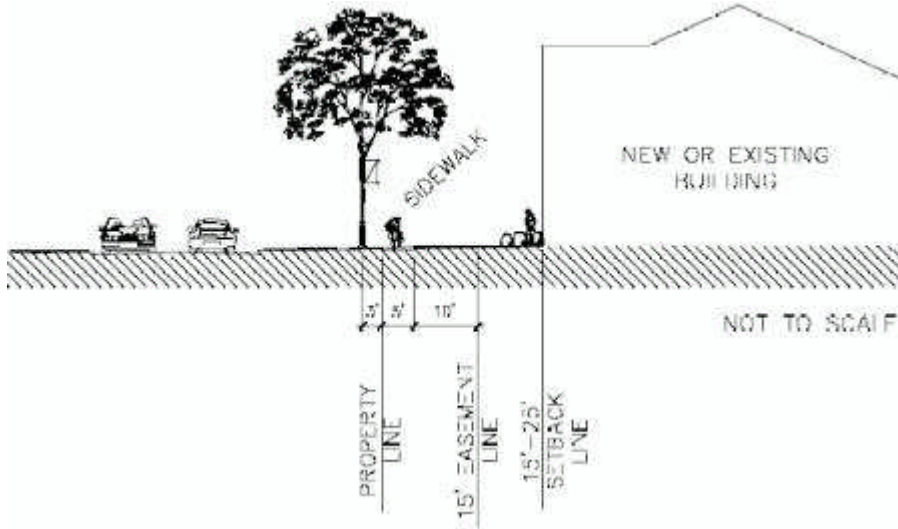
**§ 129-49.6. Additional requirements.**

A. Building location and setbacks.

(1) All buildings shall have a build-to line of between 15 feet and 25 feet as measured from the right-of-way. Existing buildings shall be exempt from this requirement.

**Figure 1 - Cross Section with Parking in the Rear**

**Figure 1 - Cross Section with Parking in the Rear**



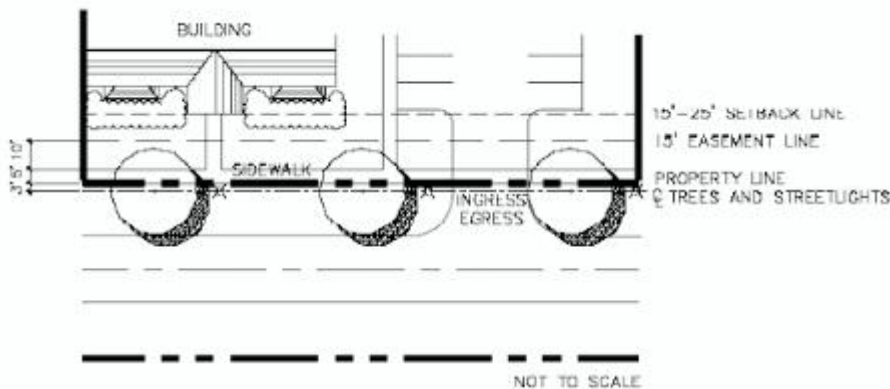
(2) The sum of the side setbacks shall be a minimum of 15 feet.

(3) All corner lots in the Hamlet districts may be treated as having one front and three side lot setbacks, if in the opinion of the Planning Board it is consistent with the character of the immediate area. The Planning Board shall determine the lot line where the front yard setback needs to be met.

#### B. Site design.

(1) The required front 15 feet shall be reserved as a municipal easement for amenities, including but not limited to a five-foot sidewalk, municipal sewer, water and utilities, and a level grass area. Ornamental light poles and uniformly spaced street trees of mixed species should be located within the right-of-way, with maintenance responsibility retained by the property owner. The grass area shall be properly graded and maintained to accommodate the above amenities. See Figure 2 - Greenbelt Plan View for the Hamlet One (H-1) District. The location of various easement amenities depicted in the following figures and those shown in § 129-174 are guidelines only. The Planning Board has discretion as to the exact location of the amenities based on site plan issues discussed during the approval process. In cases where buildings, parking areas, pavement, and/or other obstructions already exist on a site, the Planning Board may waive or limit the street trees and lighting along a project's frontage.

**Figure 2 - Greenbelt Plan View for the Hamlet One (H-1) District**



(2) A minimum of 35% green space shall be required. This green space shall include adequate screening for the rear and side yards, as determined by the Planning Board. It shall also include a minimum of a fifteen-foot buffer

along the boundary line of abutting residential districts or properties currently used for residential uses. Such buffer shall contain screen plantings of trees, hedges, shrubs, etc., to provide an effective visual and sound buffer between districts.

(3) Stormwater basins shall be at the rear or side of the parcel unless proven otherwise impractical.

(4) Drive-through windows shall be in the side or rear yard only.

(5) Storage, loading and docking areas, dumpsters, utility boxes and other uses shall be to the rear of the building and screened from the road and adjacent neighboring parcels. Acceptable screening shall be landscaping, fencing and other design treatments compatible with the principal structure's finish. The Planning Board may allow side or front yard loading, or side yard storage, based upon the following considerations: type of business; adjacent uses; traffic and pedestrian circulation; aesthetics and pedestrian accessibility.

(6) Preserve existing vegetative buffers and promote a balance with the building and green space. Landscape buffers between uses deemed noncomplementary can be utilized to protect privacy and buffer noises, odors or other unwanted impacts. Acceptable means for screening and buffering include landscaping, berming, fencing (not including chain link) or a combination of these screening techniques. Trees and other landscaping should be used to reduce the impacts of parking lots on neighboring properties and pedestrians.

**Figure 3 - Building Site Design with Rear Parking**

Figure 3 - Building Site Design with Rear Parking

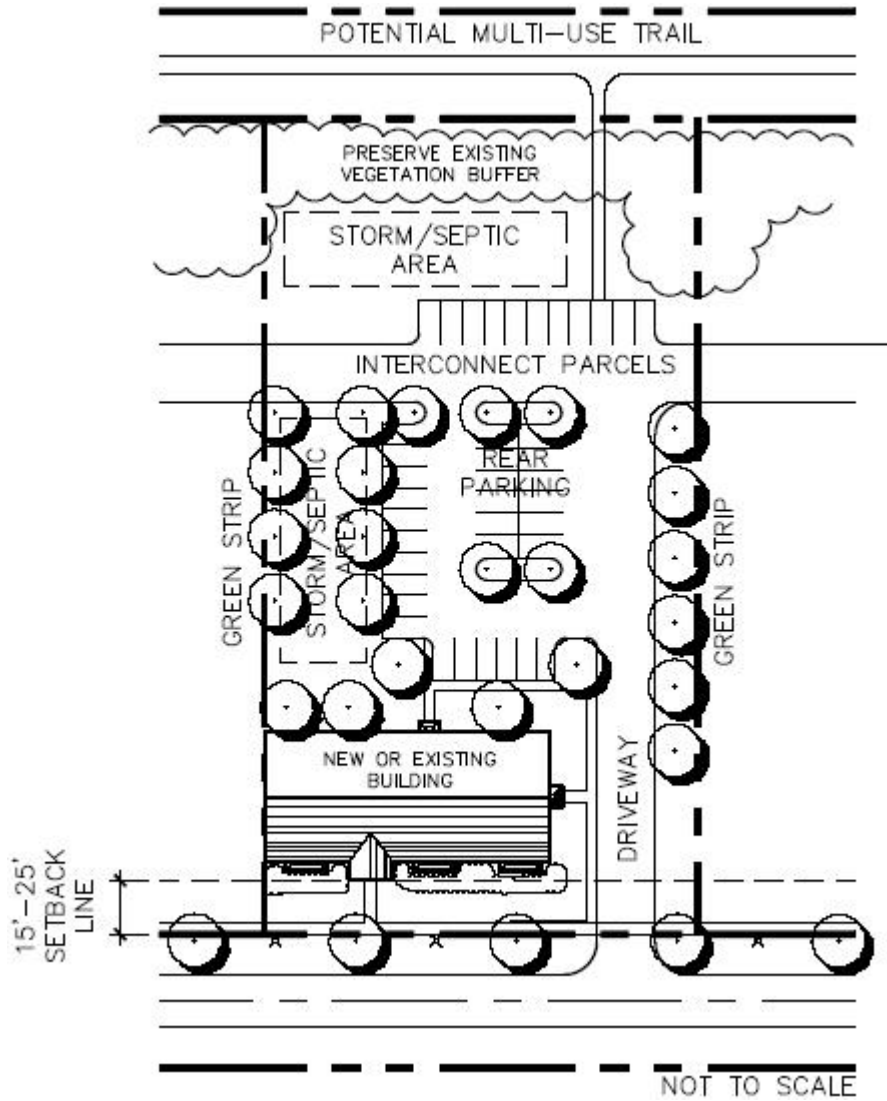
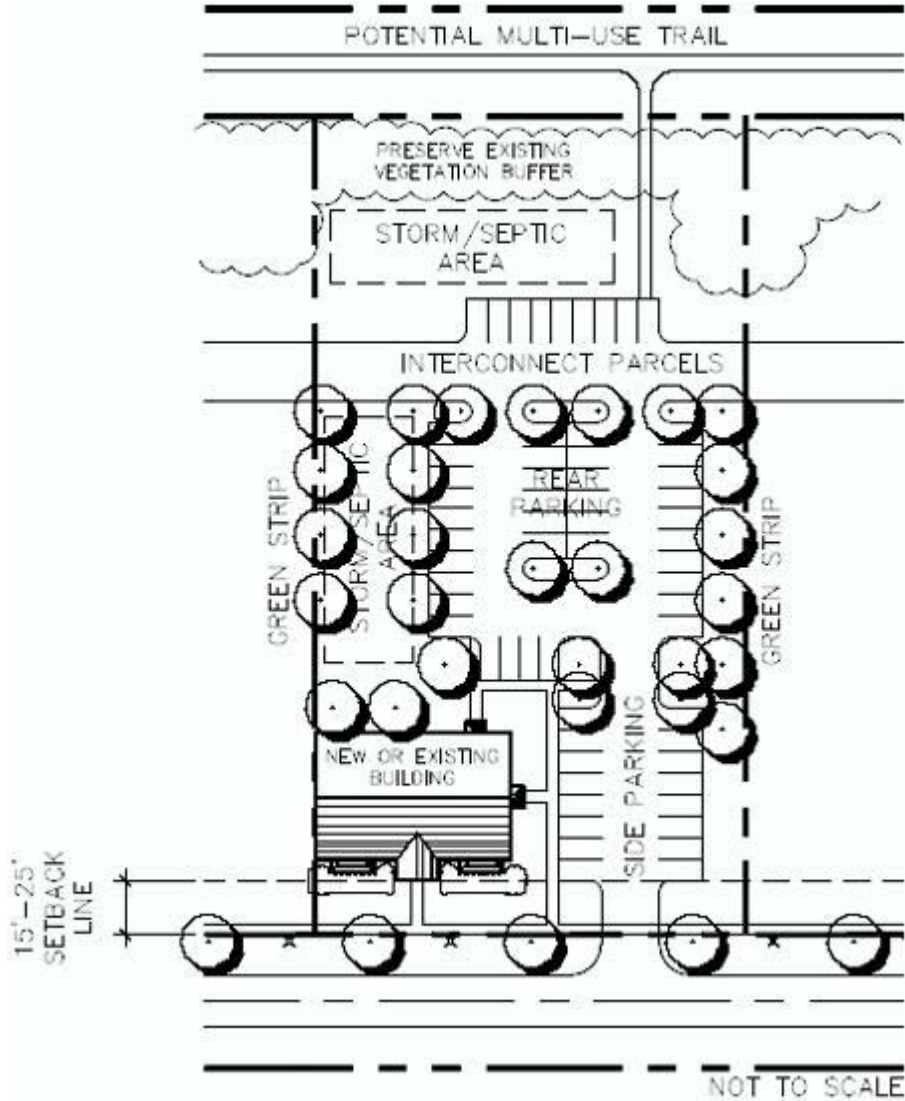


Figure 4 - Building Site Design with Side and Rear Parking



Figure 4 - Building Site Design with Side and Rear Parking



(7) No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.



Two story building illustrating appropriate site layout, treatment and fenestration. Includes vertical alignment of windows.

(8) For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

C. Architectural design standards and amenities.

(1) Facade treatment and fenestration. Fenestration refers to the fluctuations of depth (such as doorway) and openings (windows) on a facade.

(a) Buildings shall be oriented to the front and relate to public streets to the greatest extent possible. The main entry shall be on the front of the building. Entrances to the building should be architecturally defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porches, overhangs, railings, balustrades, and others where appropriate.



Pedestrian oriented scale, continuity of treatment including front porches, and roof design that adds visual interest, with integrated sidewalks and landscaping. Buildings overall contribute to the surrounding area as a whole.

(b) Buildings are encouraged to contain multistory, mixed uses with commercial/retail uses on the ground level and apartments or offices on the upper levels. Buildings shall generally relate in design features and scale to the adjacent buildings. As a general rule, a continuity of treatment should be made by subtly maintaining the building scale or by graduating changes, front yard setbacks at the build-to line, by continuous use of front porches on residential buildings, by extending horizontal lines of fenestration, and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

(c) Buildings should be designed to enhance and contribute to the surrounding area, rather than detract from it. Utilizing similar building massing, scale, colors and architectural features will ensure compatibility with surroundings. An architectural treatment should continue from the front facade to all visible sides of a building.

(d) Overall facade composition should break the building down into distinct segments to communicate a pedestrian-oriented scale. First floors shall be integrally designed with upper floors, including vertically aligning upper-floor windows with windows and doors on the first floor. First-floor uses should have large pane display windows; 50% to 75% of the first floor should be of glass surface. Windows should consist of at a minimum 30% of the upper-floor facade.

(e) Adaptive reuse of existing structures is encouraged. If a structure is on the local historic registry or noted as historically significant by the Town's Historic Preservation Board or National Registry, renovation of the structure is particularly encouraged.

(2) Building height and massing. Building height shall be increased from the maximum 35 feet to a maximum of 55 feet for nonoccupied spaces, such as awnings, spires and peaked rooflines. Buildings shall avoid long uninterrupted stretches of wall or roof plane. Building wall offsets including projections, recesses and changes in floor level shall be used in order to provide architectural interest and variety to the massing of the buildings.

(3) Roof design. Pitched hip and gable roofs are generally encouraged. Pitched roofs shall contain safety measures such as overhangs to ensure safety from falling ice, snow, or rain. Roofline offsets shall be provided, in order to provide architectural interest and variety to the massing of the building, and to relieve the visual effect of a single long roof. Architectural embellishments such as dormers, cupolas, masonry chimneys and clock towers are encouraged for visual interest. Flat roofs incorporating a parapet are encouraged for buildings two stories and higher. Mansard roofs are generally discouraged. All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications-receiving devices shall be reasonably



screened from view from the public right-of-way and from adjacent properties utilizing walls, fencing, roof elements or landscaping.

(4) Lighting. All lights, whether pole- or building-mounted, shall be shielded such that light is adequately directed away from off-site areas. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building. Facades shall be lit from the exterior, and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low-pressure sodium, fluorescent, or mercury-vapor lighting either attached to buildings or to light the exterior of buildings is discouraged. Mounting brackets and hardware should be inconspicuous.

(a) Pole-mounted lighting within parking or other areas of the site should be compatible with town hamlet lighting standards and proposed lighting for the building.

(5) Materials and colors. All materials, colors, and architectural details used on the exterior of a building shall be compatible with the building's style, and with each other. Exterior materials shall be of high quality that will assure long-lasting durability and low maintenance.





Building illustrating preferred higher quality facade materials and appropriate facade treatment.

(a) Preferred facade materials:

[1] Red brick.

[2] Wood.

[3] Architectural masonry units.

[4] Natural stone, veneer, or cast stone.

[5] Siding of high quality (including cement board) that simulates well a natural material.

[6] Contemporary materials such as glass and concrete are permitted if overall color, texture and material reflects context of the surrounding area.

(b) Strongly discouraged materials:

[1] Plain vinyl or metal siding.

[2] Imitation stone, plastic, and resin products of lower quality.

[3] Fluorescent colors shall not be permitted.

(c) Trim materials should consist of finish-grade painted or stained wood. Bare, lumber-grade wood is strongly discouraged. Windows should have anodized aluminum or a wood frame, not consisting of a bare aluminum frame.

(d) Awnings and canopies, fixed or retractable, are encouraged at ground-floor level if designed as an integral part of the facade. Canvas is the preferred material, although other waterproofed fabrics may be used. Metal or aluminum awnings are prohibited.

D. Parking and vehicle access.

(1) Parking shall be in the side or rear yards of the building only. The Planning Board may allow front yard parking in certain situations such as larger lots, corner lots, or lots where more than one structure is proposed. The Planning Board may alleviate the parking standards set forth in § 129-161 based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility.

(2) The ratio of parking distribution shall allow for up to 25% of the total parking in the side yard and the remainder in the rear yard. In cases where side yard capacity is available, the Planning Board may allow more than 25% of total parking in the side yard. See Figure 4 - Building Site Design with Side and Rear Parking for the Hamlet One (H-1) District.

(3) Spillover parking areas with alternative pervious paving materials including pervious asphalt, concrete and grass pavers are strongly encouraged and can be included as a portion of the 35% required green space at the Planning Board's discretion.

(4) For the purpose of assuring safe and continuous movement of vehicles, interconnections between the rear yards of adjoining parcels shall be required. The design and location of the interconnections shall be determined during the site plan review process. Cross easements should be used to formalize shared access arrangements between parcels.

(5) Shared driveways are strongly encouraged. Points of ingress and egress should be limited to one per parcel. Curb cuts are required to be consolidated to the greatest extent possible.

(6) For the purpose of encouraging shared points of access, points of egress and ingress shall be at one side of the property.

E. Pedestrian and bicycle access.

(1) Sidewalks shall be placed to safely separate pedestrians from vehicular traffic. See illustration Figure 2 - Greenbelt Plan View for the Hamlet One (H-1) District.

(2) Properties on the east side of Route 9 may be required to provide access to any planned future adjacent public multiuse trail.

(3) To accommodate pedestrian and bicycle access, pedestrian resting spots such as benches and low-lying walls should be incorporated into a site's development. Bike racks should be provided within accessible, visible locations to serve bicyclist traffic within the hamlet areas.

F. Public spaces. Public spaces provide a valuable contribution reflecting a sense of community and providing formal and informal gathering places for residents and visitors.





Illustration of an appropriate public space that reflects a sense of community and provides an aesthetically pleasing gathering place for residents and visitors.

(1) Public space is strongly encouraged and can include plazas, courtyards, walkways, and other amenities such as seating, ornamental fountains, lighting and gardens. Landscaping should include trees, shrubs, perennials, and annuals. Public space should be constructed on the side of a building which receives the most sunlight. Benches should be placed under trees to provide shaded areas for those utilizing the space. The Planning Board has discretion to consider the proposed public space towards the required 35% green space.

(2) Incorporation of works of art into the public spaces, exterior facade, or entrance lobbies is encouraged.

G. Outdoor dining. Outdoor dining is defined as a dining area with seating and tables located outside of a restaurant, coffee shop or other food-service-related facility where all food and beverages are prepared within the establishment.





Outdoor dining featuring a defined dining area.

(1) A restaurant shall be permitted to operate outdoor dining provided that pedestrian circulation and access to store entrances is not impeded. The number and location of tables shall be compliant with maximum occupancy and aisle width standards within the New York State Uniform Fire Prevention and Building Code.

(2) Planters, posts with ropes or other removable enclosures are recommended and shall be used as a way of defining the occupied dining area. The operators of occupied dining areas shall be responsible for a continuously maintained, litter free and well-kept appearance.

H. Sidewalk displays. Sidewalk displays are permitted directly in front of a retail establishment, provided that display is associated with the retail operation; at least five feet of clearance is maintained at the storefront entrance; that the display is located against the building wall no more than three feet; and that less than 75% of the building storefront is occupied with any display. The display area shall maintain a clean, uncluttered look at all times. The display shall be allowed during normal business hours with removal at the end of each day.

#### **ARTICLE IX. C-1 Commercial District**

Editor's Note: See Schedule H and Article XXIV for additional requirements.

##### **§ 129-50. Purpose; permitted uses.**

A. The C-1 Commercial District is designated for business development.

B. The following uses are allowed in this zone: See Schedule H.

##### **§ 129-51. Special permit uses.**

**[Amended 7-2-1997]**

In the C-1 Commercial District, the following uses are allowed with the issuance of a special permit: See Schedule H.

##### **§ 129-52. Additional requirements.**

A. Parking.

(1) Parking is preferred to the rear of the building. No on-street parking shall be permitted. The Planning Board may allow side and front yard parking at their discretion, if it determines that rear parking would not be feasible and based upon the following considerations:



**[Amended 7-2-1997]**

- (a) Type of business.
- (b) Uses in the immediate area (e.g., residences vs. businesses).
- (c) Aesthetics.
- (d) Traffic and pedestrian circulation.
- (e) Any other criteria the Planning Board may determine as relevant.

(2) The Planning Board may deviate from the parking standards set forth in § 129-161, Off-street parking, based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility.

**[Added 7-3-2008]**

B. No merchandise, products, equipment, advertising or similar material or other objects, except for signs and approved display areas, are to be placed in front of the front line of the structure. All storage areas shall be to the rear of the building and properly screened. The Planning Board may allow side yard storage areas at their discretion, if they determine that rear storage would not be feasible.

**[Amended 12-7-1995; 7-2-1997]**

C. Loading is preferred to the rear of the building. No on-street loading shall be permitted. Loading and docking areas shall be screened. The Planning Board may allow side- and front-yard loading at their discretion, if they determine that rear loading would not be feasible based upon the following considerations:

**[Amended 11-15-1999]**

- (1) Type of business.
- (2) Uses in the immediate area (e.g., residences vs. businesses).
- (3) Aesthetics.
- (4) Traffic and pedestrian circulation.
- (5) Any other criteria the Planning Board may determine as relevant.

D. When uses in the C-1 Commercial District abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet. Adequate screening, as determined by the Planning Board, shall be provided. In addition, a buffer area of at least 50 feet shall be provided along the boundary line of the residential district. Such buffer area shall contain screen plantings of trees, hedges, shrubs, etc., to provide a visual and sound buffer between the districts.

E. No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare.

F. A minimum of 35% green space shall be incorporated into development plans.

G. Paved area side and rear yard setback shall be a minimum of 15 feet and front setback shall be a minimum of 30 feet except when uses in the C-1 Commercial District abut any residential district; then paved area side and rear yard setback shall be a minimum of 50 feet.

**[Amended 12-7-1995]**

H. For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

**[Added 7-2-2002; amended 4-3-2003]**

**§ 129-53. (Reserved)**

**§ 129-54. (Reserved)**

#### **ARTICLE X. C-2 Business/Light Industrial District**

Editor's Note: See Schedule I and Article XXIV for additional requirements.

##### **§ 129-55. Purpose; permitted uses.**

A. The purpose of this district is to provide for research, computer, telecommunications, warehousing and nonpolluting assembly operations as well as low volume service-oriented business operations. Industrial and business parks utilizing common access and utilities will be encouraged.

B. In the C-2 Business/Light Industrial District, the following uses are permitted uses: See Schedule I.

##### **§ 129-56. Special permit uses.**

**[Amended 7-2-1997; 5-4-2000]**

The following uses are allowed in the C-2 Business/Light Industrial District with the issuance of a special permit: See Schedule I.

##### **§ 129-57. Additional requirements.**

**[Amended 12-7-1995; 7-2-1997; 11-15-1999; 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, CR-1, CR-2, C-2 and C-3 Zoning Districts.

**§ 129-58. (Reserved)**

**§ 129-59. (Reserved)**

#### **ARTICLE XI. C-3 Commercial/Light Industrial District**

Editor's Note: See Schedule J and Article XXIV for additional requirements.

##### **§ 129-60. Purpose; permitted uses.**

**[Amended 7-2-1997; 5-4-2000; 12-6-2001]**

A. The C-3 Commercial/Light Industrial District is designated for business development. This district is intended to provide for research, computer, telecommunications, warehousing and nonpolluting assembly operations as well as service-oriented commercial operations. Industrial and commercial parks utilizing common access and utilities shall be encouraged.

B. In the C-3 Commercial/Light Industrial District, the following uses are permitted uses: See Schedule J.

##### **§ 129-61. Special permit uses.**

**[Added 7-2-1997; amended 1-8-1998 by L.L. No. 1-1998; 5-4-2000]**

The following uses are allowed in this zone with the issuance of a special permit: See Schedule J.

**§ 129-62. Additional requirements.**

**[Amended 12-7-1995; 7-2-1997; 11-15-1999; 5-4-2000; 7-2-2002; 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, CR-1, CR-2, C-2 and C-3 Zoning Districts.

**§ 129-63. (Reserved)**

**§ 129-64. (Reserved)**

**ARTICLE XII. Reserved**

Editor's Note: This article, as amended 12-7-1995, 7-2-1997, 11-15-1999, 12-6-2001, 7-2-2002 and 4-3-2003, formerly contained regulations for the C-4 Commercial/Light Industrial District.

**§ 129-65. (Reserved)**

**§ 129-66. (Reserved)**

**§ 129-67. (Reserved)**

**§ 129-68. (Reserved)**

**§ 129-69. (Reserved)**

**ARTICLE XIII. I-1 Industrial District**

Editor's Note: See Schedule K and Article XXIV for additional requirements.

**§ 129-70. Purpose; permitted uses; prohibited uses.**

**[Amended 3-7-2002 by Res. No. 87]**

A. The I-1 Industrial District is to provide areas for uses engaged in the fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products from previously manufactured materials, excluding basic industrial processing.

B. In the I-1 Industrial District, the following uses are permitted uses: See Schedule K.

**§ 129-71. Special permit uses.**

**[Added 7-2-1997** Editor's Note: With the addition of this section, former § 129-71, Additional requirements, was renumbered as § 129-72. ]

In the I-1 Industrial District, the following uses are allowed with the issuance of a special permit: See Schedule K.

**§ 129-72. Additional requirements.**

**[Amended 12-7-1995; 6-6-1996; 7-2-1997]**

A. A minimum distance of 100 feet shall be required between the industrial use and/or building to the nearest residential property line or a residential district, except for parking which may be a minimum distance of 50 feet from a residential property line or a residential district. When uses in this I-1 Industrial District abut any residential district, the side setback shall be a minimum of 100 feet, and the rear setback shall be a minimum of 150 feet. In addition, adequate screening, as determined by the Planning Board, shall be provided.

B. Parking is preferred to the rear of the building. No on-street parking shall be permitted. The Planning Board may allow side- and front-yard parking at their discretion, if they determine that rear parking would not be feasible based upon the following considerations:

**[Amended 11-15-1999]**

- (1) Type of business.
- (2) Uses in the immediate area (e.g., residences vs. businesses).
- (3) Aesthetics.
- (4) Traffic and pedestrian circulation.
- (5) Any other criteria the Planning Board may determine as relevant.

C. No merchandise, products, equipment, advertising or similar material or other objects, except for signs and approved display areas, are to be placed in front of the front line of the structure. All storage areas shall be to the rear of the building and properly screened.

D. Loading is preferred to the rear of the building. No on-street loading shall be permitted. Loading and docking areas shall be screened. The Planning Board may allow side- and front-yard loading at their discretion, if they determine that rear loading would not be feasible based upon the following considerations:

**[Amended 11-15-1999]**

- (1) Type of business.
- (2) Uses in the immediate area (e.g., residences vs. businesses).
- (3) Aesthetics.
- (4) Traffic and pedestrian circulation.
- (5) Any other criteria the Planning Board may determine as relevant.

E. No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.

F. A minimum of 35% green space shall be incorporated into development plans.

G. Paved area side and rear yard setback shall be a minimum of 15 feet, and front setback shall be a minimum of 30 feet, except that when uses in the I-1 Industrial District abut any residential district, then paved area side and rear yard setback shall be a minimum of 50 feet.

H. For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

**[Added 7-2-2002; amended 4-3-2003]**

**§ 129-73. (Reserved)**

**§ 129-74. (Reserved)**

**ARTICLE XIV. Reserved**

Editor's Note: This article, as amended 12-6-2001, formerly contained regulations for the CO-1 Conservation Overlay District.

**§ 129-75. (Reserved)**

**§ 129-76. (Reserved)**

**§ 129-77. (Reserved)**

**§ 129-78. (Reserved)**

**§ 129-79. (Reserved)**

#### **ARTICLE XV. NC-1 Northway Corridor Overlay District**

Editor's Note: See Schedule Land Article XXIV for additional requirements.

##### **§ 129-80. Permitted uses.**

A. The NC-1 Northway Corridor Overlay District prohibits all types of development, including earth moving and timber harvesting, within 100 feet from the right-of-way line of Interstate 87 (the New York State Northway) and any road/right-of-way contiguous with Interstate 87 (the New York State Northway) in the R-1, R-2, R-M, C-1, C-2 and CRT Zones, and prohibits all types of development, including earth moving and timber harvesting, within 50 feet from the right-of-way line of Interstate 87 (the New York State Northway) and any road/right-of-way contiguous with Interstate 87 (the New York State Northway) in the C-3 Zone. The intent of this section is to provide a green buffer between all development, whether commercial, industrial or residential, and the Northway.

**[Amended 6-6-1996; 8-1-1996]**

B. The Town of Wilton Planning Board shall serve as the Town's authority in administering this district, including granting any waiver(s) from this article of the Zoning Chapter by a majority vote of the Planning Board.

**[Amended 3-2-2006]**

C. This green buffer shall be a no-cut, nondisturbance area of at least 100 feet from the right-of-way line. Underground utility work is exempt from the requirements of this article of the Zoning Chapter, provided that the disturbed area is restored to as close to its original condition as is practical. The Planning Board may, at its discretion, require additional plantings, screening or berming within this area.

**[Amended 3-2-2006]**

**§ 129-81. (Reserved)**

**§ 129-82. (Reserved)**

**§ 129-83. (Reserved)**

**§ 129-84. (Reserved)**

#### **ARTICLE XVI. CRT Composting/Recycling/Transfer/C&D Processing Facility District**

Editor's Note: See Schedule M and Article XXIV for additional requirements.

##### **§ 129-85. Purpose; prohibited activities; permitted uses.**

A. This CRT Composting/Recycling/Transfer/C&D Processing Facility District is designated as that area to provide for the location of facilities for the disposal and handling of certain types of solid waste. Residential use is specifically prohibited.

B. Uses permitted in a CRT Composting/Recycling/Transfer/C&D Processing Facility District shall be as follows:

- (1) Composting facility.
- (2) Recyclable handling and recovery facility.
- (3) Transfer station.
- (4) Construction and demolition debris processing facility.

**§ 129-86. Additional requirements.**

A. A minimum distance of 100 feet is required between the CRT District use and/or building to the nearest residential property line or a residential district, except for parking which may be within 50 feet. When uses in this CRT District abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet. In addition, adequate screening must be provided.

B. No on-street parking is permitted.

C. All storage areas must be properly screened. Loading and docking areas must be screened.

D. No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, uncontrolled odor, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.

**[Amended 7-2-1997]**

E. A minimum of 35% green space must be incorporated into development plans.

F. Paved area side yard setback shall be a minimum of 15 feet and front setback shall be a minimum of 30 feet except when uses in the CRT District abut any residential district; then paved area side yard setback shall be a minimum of 50 feet.

G. Except for compost and clean, wood waste, all materials shall be transferred or recycled within 120 days.

H. Every application for site plan approval shall also be deemed to be a consent by the applicant for the reasonable entry upon the premises for periodic unannounced inspections by the Town Building Inspector, including entry into the buildings.

I. All materials collected for transfer will be stored in self-contained covered units.

J. Any cumulative increases in volume above NYSDEC Part 360 permits shall be subject to NYSDEC approval and Town Board approval by amendment to Article XVI, CRT District.

K. The applicant shall mitigate off-site impacts, including impacts on highways and traffic, during the site plan review process. The applicant shall be responsible for necessary traffic reviews and studies related to § 129-86J for any additional changes in use or DEC-permitted volume as only approved by the Town Board by amendment to this article.

L. All mitigation costs to the Town, county and/or state highway system are the responsibility of the applicant as determined by the Town of Wilton mitigation fee schedule and/or the result of compliance with the state environmental quality review process.

M. Any application involving a building or structure shall be subject to approval by the Town Board by amendment to this article.

**§ 129-87. (Reserved)**

**§ 129-88. (Reserved)**

**§ 129-89. (Reserved)**

## **ARTICLE XVII. Default Zoning**

**[Added 6-6-1996]**

### **§ 129-90. Purpose; designation.**

A. This default zoning article is designated to provide a zoning classification for areas which currently do not have a zoning classification. These areas include federally owned land, state-owned land, county-owned land and Town-owned land. This designation would occur upon the sale or deeding of the property in question to a nongovernmental agency.

B. Upon sale or deeding of the above-mentioned properties, the zoning classification of that property shall immediately, without any additional Town Board action, become the same as the adjacent zoning district. If the property in question is contiguous to more than one zoning district, then the new zoning classification shall become the most restrictive of the adjacent zoning districts. This shall not be construed as prohibiting any new property owner from requesting a zoning change from the Town Board either prior to purchase or deeding or after purchase or deeding.

C. Upon sale or deeding of any portion of that property in the Town of Wilton located on County Route 33 and County Route 34, currently owned by the State of New York, known as the "Wilton Developmental Center," the zoning classification of that property shall immediately, without any additional Town Board action, become an I-1 Industrial District. This shall not be construed as prohibiting any new property owner from requesting a zoning change from the Town Board either prior to purchase or deeding or after purchase or deeding.

### **§ 129-91. (Reserved)**

### **§ 129-92. (Reserved)**

### **§ 129-93. (Reserved)**

### **§ 129-94. (Reserved)**

## **ARTICLE XVIII. CR-1 Commercial/Residential District**

**[Added 7-2-1997]**

### **§ 129-95. Purpose; permitted uses.**

A. The CR-1 Commercial/Residential One District is designated for a mix of commercial and residential uses.

B. The following uses are allowed in the CR-1 Commercial/Residential One District: See Schedule N.

### **§ 129-96. Special permit uses.**

**[Amended 6-6-2002]**

The following uses are allowed in the CR-1 Commercial/Residential One District with the issuance of a special permit: See Schedule N.

### **§ 129-97. Additional requirements.**

**[Added 7-2-2002; amended 4-3-2003]**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, CR-1, CR-2, C-2 and C-3 Zoning Districts.

## **ARTICLE XIX. CR-2 Commercial/Residential Two District**

**[Added 12-1-2005]**

**§ 129-98. Descriptive purpose; permitted uses.**

A. The purposes of the Commercial Residential Two District (CR-2) are to provide a mix of commercial and residential uses; allow for multifamily and apartment buildings through Planned Unit Developments; and promote design standards that effectively transition from hamlet to residential areas.

B. Uses permitted in the Commercial Residential Two District shall be as follows: See Schedule O.

**§ 129-99. Special permit uses.**

The following uses are allowed in the CR-2 Commercial/Residential Two District with the issuance of a special permit: See Schedule O.

**§ 129-100. Additional requirements.**

For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements. Also see § 129-174, Design standards for RB-1, CR-1, CR-2, C-2 and C-3 Zoning Districts.

**§ 129-101. (Reserved)**

**§ 129-102. (Reserved)**

**§ 129-103. (Reserved)**

**§ 129-104. (Reserved)**

**ARTICLE XX. Nonconforming Uses**

**§ 129-105. Continuation of lawful uses.**

**[Amended 11-7-2002]**

The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter. Normal maintenance, repairs and alterations incidental to a building or other structure containing a nonconforming use are permitted, provided that they do not extend the area or volume of space occupied by the nonconforming use.

**§ 129-106. Discontinuance.**

When any presently nonconforming use of land or buildings has been discontinued for two years, the land and buildings shall thereafter be used only in conformity with this chapter.

**§ 129-107. Reversion from conforming use unlawful.**

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be altered to a conforming use.

**§ 129-108. Automobile wrecking yards and junkyards.**

Notwithstanding any other provisions of this chapter, a nonconforming automobile wrecking yard or junkyard in existence at the date of enactment of this chapter shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall be discontinued, except that a motor vehicle and machinery junkyard may continue as a nonconforming use if within that period it is maintained in accordance with the standards set and enforced by the State of New York and those required by the Town Board and herein indicated within this chapter.

**§ 129-109. Expansion.**

**[Amended 11-7-2002]**



A. Any nonconforming use may be expanded, subject to the approval of the Planning Board after a public hearing. Application fees shall apply to all expansion requests. The Planning Board may require site plan review and approval.

B. Maximum allowable expansion for nonconforming use shall be:

(1) Nonresidential: 100% of the square footage existing on May 6, 1974. Adequate proof of square footage shall be the property owner's responsibility, subject to verification of the Town of Wilton.

(2) Residential: 100% of the square footage existing on May 6, 1974. Adequate proof of square footage shall be the property owner's responsibility, subject to verification of the Town of Wilton.

#### **§ 129-110. Damaged or destroyed buildings.**

Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, nonconforming use, provided that said construction is initiated within one year and is completed within two years from the date of damage and does not exceed its original dimensions.

#### **§ 129-111. Existing mobile homes.**

Mobile homes existing at the time of enactment of this chapter may be replaced by another mobile home which shall conform to Article VIII, § 129-43, or a one-family dwelling which shall be in conformance with the provisions of this chapter.

#### **§ 129-112. (Reserved)**

#### **§ 129-113. (Reserved)**

#### **§ 129-114. (Reserved)**

### **ARTICLE XXI. PUD Planned Unit Development Districts**

**[Amended 6-6-1996; 7-2-1997; 11-15-1999; 6-6-2002; 11-7-2002; 3-6-2003]**

#### **§ 129-115. Regulations.**

The regulations for Planned Unit Development Districts (PUDs) are intended to provide a means for the development of entirely new residential, commercial, or industrial subdivisions, parks, or estates in which certain economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of this chapter. Projects consisting of only single-family detached dwelling units (DUs) do not meet PUD criteria. In no case shall the regulations of this section be so interpreted as to circumvent the benefits of this chapter to the residents or occupants of such development or the residents or occupants of adjoining properties. PUDs, as defined herein, may be established only in accordance with the procedure specified in this section.

A. The site for a PUD shall not be less than 10 acres for a residential development, three acres for a commercial development, or five acres for an industrial development; provided, however, that where an applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, projects with less acreage will be considered, and further provided that in the event that the Town Board is considering a project with less acreage, the affirmative vote of not less than 4/5 of the members of the Town Board shall be required to establish such as a PUD. The proposed development shall conform to the Town's most recent comprehensive plan.

B. The Town Board shall refer the application to the Town Planning Board and the Saratoga County Planning Board (if applicable) for an initial advisory opinion within 90 days of the date of the application if, in the sole discretion of the Town Board, the application meets the intent of the PUD regulations and the Comprehensive Plan. All applications for PUDs or for amendments to PUDs shall include:

**[Amended 2-1-2007]**

(1) Proposed PUD legislation as defined in Schedule 1, Model PUD Local Law; Editor's Note: Schedule 1, Model PUD Local Law is included at the end of this chapter.

(2) A conceptual site plan including project phases, if applicable; and

(3) A SEQRA long-form EAF.

C. PUDs should be considered as a single parcel for the purpose of applying the regulations specified in the zoning district schedules. Editor's Note: The zoning district schedules are included at the end of this chapter. Individual buildings and structures within such district need not conform to these regulations, provided that any variation from such regulations shall not be contrary to the intent of this chapter.

D. Residential density.

(1) It is not the intent of a PUD to promote development solely for the purpose of exceeding the number of DUs permitted. Therefore, the number of DUs allowed shall be calculated by taking the amount of buildable land minus 20% for provision of streets, internal drives, parking areas, utility easements/rights-of-way, and other facilities and dividing by the allowable DUs per acre (base allowable density). The single-family detached portion of PUD applications in other than residential zones shall adhere to the regulations governing the residential zone closest to the site for which the application is being made. If the PUB is of equal distance from two residential zones, the zone with the most restrictive density shall be the governing zone. Land that meets the following criteria shall not be included in the amount of buildable land:

(a) Freshwater wetlands as regulated pursuant to federal and/or New York State Department of Environmental Conservation (NYSDEC) designated wetlands.

(b) Water sources classified pursuant to NYSDEC Stream Classification System or delineated under the Town's stream resource management guidelines.

(c) Slopes in excess of 15%.

(d) Other areas of environmental or scenic significance as may be identified by the Planning Board, Town Board, or the Town of Wilton Comprehensive Plan.

(2) The base allowable density for apartment houses/multifamily dwellings shall be no greater than eight DUs per one acre (of buildable land minus 20%). PUDs incorporating apartment houses/multifamily dwellings shall only be considered in the following zones: RB-1, H-1, CR-1, CR-2, C-1, and C-2. Said site shall be served by public central water and public sanitary sewer facilities.

**[Amended 12-1-2005]**

E. Green space. At least 35% of the gross area of a PUD shall be and remain green space.

F. The Planning Board may require such changes in said conceptual site plan as are found to be necessary to meet the requirements of this chapter. The Board may make such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the Town. In reaching its decision on the proposed PUD, the Planning Board shall consider, among other things, the following:

(1) The need for the proposed land use in the proposed location.

(2) The existing character of the neighborhood in which the use would be located.

(3) The location of principal and accessory buildings on the site in relation to one another.

(4) The pedestrian circulation and open space in relation to structures.

(5) The traffic circulation features within the site and the amount, location, and access to automobile parking areas.

(6) The height and bulk of buildings and their relation to other structures in the vicinity.

(7) The proposed location, type, and size of display signs, driveways, loading zones, and landscaping. In addition, an applicant for a PUD shall, in order to provide reasonable signage design throughout the district, submit detailed

plans for any signs that do not conform to the Town's Sign Ordinance. Editor's Note: See Article XXVI, Signs, of this chapter.

(8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.

(9) Adequacy of drainage, water supply, and sewage disposal facilities.

G. The Town Board and Planning Board may call upon any public or private consultants that it feels are necessary to provide a sound review of the proposal. In addition to the fees listed on the Schedule of Fees, both Boards may charge a fee to developers of projects requiring legal and technical review, provided that the fee charged reflects the actual cost of legal and technical assistance to the Boards.

H. The Planning Board shall approve, approve with modifications, or disapprove such PUD application and shall report its findings to the Town Board within 90 days following the date of referral to the Planning Board.

**[Amended 8-4-2005]**

I. In the event that the Planning Board has disapproved such proposal, or approved with modifications which the applicant is unwilling to make, an affirmative vote of not less than 4/5 of the members of the Town Board shall be required to establish such PUD.

J. Upon receipt of the Planning Board's findings, if the Town Board is inclined to proceed forward, it shall hold a public hearing on the proposal, with public notice as provided by law, as in the case of an amendment to this chapter. The applicant shall be required to send formal notification by certified mail of the public hearing to all persons owning property contiguous to the affected parcel(s) and across any street or public roadway from the affected parcel(s) and any other property owners that the Town Board deems necessary.

K. Where General Municipal Law § 239-m is applicable, the Town Board shall refer the application for redistricting to the Saratoga County Planning Board for its review.

L. The Town Board shall render its decision to approve or disapprove the PUD legislation within 62 days after the public hearing, unless an extension of time is mutually agreed upon by the Town Board and the developer.

M. The Town Board may then amend this chapter so as to define the boundaries of the PUD. Such action shall have the effect only of granting permission for development of the specific proposed uses in accordance with the plans filed with the Town Board. Such amendment of this chapter shall not constitute or imply a permit for construction or approval of construction plans.

N. If the Town Board creates the PUD districting, the Zoning Map shall be so notated. PUD districting shall be conditioned upon the following:

(1) The securing of site plan approval; and

(2) Compliance with all additional conditions and requirements as may be set forth by the Town Board in its resolution granting the PUD.

O. If construction work on the proposed development is not begun or completed within time limits specified by the Town Board, approval of the application shall become null and void. The PUD shall revert to the same zoning regulations and restrictions as were effective before such approval, unless the Town Board, for good cause, authorizes an extension, which may be authorized without a public hearing.

P. Any variances to an existing PUDD, such as, but not limited to, adding other uses, shall be made by application to the Town Board and shall follow the PUDD approval process as outlined in the PUDD regulations contained in Article XXI of this chapter.

**[Added 9-6-2007]**

**§ 129-116. (Reserved)**

**§ 129-117. (Reserved)**

**§ 129-118. (Reserved)**

**§ 129-119. (Reserved)**

**§ 129-120. (Reserved)**

**§ 129-121. (Reserved)**

**§ 129-122. (Reserved)**

**§ 129-123. (Reserved)**

**§ 129-124. (Reserved)**

**§ 129-125. (Reserved)**

**§ 129-126. (Reserved)**

**§ 129-127. (Reserved)**

**§ 129-128. (Reserved)**

**§ 129-129. (Reserved)**

**§ 129-130. (Reserved)**

**§ 129-131. (Reserved)**

**§ 129-132. (Reserved)**

**§ 129-133. (Reserved)**

**§ 129-134. (Reserved)**

## **ARTICLE XXII. Open Space Subdivisions**

Editor's Note: See now Ch. 109, Subdivision of Land, § 109-21, Conservation Subdivision Design.

### **§ 129-135. Policy; legislative authority.**

It is the policy of the Town of Wilton to permit variation of lot size and housing types as part of subdivision platting in suitable areas in order to ensure flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to preserve the natural and scenic qualities of open space and to harmonize new development with traditional open, rural, wooded, agricultural and hamlet landscapes of the Town and, as a secondary objective, to facilitate the economical provision of streets and utilities. To that end, the Town Board of the Town of Wilton, through its resolution approving the subdivision regulations, Editor's Note: See Ch. 109, Subdivision of Land. hereby adopts the provisions of § 281 of the Town Law of the Consolidated Laws of New York and hereby grants to the Planning Board of the Town of Wilton the full authority set forth in that section to modify applicable provisions of this Chapter 129, as they apply to a specific plat in a manner consistent herewith. The regulations contained in this article shall constitute the rules and regulations required by § 281 of the Town Law, setting forth criteria pursuant to which an open space subdivision may be allowed.

### **§ 129-136. (Reserved)**

Editor's Note: Former §§ 129-136 through 129-141 were deleted 10-6-2005. See now Ch. 109, Subdivision of Land, § 109-21, Conservation Subdivision Design.

### **§ 129-137. (Reserved)**

**§ 129-138. (Reserved)**

**§ 129-139. (Reserved)**

**§ 129-140. (Reserved)**

**§ 129-141. (Reserved)**

**§ 129-142. (Reserved)**

**§ 129-143. (Reserved)**

**§ 129-144. (Reserved)**

#### **ARTICLE XXIII. Site Plan Review**

**§ 129-145. Commercial or industrial site plan review.**

**[Amended 11-10-2005]**

The Planning Board shall review, approve, approve with modifications or disapprove plans for all nonresidential uses, public and semipublic buildings, whether or not such development includes a subdivision or resubdivision of a site. The construction of residential single- or two-family dwellings and farm buildings shall not be covered by this article.

**§ 129-146. Submission and review procedure.**

A. Prior to the issuance of a building permit for any permitted or special permitted use or the subdivision of land in a commercial or industrial zone, the Planning Board shall conduct a site plan review of the proposed site. The plan shall be in accordance with this section.

B. Criteria for determining whether or not the resulting parcels constitute a subdivision and are thereby subject to this article.

(1) Persons subject to this article are any one owner or group of persons acting in concert as part of a common scheme or plan who owns the original parcel(s) in question individually or collectively.

(2) Parcels subject to this article:

(a) Original parcels.

(b) Resulting parcels.

(c) Unrecorded parcels not shown on the Town of Wilton Tax Map.

(d) Organized parcels and resulting parcels which are not contiguous but are not separated by more than 600 feet measured along the front property line, which are of common ownership or owned by more than one person or corporation, acting in concert as part of a common purpose or plan, individually or collectively.

(3) Mall anchor subdivision exclusion (parcels not subject to this article). In instances where an enclosed regional shopping mall has previously received site plan approval from the Planning Board, a transfer of title to individual store(s), with or without associated parking, which creates no exterior changes from the approved site plan, involves only a store or stores, each exceeding 50,000 square feet of gross floor area, and involves no further subdivision of said store shall not be deemed to be a subdivision of land under this article, nor shall the resulting or original parcels be deemed to be not in compliance with applicable setback, frontage, lot size, off-street parking or similar area requirements as a result of such transfer.

C. Function. It is the function of the site plan to illustrate the intended design, arrangement and uses of the land to be improved and to describe the effect the proposal will have on the physical, social and economic environment of the community.

D. Review procedure. The review of commercial and industrial site plans is divided into four phases: presubmission, conceptual application, preliminary application and final application. The applicant shall obtain the subdivision and site plan submission checklist from the Planning Board secretary for use in preparing the submissions.

(1) Presubmission conference.

(a) The Building Inspector shall refer the prospective commercial or industrial developer to the Secretary of the Planning Board who shall schedule a presubmission conference for the next regularly scheduled Planning Board meeting. The purpose of the presubmission conference is to give the Planning Board and the applicant an opportunity to gain a perspective on the proposal's ramifications. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent, and the applicant shall learn his/her responsibilities before either is committed to significant outlays of time or capital.

**[Amended 11-10-2005]**

(b) At the presubmission conference, the applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the applicant shall provide a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features of the proposal.

(c) All commercial and industrial site plans shall be required to have a minimum of 35% of the site to be used as green space.

(2) Conceptual application for site plan approval.

(a) An application for conceptual site plan approval shall be made in written form to the Planning Board. The conceptual site plan review focuses on engineering concepts as well as environmental characteristics of the proposed site location. The conceptual fee is due at the time of the first submission. Five full copies of the site plan shall be submitted with this application.

**[Amended 6-6-1996]**

(b) Planning Board action on conceptual site plan application.

[1] Within 62 days of the receipt of an application for conceptual site plan review, the Planning Board shall approve, disapprove or approve with modifications the conceptual site plan application. The Planning Board's action shall be in the form of a written statement to the applicant.

**[Amended 6-6-1996]**

[2] The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the preliminary site plan application, of which conformance with said modifications shall be considered a condition of approval. If the conceptual site plan application is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and the resubmission to Planning Board after it has been revised or redesigned.

(c) Conceptual site plan requirements shall be as follows:

[1] Zoning information, including all lot requirements and setbacks and parcel areas.

[2] Project location map, site map with adjacent property owners and uses, parcel area and Tax Map numbers.

[3] Stormwater management concept, including state and federal wetland limits, floodplain limits, future position of major stormwater facilities.

**[Amended 11-10-2005]**

[4] Wastewater control concept.

[5] Water supply concept, including minimum separation distances.

[6] Street alignment, including sight distance, rights-of-way, easements and turnarounds/cul-de-sac.

[7] Environmental assessment form (EAF) to comply with SEQRA.

[8] Site statistics such as square feet of building, percent of green space, number of parking spaces and percent of building coverage.

(3) Preliminary application for site plan approval.

(a) Three full copies and two copies of the general layout sheet(s) of the application for preliminary site plan approval shall be made, in writing, to the Planning Board. The application may be presented at the next regularly scheduled Planning Board meeting following the preliminary submission. The preliminary application shall not be accepted for review unless all requirements outlined in the conceptual approval have been met. The preliminary application shall be accompanied by the appropriate fee according to the schedule of fees.

**[Amended 6-6-1996]**

(b) A public hearing shall be required for all commercial and industrial subdivisions prior to preliminary approval. This public hearing shall be scheduled by the Planning Board after confirmation by the Director of Planning and Engineering that the preliminary submission is complete.

(c) No modification of existing stream channels, filling of lands or wetlands, grading or removal of vegetation or excavation of soils for the construction of site improvements shall begin until the developer has received preliminary site plan approval and a negative declaration on file as required by SEQRA.

**[Amended 11-10-2005]**

(d) Failure to comply shall be construed as a violation of this Chapter 129, and where necessary, final site plan approval may require additional review and modification, the removal of unapproved site improvements or the revegetation of the site.

(e) An application shall be accompanied by copies of the information drawn from the following requirements as well as other items determined necessary by the Planning Board in the conceptual approval. The required preliminary site plan shall be prepared by a professional engineer, architect or land surveyor.

[1] Preliminary site plan requirements:

[a] The title of the drawing, including the name and address of the applicant and person responsible for the preparation of such drawing.

[b] The North arrow, scale and date.

[c] Boundaries of the property plotted to scale.

[d] Existing watercourses, wetlands and floodplains.

[e] A grading and drainage plan, showing existing and proposed contours.

[f] The location, proposed use and height of all buildings.

[g] The location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.

[h] Provision for pedestrian access.

[i] The location of outdoor storage, if any.

[j] The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

[k] A description of the method of sewage disposal and the location of design and construction materials of such facilities.

[l] A description of the method of securing public water and location, design and construction materials of such locations.

[m] The location of fire and other emergency zones, including the location of fire hydrants.

[n] The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

[o] The location, size and design and construction materials of all proposed signage.

[p] General landscaping plan and planting schedule which identifies the location and proposed development of all buffer areas, including an indication of existing vegetative cover.

[q] The location and design of outdoor lighting facilities.

[r] A designation of the amount of building area proposed for retail sales or similar commercial activity.

[s] A traffic assessment study.

[t] Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.

[u] Design of stormwater management facilities, including a statement regarding downstream impacts for the ten- and twenty-five-year-storm events.

**[Amended 11-10-2005]**

[v] Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ 129-205 through 129-210 of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in § 129-206. The approved site plan shall be consistent with the provisions of Article XXVIII of this chapter.

**[Added 12-7-2006 by L.L. No. 4-2006]**

[2] Planning Board review of preliminary site plan application. The Planning Board's review of the preliminary site plan application shall include but shall not be limited to the following:

[a] The need of the proposed use.

[b] The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls. Planning measures shall be taken to help alleviate congestion and improve traffic flow to and from proposed retail and office developments. This can be done by consolidating driveways and/or providing service road systems to developments along major arterials such as U.S. Route 9 and Route 50. If several retail/office developments are being constructed on adjacent properties, a shared access could be provided between the parcels. If enough traffic is channelized to a combined driveway, a traffic signal may be warranted to provide safe and easy access to and from the retail and office developments. This type of access is similar to that found in strip malls or plazas where access is limited but still provided to the major roadway.

[c] The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

[d] The location, arrangement, appearance and sufficiency of off-street parking and loading.



[e] The location, arrangement, size, design and general site compatibility of buildings, lighting and signage.

[f] The compliance of stormwater and drainage facilities to the NYSDEC GP 02-01.

**[Amended 11-10-2005]**

[g] The adequacy of water supply and sewage disposal facilities.

[h] The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

[i] The protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features, as determined by the Town of Wilton or its agent.

**[Amended 7-2-1997]**

[j] The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

[k] Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

[3] The Planning Board may consult with the Town Building Inspector, Fire Commissioners, Environmental Management Council, Town Highway Superintendent, Town Engineer and/or designated engineering consultants for the Town, other local and County officials and the New York State Health Department, Department of Environmental Conservation and Department of Transportation.

[4] Referral to the County Planning Board. Prior to taking action on the preliminary site plan application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with § 239 of General Municipal Law.

[5] Planning Board action on preliminary site plan application.

[a] Within 62 days of the receipt of a complete application for preliminary site plan review, the Planning Board shall act on it. The Planning Board shall approve, disapprove or approve with modifications the preliminary site plan application. The Planning Board's action shall be in the form of a written statement to the applicant.

**[Amended 6-6-1996]**

[b] The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application; conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(4) Planning Board review of final site plan application. After receiving approval, with or without modifications, of the preliminary site plan application, the applicant may submit a final detailed site plan application to the Planning Board for approval. The final site plan application shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

(a) Planning Board action on final site plan application. Within 62 days of the receipt of a complete final site plan application, the Planning Board shall approve or disapprove the final site plan application. Five copies of the final site plan application are required. The final site plan shall be prepared by a licensed professional engineer, architect or land surveyor.

**[Amended 6-6-1996]**

[1] Upon approval of the final site plan, the applicant shall submit to the Town one set of Mylars and three sets of prints, all having original stamps and signatures of the professional engineer, architect and surveyor. The Planning Board shall endorse its approval of the final site plan and shall forward one Mylar to the Planning Board Secretary, one copy to the Director of Planning and Engineering, one copy to the Building Inspector and one copy to the applicant.

[2] Upon disapproval of the final site plan, the Planning Board shall so inform the Building Inspector, and the Building Inspector shall deny the applicant any building permits for the project. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval.

(b) If the preliminary site plan application is approved without modifications, the final site plan application procedure may be waived by the Planning Board.

(5) The applicant shall have his design engineer certify in writing that the project was constructed in substantial conformance with the approved plan prior to the issuance of a certificate of occupancy by the Building Department. As-built drawings or record drawings of the work installed shall be furnished to the Town within four weeks from the date of issuance of the certificate of occupancy. One set of Mylars and two sets of prints are required.

E. Subdivision and site plan submission checklist. [Note: This checklist is not intended to be all-inclusive of items required for a complete submission. In cases of discrepancies or inconsistencies between the Code of the Town of Wilton ("Code") and this checklist, the more inclusive or detailed list shall apply. For an updated checklist which applies more completely to an individual project, contact the Director of Planning and Engineering.]

(1) Conceptual review.

(a) Site data.

[1] Zoning.

[2] Minimum lot size and yard setbacks.

[3] Project location map.

[4] Parcel area.

[5] Adjacent property owners and uses.

[6] Tax Map number.

[7] Site statistics on subdivision map or site plan with items such as:

[a] Number of lots.

[b] Average lot size.

[c] Linear foot of road.

[d] Minimum lot size.

[e] Square footage of building, including basement area.

[f] Percentage of green space.

[g] Number of parking spaces.

[h] Percentage of building coverage.

[8] Verification that conceptual plan was sent to the emergency squad and Fire Department for their review and comments.

(b) Other references.

[1] New York State Route 50 Corridor Study.

[2] Town of Wilton N.Y.S. Route 9 Corridor Landscaping Study.

[3] Article XXVII, Timber, Soil and Stream Regulations, of this chapter.

[4] Article IV, Road and Utility Design Standards, of Chapter 109, Subdivision of Land.

(c) Stormwater management.

[1] Drainage concept.

[2] Water quantity attenuation and quality treatment (where required) in accordance with NYSDEC GP 02-01.

**[Amended 11-10-2005]**

[3] Floodplain limits.

[4] NYSDEC/federal wetland limits.

[5] Effect on adjacent wells.

(d) Wastewater control.

[1] Existing sanitary sewers and septic systems.

[2] Subsurface disposal (septic systems).

[3] Percolation tests and test pits.

[4] Groundwater table location.

(e) Water supply.

[1] Existing water mains (public or private).

[2] Wells (NYSDOH standards for quantity and quality).

[3] Separation requirements between septic system and wells.

(f) Street alignment.

[1] Sight distances at proposed roadway entrances.

[2] Horizontal and vertical roadway alignments.

[3] Compliance with Town Comprehensive Plan.

[4] Right-of-way widths.

[5] Existing or proposed easements.

[6] Turnarounds and cul-de-sac standards.

(g) SEQRA.

[1] Type of action (unlisted, Type I or Type II).

[2] Environmental assessment form.

(h) Drainage and grading.

[1] All roadside drainage shall be in a closed drainage system and grades shall slope uniformly from edge of the road to the property lines.

[2] On Route 50, along the front setback, berms shall be placed at a height of three feet above the curb elevation wherever possible.

(i) Utilities.

**[Amended 11-10-2005]**

[1] All project utilities shall be placed underground, and wherever possible, existing utilities shall be moved from an overhead location to an underground location.

(2) Preliminary review.

(a) Site data.

[1] Name and address of applicant.

[2] Overall site and lot areas.

[3] Title blocks and North arrow.

[4] Signature blocks for the appropriate agencies.

[5] Survey notes and data including topographical survey (United States Geological Survey datum).

[6] Legend of existing and proposed configurations on plan.

[7] All boundary and lot lines, rights-of-way, center lines of roads and easements to show bearings and distances.

[8] NYSDOH and Town standard notes.

[9] Subdivision street names (coordinate street names with the appropriate fire district, highway department and emergency squad).

[10] Postal addresses (lot numbers shall be same as postal addresses).

[11] Street signs, site/building sign locations, size and text.

[12] Site lighting.

[13] Landscaping.

[a] Street trees shall be placed at maximum of 35 feet on center along the front property line.

[b] Coniferous trees shall be planted in drifts at a minimum of 35 feet on center along the front parking areas.

[c] Additional landscaping shall be used in appropriate areas, as directed by the Planning Board.

[14] Streams, wetlands and floodplains.

[15] Traffic assessment or study.

[16] Location, use and height of all structures.

[17] Parking, truck loading, pedestrian access and outdoor storage.

[18] Energy distribution facilities.

[19] Site details such as retaining walls and fences.

[20] Comments from emergency squad and Fire Department on plans.

[21] Submit postal verification form.

**[Added 5-7-1998]**

(b) Wastewater control.

[1] Design of sanitary sewers and/or septic systems.

[2] Profiles (United States Geological Survey datum).

[3] Details (manholes, trench, etc.).

[4] Design notes (general and material specifications).

[5] Septic system (deep hole and percolation test data).

[6] Verification of submission to Wilton Water and Sewer Authority.

(c) Water supply.

[1] Design of water main or wells. (Wells to be upgrade of septic system.)

[2] Water main crossing of other utilities to be shown on profiles with minimum vertical separations of 18 inches.

[3] Details (hydrants, blowoffs, water service, thrust blocks, etc.).

[4] Design notes (general and material specifications).

[5] Hydrant flow test data.

[6] Water source, storage and distribution for fire control.

[7] Verification of submission to Wilton Water and Sewer Authority.

(d) Stormwater management.

[1] Design of stormwater facilities for the Channel Protection Volume (one-year twenty-four-hour event), the Overbank Flood Protection Volume (ten-year twenty-four-hour event), and the Extreme Storm (one-hundred-year twenty-four-hour event), and the Water Quality Volume according to the NYSDEC GP 02-01.

**[Amended 11-10-2005]**

[2] Cross sections of retention or detention facilities.

[3] Profiles showing storm sewer design.

[4] Details for construction phase, temporary, and post-construction stormwater management practices.

**[Amended 11-10-2005]**

[5] Design notes (general and material specifications).

[6] Hydraulic computations.

[7] Soil erosion and sediment control measures, including details and locations.

**[Amended 11-10-2005]**

[8] Grading plan, including lot grading.

(e) Street alignment and design.

[1] Horizontal and vertical curve data.

[2] Profiles (United States Geological Survey datum).

(f) Public hearing/SEQRA.

[1] Public hearing is set only after submission is deemed complete.

[2] Payment of traffic mitigation fees have a bearing on SEQRA determination.

(g) Drainage and grading.

[1] All roadside drainage shall be in a closed drainage system and grades shall slope uniformly from edge of the road to the property lines.

[2] On Route 50, along the front setback, berms shall be placed at a height of three feet above the curb elevation wherever possible.

(h) Utilities.

**[Amended 11-10-2005]**

[1] All project utilities shall be placed underground, and wherever possible, existing utilities shall be moved from an overhead location to an underground location.

(i) All conceptual review checklist items.

(3) Final review.

- (a) All Town and review agencies' comments should be substantially addressed at this time.
  - (b) All of the Town Engineer's comments should be addressed from the preliminary review.
  - (c) Professional stamp(s)/original signature(s) needed on final two sets of plans/one set of Mylars that the Town shall retain.
  - (d) All conceptual and preliminary review checklist items.
  - (e) Final language for protective covenants or deed restrictions.
- (4) Map signature.

- (a) All fees are to be paid before the subdivision map or site plan is signed by the Planning Board Chairman.

- [1] Park and recreation fees.

- [2] Final approval fees.

- [3] Traffic mitigation fees.

- [4] Other outstanding fees.

- (b) Outside regulatory agency approvals must be obtained prior to map signature.

- [1] New York State Department of Environmental Conservation.

- [2] New York State Department of Health.

- [3] New York State Department of Transportation.

- [4] Saratoga County Sewer District No. 1.

- [5] Town of Wilton Water and Sewer Authority.

- [6] United States Army Corps of Engineers.

- [7] Capital District Transportation Authority.

- [8] Others as may be applicable.

- (5) Post-approval requirements.

- (a) Notify Town and pay inspection fees prior to starting work.

- (b) Stormwater management inspection and access. Obtain requirements from Town.

**[Added 11-10-2005]**

- (c) Certification of installation by a P.E. that project was constructed in substantial conformance with the approved plan is required prior to the issuance of the certificate of occupancy (CO).

- (d) Submission of as-builts is required four weeks after CO.

- (e) Submission of eleven-by-seventeen-inch map of subdivision showing road and lots.

F. Upon review of specific aspects of each individual project, the Planning Board may, at its discretion, add, delete or modify the submission requirements mentioned above.

**§ 129-147. Minor or amended site plan approval.**

**[Amended 12-7-1995; 2-1-2007]**

A. The Planning Board shall determine to what extent the site plan shall be reviewed by the Board. The applicant shall be required to meet the following criteria in order for the Planning Board to reduce the submission and review requirements.

(1) Minor site plan:

(a) Modifications to the site are clearly minor in nature.

(b) The scope of the review issues is very limited.

(2) Amended site plan:

(a) An original site plan approval was granted by the Planning Board at an earlier time.

(b) The applicant met all of the applicable conditions required by the original site plan approval.

(c) Construction that has occurred on-site is in accordance with the approved plans.

(d) The scope of the review issues is very limited.

B. Under the circumstances when the Planning Board finds that only a minor or amended site plan review is required, the following submission requirements shall be met:

(1) A site plan application, stating all of the proposed modifications.

(2) An updated State Environmental Quality Review Act form, if applicable, stating all of the proposed modifications.

(3) A site plan acceptable to the Planning Board, either an amended original or a newly drawn site plan.

C. During the course of review of the minor site plan the Planning Board shall hold a public hearing to allow any public comment to be heard. For amended site plan, the Planning Board is not required to hold a public hearing.

D. The following fees shall be required for the minor or amended site plan review:

(1) The application fee.

(2) The traffic mitigation fee.

(a) Where a residential property is being converted into a commercial use, the traffic mitigation fee shall be based on the square footage of any existing or new structure, along with any approved additions, less the required traffic mitigation fee for a residential use. This similar method shall apply to other changes in use where the mitigation fee category changes. In no case shall there be a credit, based on these calculations, due to the applicant.

(b) Where an existing commercial property is being added to, the fee shall be based only on any additional square footage of building added to any existing structure. This applies only if the use of the property stays within the same mitigation fee category.

(3) The construction inspection fee.



**§ 129-148. Multiple-family residential uses.**

See Article XXI, PUD Planned Unit Development Districts.

**§ 129-149. (Reserved)**

**ARTICLE XXIV. Additional Regulations**

**§ 129-150. Applicability.**

The following provisions shall apply to all districts except where listed.

**§ 129-151. Maximum lot coverage.**

In all districts, buildings shall conform to the requirements for maximum building coverage set forth in the Schedules of District Regulations. Editor's Note: Schedules of District Regulations are located at the end of this chapter. In planned developments or cluster projects, coverage of individual lots may exceed these requirements.

**§ 129-152. Height regulations.**

In all districts, structures may not exceed the height regulations above average ground level as described in this chapter.

**§ 129-153. (Reserved)**

Editor's Note: Former § 129-153, Required setback, was repealed 7-2-2002. This section was also repealed 4-3-2003.

**§ 129-154. Principal buildings per lot.**

Unless otherwise specified or allowed, there shall be only one residential building per lot.

**§ 129-155. Residential lots on culs-de-sac.**

Residential lots which front on culs-de-sac shall meet all the space and bulk requirements of the district in which they are located, except that the frontage adjacent to the cul-de-sac may be 60 feet or more, provided that the lot width at the building setback line equals or exceeds the required frontage of the district.

**§ 129-156. Lots abutting more than one street.**

Lots abutting more than one street shall provide a minimum of frontage on all streets on which the lot abuts. There shall be front setbacks from all streets on which the lot abuts and sideline setbacks from all remaining property lines. Corner lots which existed prior to June 7, 1990, shall be exempt from their original rear setback requirements, but shall possess front setbacks from all streets on which the lot abuts and side line setbacks from all remaining property lines.

**§ 129-157. Projections into required yards.**

**[Amended 7-2-1997; 7-2-2002; 4-3-2003]**

No structure, whether part of the main structure or not, whether open or enclosed, including porches, decks, pools and similar type structures, overhangs, canopies, etc., shall project into minimum yard restrictions except:

A. An accessory building of 120 square feet or less in area and a maximum of 12 feet in height may be placed a minimum of five feet from the rear and/or side lot line or easement.

B. Inground swimming pools.

(1) Fifty-foot front yard setback.

(2) Side and rear yard setbacks shall be as follows, whichever dimension is larger:

(a) Twenty feet from property lines.

(b) Ten feet from easements.

C. Aboveground swimming pools.

(1) Fifty-foot front yard setback.

(2) Side and rear yard setbacks shall be as follows, whichever dimension is larger:

(a) Twenty feet from property lines.

(b) Ten feet from easements.

**§ 129-158. Undersized lots.**

In any district, a single lot at the effective date of this chapter may be built upon subject to the following conditions: Such a lot must be in separate ownership and not of contiguous frontage with other such lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that the yard dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the district in which the lot is located.

**§ 129-159. In-law apartments.**

An in-law apartment meeting the following standards shall be considered to be part of a single-family dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of any residentially zoned property. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use, space and bulk requirements of zoning district where located.

A. The in-law apartment shall be accessory to a single-family detached dwelling, and only one in-law apartment shall be created in a single-family dwelling.

B. An in-law apartment shall be contained inside an existing single-family detached dwelling.

C. The total floor area of the in-law apartment shall be a maximum of 800 square feet and shall be no more than 30% of the gross floor area of the principal building.

D. The in-law apartment shall be occupied by a family member and shall not be rented either at the time of construction or at any future time.

E. The creation of the in-law apartment shall not alter the single-family character of the property. The following standards shall be met in creating the unit:

(1) The in-law apartment shall not be clearly identifiable from the exterior as a result of the design of the structure.

(2) The in-law apartment shall be accessible, by interior means, from the remaining portion of the single-family residence.

(3) The utilities (electric service, gas service, etc.) for the in-law apartment shall be combined with the existing utilities. Separate utilities shall not be allowed.

(4) Provisions for parking, service areas and storage shall not exceed the levels found in adjacent single-family residences.

**§ 129-160. Encroachments on cemeteries.**

A. Out of respect for them as final resting places and in order to preserve their integrity as significant historic sites, the intent of this section is to protect Wilton's cemeteries from encroaching commercial and residential development. The nearest structure in any commercial or residential lot or subdivision will not be less than 100 feet from the lot line of any of the cemeteries listed below:

- (1) Dimmick Cemetery: southeast of the intersection of Dimmick and Gansevoort Roads, north of Snook Kill Creek.
- (2) Brisbin Cemetery: east side of Parkhurst Road, south of the Little Snook Kill.
- (3) Gurn Springs Cemetery: north side of Ballard Road, east of Gordon Lane (also known as the "New Gurn Springs Cemetery").
- (4) Kings Station Cemetery: east side of Parkhurst Road, north of intersection with Kings Road.
- (5) Gurn Springs Cemetery: south side of Ballard Road, east of the intersection of Traver and Ballard Roads (also known as the "Old Gurn Springs Cemetery").
- (6) Perry Cemetery: south side of Ballard Road, east of the Old Gurn Springs Cemetery.
- (7) Wilton Developmental Center Cemetery: east side of Northern Pines Road, north of the Snook Kill Creek.
- (8) Brick Church Cemetery: west side of Northern Pines Road, south of the intersection of Northern Pines Road and Gailor Road.
- (9) Arnold Cemetery: southwest side of the intersection of Strakos and Greenfield Roads.
- (10) Brill Cemetery: east of Route 9, north of Waller Road (located back off road).
- (11) Sleight Cemetery: west side of Route 9, north of Daniels Road, south of the intersection of Northern Pines Road and Route 9, back toward the Wilton-Greenfield Town line.
- (12) South Wilton M.E. Church Cemetery: east side of Route 50, south of the intersection of Route 50 and Edie Road.
- (13) Loudon Cemetery: north side of Loudon Road, east of the intersection of Loudon and Ingersol Roads.
- (14) Ruggles Cemetery: east side of Ruggles Road, south of the intersection of King and Ruggles Roads.
- (15) Jaycox Cemetery: north side of Loudon Road, east of the intersection of Ruggles and Loudon Roads.
- (16) Baker/Boise Cemetery: south side of Loudon Road, west of the intersection of Arnolds Lane and Loudon Road.
- (17) Milligan Cemetery: south of the intersection of Loudon Road and Arnolds Lane on east side.

B. More exact locations can be found on a map prepared by Lorraine Westcott, former Historian, for Clough, Harbour and Associates, filed in the Planning Board office.

C. The Planning Board, in its sole discretion, may require a residential or commercial developer to erect fencing and/or install plantings to act as a physical and/or visual barrier between a cemetery and developable sites which are adjacent or contiguous to a cemetery.

D. The provisions of this section may also be applied by the Planning Board to protect other cemeteries or other sites which, in its opinion, are of historic significance or are included in the Town of Wilton Comprehensive Plan as historic sites.

#### **§ 129-161. Off-street parking.**

Editor's Note: See also additional regulations in the applicable zoning district.

A. Off-street parking spaces shall be provided in any district in accordance with the specifications of this section whenever any new use is established or existing use is enlarged.

B. For a typical parking stall and painting detail, see Exhibit B. Editor's Note: Exhibit B is located at the end of this chapter.

C. The number of parking spaces shall be calculated for each individual use in cases of multiple use buildings.

D. Additional parking may be required if the project contains unusual circumstances that may make additional requirements necessary.

E. Unless otherwise specifically noted, "employees" used in this section does not mean employees per shift.

F. No parking or storage of vehicles of any kind or objects associated with the use of the property shall be permitted in a buffer area.

G. All parking lots shall have a minimum of a thirty-foot setback from the front property line.

H. Appropriate area may be required to accommodate nonmotorized highway users (pedestrians, bicyclists, etc.) along portions of the corridor.

Use	Minimum Parking Spaces Required
Apartment houses/multifamily dwellings	2 1/4 per dwelling unit; spaces located in garages are not included in the parking calculation
<b>[Added 7-2-1997; amended 12-6-2001]</b>	
Banks, medical offices	1 per 100 square feet of gross leasable area
Boardinghouses, tourist homes and bed-and-breakfast facilities	1 per lodging unit
Bowling establishment	3 per lane
Campsites	1.1 per site
Car washes	1 per employee, plus 5 stacking spaces per self-wash bay, plus 20 stacking spaces per automatic bay (stacking space same as parking space)
Church/social	1 per 3 seats in principal assembly area
Clubs	
Golf courses	4 per hole
Court spaces	3 per court
Physical training area	1 per 50 square feet of floor space
Swimming pools	1 per 40 square feet of pool area
Community buildings	1 per 100 square feet of floor space
Copy/mail centers	1 per 200 square feet of gross leasable floor area

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Delicatessens	1 per 200 square feet of gross leasable floor area, plus 1 per 2 seats
Drive-through services	2 stacking spaces per drive-through, plus 10 additional spaces
Drugstores	6 per 1,000 square feet of gross leasable floor area
Dry cleaners	1 per 200 square feet of gross leasable floor area
Fast-food establishment	1 per 2 seats, plus 1 per employee in the maximum shift
Funeral homes	1 per 50 square feet of floor space in slumber rooms, parlors and individual service rooms
Hospitals	1 per 2 beds, plus 1 per 2 employees, plus 1 per staff doctor
Hotels	1 per room, plus 1 per employee in maximum shift, plus 2/3 of the standard requirement for any space occupied by convention, restaurant and barroom facility
Industrial and wholesale establishments	1 per 1.2 employees, based on the highest expected average employee occupancy
Laundromats	1 per 2 washing machines
Lodges	1 per 50 square feet of gross floor area
Motels	1 per rental unit, plus 1 per employee in maximum shift
Multifamily, residential	2 1/2 per dwelling unit
Multifamily, senior citizen	1 per 2 housing dwelling units
Non-retail business	1 per 225 square feet of gross leasable floor area
Nursing and convalescent homes	1 per 3 beds and 1 per employee based on expected average employee occupancy
Personal service establishments	1 per 100 square feet of gross leasable area
Professional offices, business services and veterinary offices	1 per 225 square feet of gross leasable area
Public utility offices	1 per 50 square feet of floor area
Recreational	
Indoor	5 per 1,000 square feet of floor area
Outdoor	2 per 1,000 square feet of playing area
Residential	2 per dwelling unit
Restaurants	1 per employee in the maximum shift, plus 1 for every 2 1/2 seats

**[Amended 12-6-**

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
<b>2001]</b>	
Retail stores	6 per 1,000 square feet of gross leasable floor area
Retail/warehouse stores	5 spaces per 1,000 square feet of gross leasable floor area
<b>[Added 12-3-1998]</b>	
Riding stables	1 per 2 rental stalls
Self-service storage facilities	1 parking space for every 50 storage units
<b>[Added 12-1-2005]</b>	
Senior living community	1 per residential unit and 1 per staff member Notwithstanding anything to the contrary, if the Planning Board, as part of the site plan approval process for a senior living community, determines that less than the required number of parking spaces shall satisfy the intent of this chapter because of variations in the time of maximum use or any other reason, the Planning Board may waive the improvement of not more than 25% of the required number of residential parking spaces. In such case, it shall be demonstrated, on the site plan, that sufficient usable lot area remains for the eventual provision of the total number of required parking spaces. All unimproved parking spaces shall be used and maintained as landscaped grounds until required for parking and shall be improved for parking in accordance with the approved site plan within six months after written notice is given by the Town to the property owner stating that improvement of all or a portion of the unimproved parking spaces is necessary.
Service stations with convenience store	1 per employee, plus 3 per service bay, plus 1 per 100 square feet of gross floor area; minimum of 5
Service stations without convenience store	1 per employee, plus 3 per service bay
Schools	
Elementary, junior high and equivalent	2 per classroom, plus bus spaces equal to number of buses private or parochial schools
Senior high and equivalent private or parochial schools	5 per classroom, plus bus spaces equal to number of buses
College and university	1 per 30 square feet of classroom floor area
Shopping center greater than 200,000 square feet of gross floor area	5 per 1,000 square feet of gross floor area
Shopping center less than 200,000 square feet of gross floor area	6 per 1,000 square feet of gross floor area
Theaters, auditoriums and places of assembly with fixed seats	1 per 2 seats
Townhouses	2 spaces per dwelling unit

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
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**[Added 7-2-1997]**

Video stores	1 per 200 square feet of gross leasable floor area.
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**§ 129-162. Off-street loading.**

Off-street loading which is spaced logically, conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

**§ 129-163. Obnoxious or injurious uses.**

Any use that may be obnoxious or injurious or results in the emission of odor, dust, smoke, refuse matter, fumes, noise, vibrations or similar conditions or that is dangerous or disturbing to the comfort, peace, enjoyment, health or safety of the community is prohibited.

**§ 129-164. Air and water quality standards; construction standards.**

All developments proposed for the Town of Wilton shall meet the minimum air and water quality control standards established by the State of New York. The New York State Uniform Fire Prevention and Building Code shall prevail unless the Town has specifically adopted other codes which supersede.

**§ 129-165. Water storage areas; retention/detention areas.**

A. Water storage areas, retention/detention areas may be required to be enclosed by a fence as deemed necessary by the Planning Board.

B. All swimming pools shall require a building permit and a fence enclosing the area, per Part 720, Swimming Pool Enclosure, of the New York State Uniform Fire Prevention and Building Code.

**[Amended 6-7-2007]**

**§ 129-166. Outdoor storage and parking.**

**[Amended 11-15-1999]**

A. No snowmobile, boat, trailer, truck or unregistered vehicle shall be stored in the front yard in any district. In addition, when such vehicles or boats are stored elsewhere on the lot, they shall meet a minimum setback of 15 feet from side yard and rear yard.

B. Storage or parking of a commercial vehicle in a residential zone shall be prohibited.

(1) A commercial vehicle shall be any vehicle which would require a commercial drivers license to legally operate on a public road.

(2) Existing residential lots and properties containing commercial vehicles shall have one year from the effective date of this amendment to be brought into compliance.

**§ 129-167. Agricultural uses.**

Agricultural uses shall include roadside stands for the sale of agricultural products if:

A. They are erected at least 25 feet back from the pavement but not within the right-of-way line.

B. They are an accessory agricultural use for the sale of agricultural products grown locally.

**§ 129-168. Temporary structures.**

A. Residential use.

(1) Special permits for temporary dwellings, including mobile homes, which meet the requirements for a certificate of occupancy, used in conjunction with construction of a dwelling, may be issued by the Zoning Board of Appeals, provided that the applicant furnishes a construction schedule and a building permit by the Building Inspector for the proposed construction.

(2) The special permit may be used initially for a six-month period but may be renewed up to a total of two years from initial application, at six-month intervals, provided that the Building Inspector verifies, in writing, that the construction schedule is being achieved or that exceptions to the schedule are reasonable.

(3) Any six-month extension after the two-year period requires the approval of the Town Board after a public hearing and receipt of written recommendations from the Zoning Board of Appeals, the Planning Board and the Building Inspector.

(4) Residing in the basement or foundation of structures before the completion of the total structure shall be prohibited.

B. Nonresidential use.

**[Amended 7-2-1997]**

(1) Temporary mobile homes or trailers used in conjunction with construction work shall be permitted. A temporary mobile home or trailer may be located on the site of a work project and shall be used solely as an office or storage house in connection with the work project, provided that it is removed within 30 days after completion of such project. A temporary mobile home or trailer shall not be used as a residence.

(2) Temporary structures/facilities used in conjunction with construction work shall be permitted. Structures shall be located on the site of a work project and shall be used solely in conjunction with the work project. These structures shall be removed prior to the completion of said project.

**§ 129-169. Temporary merchants.**

This section is to regulate commercial sales within the Town which are temporary or seasonal in nature and which would not normally be subject to site plan approval by the Planning Board. Such activities have an impact upon the Town's Zoning Ordinance but are not subject to the more rigorous provisions contained herein, but certain standards are imposed to protect the health, welfare and safety of the residents.

A. Licensing; permits. Notwithstanding the provisions of this section, all licensing and registration requirements contained in Chapter 85 shall apply to all temporary merchants. No permit shall be issued to conduct sales as a temporary merchant unless the applicant satisfies the conditions of this section and secures a temporary merchant certificate from the Director of Planning. No permit shall be issued for more than four months within a one-year period; no permit shall be issued for consecutive four-month periods within a two-year period, unless approved by the Planning Board.

**[Amended 11-7-2002]**

B. Performance regulations.

(1) All applicants proposing to sell food items shall be required to obtain a food handler's license from the New York State Department of Health.

(2) Locations shall be restricted to established off-street parking areas within nonresidential zoning districts. Said locations shall be improved and designed to provide regulation size parking spaces for a minimum of 10 vehicles. Both active and inactive off-street parking areas may be utilized if the above criteria is met.



(3) Not more than one temporary merchant per lot shall be permitted. Unless the lot is greater than 12 1/2 acres, in which case not more than one temporary merchant per 12 1/2 acres shall be permitted and a minimum distance of 1,000 feet shall be maintained between the temporary merchants on said lot. Temporary merchants shall be prohibited within 1,000 feet of an established commercial business engaged in similar activity at the time of the application for permit. A minimum distance of 2,000 feet shall be maintained between locations for temporary merchants.

(4) Temporary merchants shall be prohibited from conducting business on municipal property or in a Town right-of-way unless authorized by the Town Board.

(5) (Reserved) Editor's Note: Former Subsection B(5), limiting the area to be occupied by a temporary merchant, was deleted 8-4-2005.

(6) One freestanding sign per temporary merchant may be permitted. Signs shall be constructed of a durable material and maintained in a presentable condition. Flashing lights shall be prohibited. No sign shall be placed within 15 feet of a property line or within an established sight triangle for interior lanes or access driveways. All freestanding signs shall be removed and properly secured during nonoperating hours of the temporary merchant. Maximum sign face shall not exceed 16 square feet and shall not exceed four feet in height.

C. Exemptions. All exemptions contained in Chapter 85 of this Town Code shall apply to this section.

D. Appeals. Any applicant denied a permit to operate as a temporary merchant may appeal to the Planning Board, which shall have the authority to approve said permit upon suitable findings.

E. Compliance required. All temporary merchants shall be subject to the provisions of Chapter 85 upon applying for a permit.

F. Violations and penalties. Any party who fails to comply with the provisions of this section shall be notified in writing by the enforcement official and shall remedy the violation within 24 hours of receipt of the written complaint. Any party who violates the provisions of this section, including a temporary merchant or owner of record of an affected property, shall each, upon conviction thereof, be liable to a fine not to exceed \$500 or imprisonment for a term not exceeding 90 days, or both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

#### **§ 129-170. Multiple uses.**

**[Added 6-6-1996; amended 11-15-1999]**

A. In cases where two or more uses occur on the same property, the area requirements for each use shall be combined to calculate the total square footage required.

B. Where a single property is leased to more than one tenant, other than in a single structure, the lease line shall be considered as a lot line for the purpose of determining minimum requirements, and that leased portion of the lot shall conform to all of the space, bulk, setback and parking requirements in the applicable zone.

#### **§ 129-171. Building permit prohibited on property with violations.**

**[Added 11-15-1999]**

No building permit shall be issued on a property if a zoning violation is known to exist.

#### **§ 129-172. Obstructions on Town rights-of-way prohibited; exemptions.**

**[Added 11-15-1999]**

No fencing, shrubbery or other type of obstruction shall be placed in the Town right-of-way, that portion of land between the front property line and the paved portion of the roadway. Mailboxes are exempted from this section.

#### **§ 129-173. Historic considerations.**

**[Added 12-1-2005]**

In cases where the Town Historian has identified a building or site as an historically significant feature, the Town Historian shall be given a thirty-day opportunity upon notification to review and catalogue the site for inventory purposes.

**§ 129-174. Design standards for RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Zoning Districts.**

**[Added 8-4-2005; amended 3-1-2007]**

**A. Site design.**

(1) A twenty-eight-foot setback from the right-of-way should be (required for CR-2, Planning Board option for other zones) reserved as a municipal easement for amenities, including but not limited to municipal sewer, water and utilities, and a level grass area with uniformly spaced street trees, sidewalks and streetlights, all as the Planning Board may require. The grass area shall be properly graded and maintained to accommodate the above amenities. See illustrations - Cross Section with Parking in Rear and Cross Section with Parking in Front. Editor's Note: The illustrations are included at the end of this section.

(2) A minimum of 35% green space shall be required. This green space shall include adequate screening for the rear and side yards, as determined by the Planning Board. It shall also include a minimum of a fifty-foot landscaped buffer along the boundary line of abutting residential districts or properties currently used for residential uses. Such landscape buffer shall contain screen plantings of trees, hedges, shrubs, etc., to provide an effective visual and sound buffer between districts.

(3) Stormwater basins shall be at the rear or side of the parcel unless proven to be otherwise impractical.

(4) Storage, loading and docking areas shall be to the rear of the building and screened from the road and adjacent neighboring parcels. The Planning Board may allow side or front yard loading, or side yard storage, based upon the following considerations: type of business; adjacent uses; traffic and pedestrian circulation; aesthetics; and pedestrian accessibility.

(5) Drive-through windows shall be in the side or rear yard only.

(6) Existing vegetation and mature trees shall be preserved, wherever possible.

(7) No merchandise, products, equipment, advertising or similar material or other objects, except for signs and approved display areas, are to be placed in front of the front line of the structure.

(8) No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.

**B. Building design and amenities.**

(1) Buildings shall be oriented to front and relate to public streets to the greatest extent possible. The main entry shall be on the front and/or side of the building.

(2) The Planning Board may deviate from the sign requirements set forth in § 129-181 by permitting the collocation of detached signs, whenever practical.

(3) All lights, whether pole or building mounted, shall be shielded such that light is adequately directed away from off site areas.

**C. Parking and vehicle access.**

(1) Up to 33% of total parking may occur in the front or side yard of building with the remaining 67% of parking placed in the rear of the building. The Planning Board may adjust these criteria in cases of unusual lot size or configuration. See illustration - Building Site Design with Side and Rear Parking and Building Site Design with Front, Side and Rear Parking for the RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Districts. Editor's Note: The illustrations are included at the end of this section.

(2) Paved area side and rear yard setbacks shall be a minimum of 15 feet, and front setback shall be a minimum of 30 feet. When uses abut any residential district (R-1, R-2, or R-3) or exclusively residential PUD district, the setback for the paved area in the side yard and/or rear yard that abuts said district shall be a minimum of 50 feet to

100 feet. The Planning Board shall determine the exact amount of setback based on the need, quality, and/or effectiveness of the proposed buffer.

(3) The Planning Board may deviate from the parking standards set forth in § 129-161, Off-street parking, based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility.

(4) For the purpose of assuring safe and continuous movement of vehicles, access easements providing interconnections between the rear yards of adjoining parcels shall be required. The design and location of the interconnections shall be determined during the site plan review process.

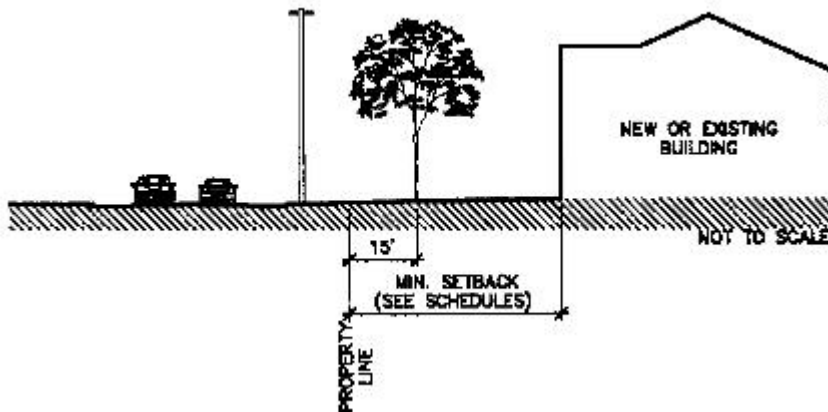
(5) Shared driveways are strongly encouraged. Points of egress and ingress should be at one side of the property for the purpose of encouraging shared points of access. Curb cuts are required to be consolidated to the greatest extent possible.

D. Additional requirements.

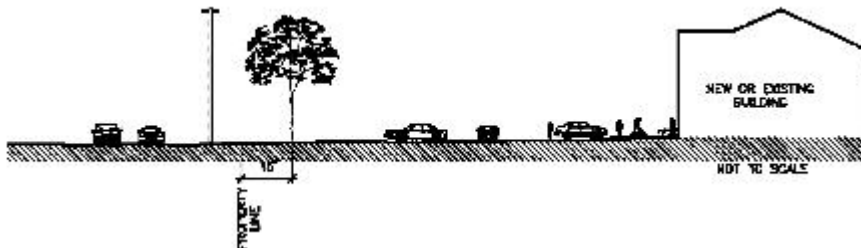
(1) For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

E. Figures. CR-2 Zone requires 28' easement, sidewalk, & streetlights.

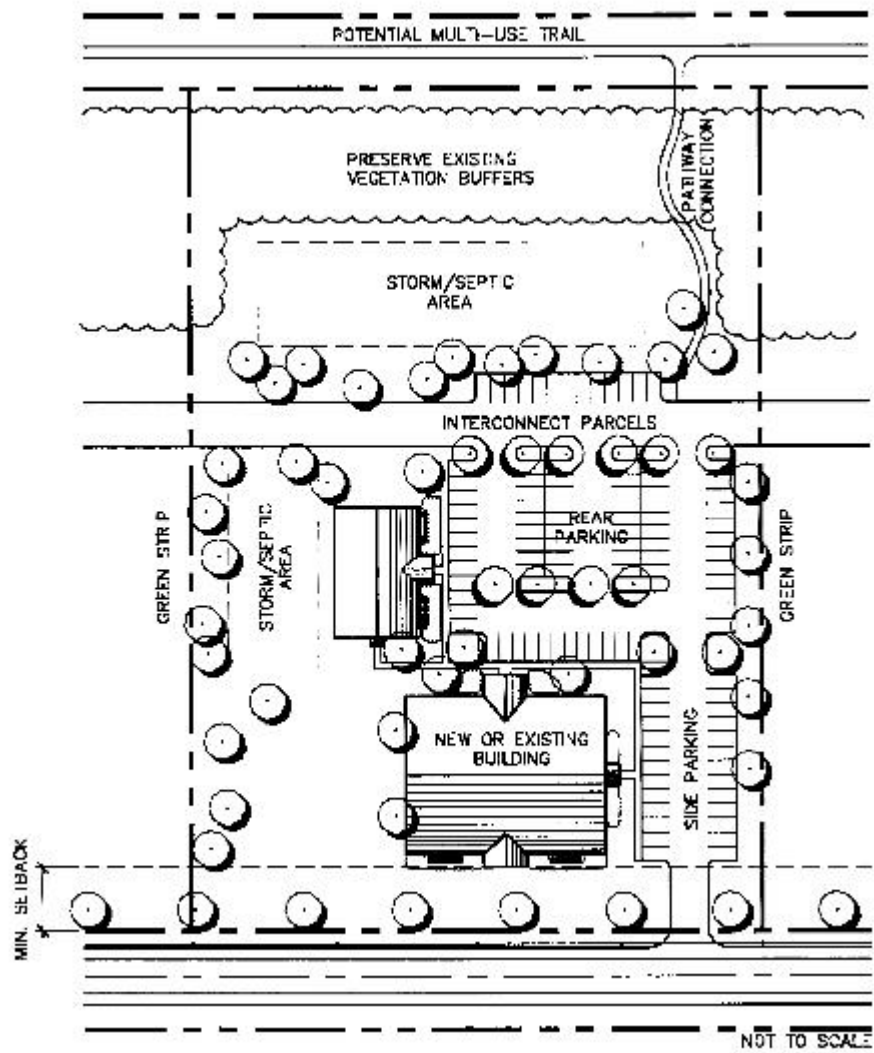
(1) Cross Section with Parking in Rear (RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Districts).



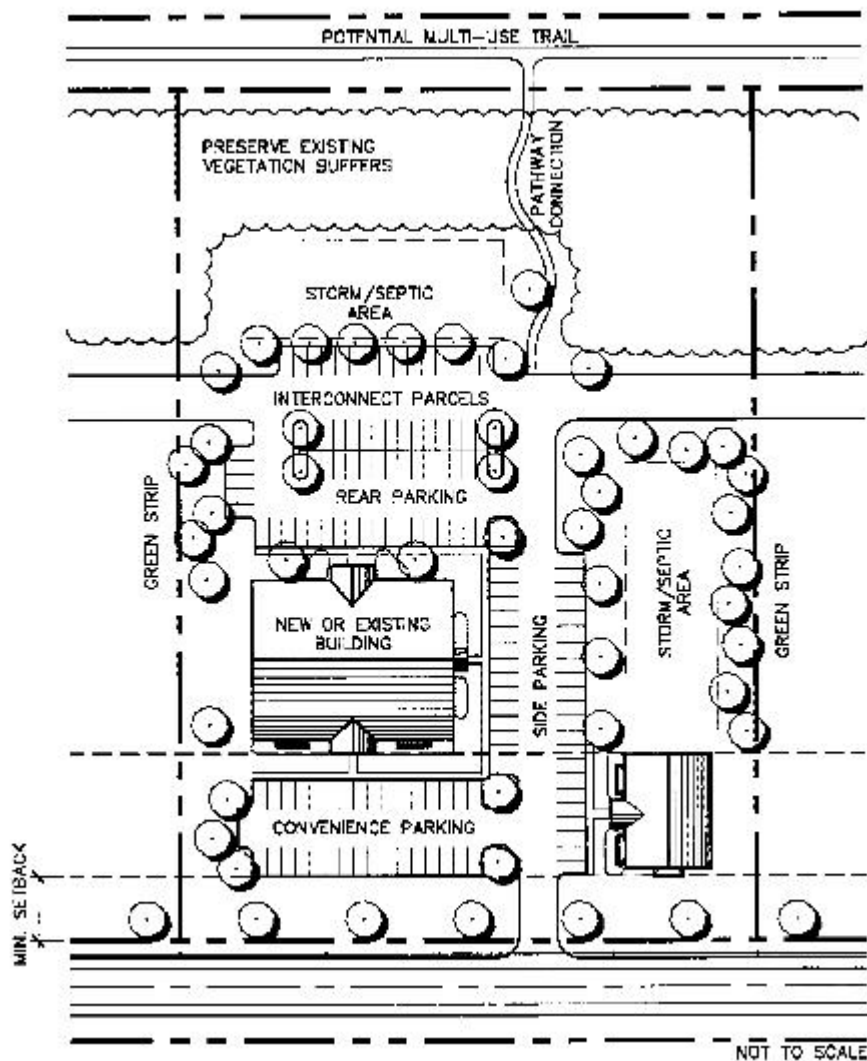
(2) Cross Section with Parking in Front (RB-1, RB-2, CR-1, C-2, CR-2, and C-3 Districts).



(3) Building Site Design with Side and Rear Parking (RB-1, RB-2, CR-1, C-2, CR-2, and C-3 Districts).



(4) Building Site Design with Front, Side and Rear Parking (RB-1, RB-2, CR-1, C-2, CR-2, and C-3 Districts).



## ARTICLE XXV. Special Permits

### § 129-175. Special permit review.

Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

A. Required plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.

B. Public hearing. A public hearing preceded by a ten-day legal notice shall be held as required to review any special use application.

C. Appropriate conditions and safeguards shall be established by the Zoning Board of Appeals, Town or Planning Board, as the case may be, as considered necessary or desirable in each case to avoid special uses that might be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. For each special use permit, the Zoning Board of Appeals, Town or Planning Board shall determine, in its judgment, that:

- (1) It is reasonably necessary for the public health or general interest or welfare.
- (2) It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
- (3) The off-street parking space required under § 129-161 of this chapter or where not specified is adequate to handle expected parking demands.
- (4) The neighborhood character and surrounding property values are reasonably safeguarded.
- (5) Undue traffic congestion or creation of a traffic hazard will not result.
- (6) Any other conditions or standards specified in this chapter and especially those listed for specific uses in § 129-176 of this article are fulfilled.
- (7) All governmental authorities having jurisdiction have given the necessary approval.

E. When issued, special permits may be granted for specified time limit but may be extended at the Zoning Board of Appeals, Town, or Planning Boards' discretion.

**§ 129-176. Standard requirements for specific uses.**

A. Automobile wrecking/junkyard.

- (1) Total area shall be screened so as to completely block internal view from any highway, street or property line.
- (2) All dismantling, wrecking, vehicle cutting, storage, buying, selling or similar type operations must take place at least 200 feet from any property line.

B. Commercial laundry or dry-cleaning facilities.

- (1) The applicant shall utilize a public or private water system or show, to the satisfaction of the Zoning Board of Appeals, Town, or Planning Board, the adequacy of an alternative water supply.
- (2) The proposed use shall be connected to the Saratoga County Sewer System.
- (3) All chemicals used in and by-products as a result of processing shall be clearly identified and disposal methods detailed. Safety plans in the event of an emergency related to any chemicals or by-products shall be submitted for review.
- (4) Chemicals and by-products related to the specific approved use may be stored on site until they are properly disposed. No company may store chemicals or by-products imported from any off-site processes or uses not specifically allowed in the special use permit.

C. Home occupation.

- (1) General requirements.
  - (a) The home occupation shall be carried on wholly within the principal or accessory structures and shall be clearly incidental and secondary to the use of the structure for residential purposes.
  - (b) Exterior displays or signs other than those permitted under Article XXVI, exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall be prohibited.

(c) Objectionable circumstances, as determined by the Town of Wilton or its agent, including those which are visual, together with dust, electrical disturbance, odors, heat or glare, shall not be produced.

**[Amended 7-2-1997]**

(d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

(e) Parking shall be provided off-street and shall not be located in front yards except for the first three cars.

(2) The home occupation shall be carried on only by a member of the family residing in the dwelling unit. One employee who is not part of the family is permitted in all districts except R-1 Residential.

(3) In the R-1 Residential District, the following additional requirements must be met:

(a) Home occupation can only be carried on by a resident family member and no employees are permitted.

(b) Prohibited are any home occupations which require or allow customers/clients to come to the home.

(4) A home office meeting the following requirements shall be permitted as a use accessory to the principal use of the property and not require the issuance of a special permit, provided that said principal use is a legal residential use:

**[Added 7-2-2002; amended 4-3-2003]**

(a) The office utilizes only a telephone, facsimile transmission machine, computer and other items accessory to this equipment.

(b) Only a resident family member operates the office, and no employees are permitted.

(c) No customers/clients come to the home.

(d) No deliveries are made to the residence for the office use.

(e) There is no storage of materials or products in the residence.

(f) No signage is allowed.

**D. Laboratories for industrial or scientific research.**

(1) All chemicals used in and by-products as a result of processing must be clearly identified and disposal methods detailed. Safety plans in the event of an emergency related to any chemicals or by-products must be submitted and reviewed by the local Fire Department and emergency medical services organization.

(2) Chemicals and by-products related to the specific approved use may be stored on site until they are properly disposed. No company may store chemicals or by-products imported from any off-site process or uses not specifically allowed in the special use permit.

**E. Pet cemetery.**

(1) Such use and operation shall be in conjunction with a veterinary hospital.

(2) Submission of a plot plan and a rendering of the proposed use shall be required.

(3) Natural buffers shall be placed between any adjacent residences and the cemetery.

(4) Site plan review and approval from the Wilton Planning Board shall be required.

(5) Aesthetic aspects shall be observed.

F. Printing and publishing.

(1) All chemicals used in and by-products as a result of processing shall be clearly identified and disposal methods detailed. Safety plans in the event of an emergency related to any chemicals or by-products shall be submitted for review.

(2) Chemicals and by-products related to the specific approved use may be stored on site until they are properly disposed. No company may store chemicals or by-products imported from any off-site processes or uses not specifically allowed in the special use permit.

G. Recreational vehicle and tenting campsite.

**[Amended 7-2-2002; 4-3-2003]**

(1) There shall be a minimum distance, no cut, nonbuildable, nondisturbance buffer, from any lot line to any campsite or roadway or structure, unless additional buffering is required by the Planning Board, as follows:

(a) Two hundred feet from an existing or proposed residential use.

(b) One hundred feet from any property line.

(2) There shall be a minimum distance of 25 feet between campsites.

(3) Such campsites shall meet with any requirements of the New York State Department of Health, New York State Department of Environmental Conservation and any other governmental body having jurisdiction.

(4) There shall be a minimum area of 2,000 square feet per campsite.

H. Senior living community.

(1) General requirements.

(a) A senior living community may include, for residents only:

[1] Living, dining, social, laundry, security and housekeeping facilities.

[2] Medical and dental services.

[3] Small retail shops for the sale of goods or rendering of personal services (i.e., hairdresser, banking, etc.).

[4] Central kitchen for food served in dining areas or distribution to individual dwelling accommodations and units.

(b) A senior living community may include, for residents and their guests:

[1] Indoor and outdoor recreation.

[2] Continuing education, crafts and hobbies.

[3] Restaurants.

(2) The community shall be served by public transportation or the community supplies transportation for residents who wish to leave the premises and return to them.

(3) Access to the community shall be directly from a federal, state or county highway.



(4) Said site shall be served by central water and sanitary sewer facilities.

(5) Density shall be limited to the total building coverage on the site.

**[Amended 2-1-2007]**

(6) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system.

**I. Service station.**

(1) A building containing at least one service bay shall be at least 100 feet from the street line or right-of-way.

(2) A masonry wall or fence and screen planting shall be required where abutting a residential district.

(3) No repair work shall be performed outdoors.

(4) Pumps and lubrication or other devices, including canopies, shall be located at least 100 feet from any street lines or highway rights-of-way.

(5) All vehicle parts, dismantled vehicles and similar articles shall be stored within a building.

(6) Vehicle repair service shops may be incorporated in the same building with other uses, provided that all state, local and other applicable building, fire and safety codes are met.

**J. Warehousing and distribution facilities.** Warehousing of chemicals or by-products not specifically generated on site from approved uses is prohibited.

**K. Public utilities.**

**[Added 6-6-1996]**

(1) Site plan. An applicant shall be required to submit a site plan in accordance with § 129-146. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

(2) Supporting documentation. The Planning Board and the Zoning Board of Appeals shall require that the site plan include a complete visual environmental assessment form and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board and the Zoning Board of Appeals may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this subsection and Subsections K(11) and (12) below.

(3) Shared use of existing facilities. At all times, shared use of existing facilities and structures shall be preferred to the construction of new facilities and structures. An applicant shall be required to present an adequate report inventorying existing public utility facilities/structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to proposed new structures.

(a) An applicant proposing to share use of existing facilities shall be required to document intent from an existing facility owner to allow shared use.

(b) The Board shall consider a new facility/structure where the applicant demonstrates that shared usage of an existing facility/structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing facilities/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

(4) Shared usage of site with new facility/structure. Where shared usage of an existing facility/structure is found to be impractical, the applicant shall investigate shared usage of an existing public utility site for its ability to accommodate a new facility/structure and accessory uses. Documentation and conditions shall be in accordance with Subsections K(3)(a) and (b) above. Any new facility/structure approved for an existing public utility site shall be subject to the standards of Subsections K(6) through (15) below.

(5) New facility/structure at a new location. The Board shall consider a new facility/structure on a site not previously developed with an existing facility/structure when the applicant demonstrates that shared usage of an existing public utility site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing public utility sites as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

(6) Future shared usage of new public utility sites. The applicant must examine the feasibility of designing a proposed public utility site to accommodate future demand for similar facilities. The scope of this analysis shall be determined by the Board. This requirement may be waived, provided that the applicant demonstrate that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon the kind of site and structure proposed.

(7) Setbacks for new public utilities. All proposed public utility structures/facilities and accessory structures shall be set back from property lines the distance set forth in the schedule for the underlying zoning district. Editor's Note: The zoning schedules are located at the end of this chapter.

(8) Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:

(a) A "Zone of Visibility Map," provided in order to determine locations where the facility/structure may be seen.

(b) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads, state and local parks.

(c) Assessment of alternative facility/structure designs and color schemes.

(d) Assessment of visual impact of the facility/structure, accessory buildings and overhead utility lines from abutting properties and streets.

(9) Sensory impact assessment. The Board shall require the applicant to undertake a sensory impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:

(a) Decibel levels to be produced "before and after" which are audible on adjacent properties, providing an example of a common noise at a similar decibel level.

(b) Assessment of alternative facility/structure designs which reduce any audio impact (i.e., the addition of acoustical materials, sound dampening devices, etc.).

(c) Assessment of audio impact of the facility/structure and accessory buildings from abutting properties and streets.

(d) Assessment of alternative facility/structure designs which reduce any olfactory impact (i.e., the addition of air filters, odor reducing devices, etc.).

(e) Assessment of olfactory impact of the facility/structure and accessory buildings from abutting properties and streets.

(10) New facility design. The design of a proposed new public utility facility/structure shall comply with the following:

(a) Unless specifically required by other regulations, all facilities/structures shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.

(b) Any new facility/structure shall have the minimum size needed to provide future shared usage.

(c) Artificial lighting of the facility/structure, unless specifically required by other regulations, shall be prohibited.

(d) The Board may request a review of the application by a qualified structural engineer for evaluation of need for and design of any new facility/structure.

(e) Accessory facilities shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

(f) No portion of any facility/structure or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.

(11) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.

(12) Screening. Deciduous or evergreen tree plantings may be required to screen portions of the facility/structure and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

(13) Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(14) Parking. A minimum of three parking spaces shall be provided. No parking spaces shall be located in any required yard.

(15) Fencing. Sites of proposed new public utility facilities/structures and sites where modifications to existing facilities/structures are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility. (Also see § 129-176L.)

(16) Removal. Obsolete or unused public utility facilities/structures and related structures shall be removed from any site within four months of discontinuance of use.

(17) Maintenance and/or performance bond. The Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of said public utility facility/structure(s) during its lifetime. The amount required shall be determined at the sole discretion of the Board, based upon the unique characteristics of the public utility facility/structure and site. The applicant and/or owner shall cooperate with the Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.

L. Telecommunication towers.

**[Added 6-6-1996]**

(1) Site plan. An applicant shall be required to submit a site plan in accordance with § 129-146. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

(2) Supporting documentation. The Planning Board and the Zoning Board of Appeals shall require that the site plan include a complete visual environmental assessment form and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board and the Zoning Board of Appeals may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this subsection and subsections L(10) and (11) below. The Board shall also require a copy of the certificate of need from the Public Service Commission.

(3) Shared use of existing towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.

(a) An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.

(b) The Board shall consider a new telecommunication tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

(4) Shared usage of site with new tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection L(3)(a) and (b) above. Any new telecommunication tower approved for an existing tower site shall be subject to the standards of Subsection L(6) through (14) below.

(5) New tower at a new location. The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of an existing tower site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use shall be provided.) Information regarding the required need for the new telecommunications tower shall be required in the form of empirical data illustrating said need.

(6) Future shared usage of new towers. The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Board. This requirement may be waived, provided that the applicant demonstrate that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:

(a) The number of Federal Communications Commission (FCC) licenses foreseeably available for the area.

(b) The kind of tower site and structure proposed.

(c) The number of existing and potential licenses without tower spaces.

(d) Available spaces on existing and approved towers.

(e) Potential adverse visual impact by tower designed for shared usage.

(7) Lot size and setbacks for new towers. All proposed telecommunication towers and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all icefall or debris from tower failure and preserve the privacy of the adjoining residential properties.

(a) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; if the land is to be leased the entire lot required shall be leased from a single parcel.

(b) All tower bases shall be located at a minimum setback from any property line at a minimum distance equal to 1 1/2 times the height of the tower.

(c) Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

(8) Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower to include:

(a) A "Zone of Visibility Map," provided in order to determine locations where the tower may be seen.

(b) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads, state and local parks.

(c) Assessment of alternative tower designs and color schemes.

(d) Assessment of visual impact of the tower base, accessory buildings and overhead utility lines from abutting properties and streets.

(9) New tower design. Alternate designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

- (a) All towers shall be of a self-supporting design which shall not require the installation of guy wires.
- (b) Unless specifically required by other regulations, all towers shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
- (c) The maximum height of any new tower, or any tower in existence intended to be used as a telecommunications tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
- (d) Any new tower shall have the minimum height needed to provide future shared usage, but artificial lighting of any kind shall be prohibited.
- (e) The Board may request a review of the application by a qualified engineer for evaluation of need for and design of any new tower.
- (f) Accessory facilities shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
- (g) No portion of any tower or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.

(10) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.

(11) Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

(12) Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(13) Parking. A minimum of three parking spaces shall be provided. No parking spaces shall be located in any required yard.

(14) Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility. (Also see § 129-176K.)

(15) Removal. Obsolete or unused towers and related structures shall be removed from any site within four months of discontinuance of use.

(16) Maintenance and/or performance bond. The Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime. The amount required shall be determined at the sole discretion of the Board, based upon the unique characteristics of the tower and site. The applicant and/or owner shall cooperate with the Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.

M. Apartment houses/multifamily dwellings.

**[Added 7-2-1997]**

(1) General requirements.

- (a) No apartment house/multifamily dwelling shall be constructed on less than 120,000 square feet.
- (b) Maximum density shall be no greater than eight units per one acre or 43,560 square feet.

**[Amended 2-1-2007]**

- (2) Said site shall be served by public central water and public sanitary sewer facilities.
- (3) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system when possible.
- (4) Minimum unit sizes shall be as follows:
  - (a) Studio (no bedroom): 500 square feet.
  - (b) One-bedroom: 600 square feet.
  - (c) Two-bedroom: 800 square feet.
  - (d) Three-bedroom: 950 square feet.
- (5) Where more than one building is constructed on a single property, the following minimum distances between buildings shall apply:

**[Amended 5-3-2001]**

- (a) The distance between residential buildings shall be a minimum of 50 feet.
- (b) The distance between residential buildings and accessory buildings shall be a minimum of 50 feet.
- (c) The distance between residential/accessory buildings and garage/storage buildings shall be as follows:
  - [1] Residential/accessory buildings and garage/storage buildings shall be separated by a minimum of 50 feet, except as noted in § 129-176M(5)(c)[2].
  - [2] Residential/accessory buildings and garage/storage buildings may be separated by a minimum of 20 feet, provided that any residential/accessory building which is less than 50 feet from any garage/storage building is equipped with a sprinkler system in conformance with the New York State Uniform Fire Prevention and Building Code.
  - [3] Garage/storage buildings shall be staggered (not immediately in front of, to the rear of and/or to the side of) in relation to residential/accessory buildings when separation distances are less than 50 feet. The purpose of the staggering of the buildings is to substantially offset the adjoining buildings so not to interfere with access to the apartment buildings for fire-fighting purposes and emergency services.
- (6) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each six parking spaces provided.
- (7) There shall be no more than eight individual dwelling units attached by common or party walls per floor in any building.

**N. Townhouses.**

**[Added 7-2-1997]**

- (1) General requirements.
  - (a) No townhouse shall be constructed on less than 120,000 square feet.

- (b) Maximum density shall be no greater than four units per one acre or 43,560 square feet.
- (2) Said site shall be served by public central water and sanitary public sewer facilities.
- (3) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system when possible.
- (4) Minimum unit sizes shall be 720 square feet and not less than 20 feet in width.
- (5) Where more than one building is constructed on a single property, there shall be a minimum of 50 feet between the buildings.
- (6) There shall be no more than six individual dwelling units attached by common or party walls per floor in any building.

O. Self-service storage facilities.

**[Added 7-2-1997; amended 12-1-2005]**

- (1) The use shall be limited to individual permanent storage compartments, and shall specifically exclude any commercial, garage, wholesale or retail sales.
- (2) All self-storage units shall be screened by a twenty-five-foot wide landscaped strip consisting of a densely planted barrier, as determined by the Planning Board, which limit the view of the structure. Front setbacks shall comply with current setback for underlying zone.
- (3) The exposed exterior walls of the proposed structure shall be of textured or masonry construction and of neutral tones.
- (4) The placement of storage containers is prohibited; self-storage units must have a permanent foundation.
- (5) Storage materials, including boats, vacant trailers, and vehicles shall be stored inside the self-storage facility.

P. Two-family dwellings and accessory apartments.

**[Added 7-2-1997]**

- (1) Buildings shall be designed and constructed in keeping with the character of the neighborhood.
- (2) Accessory apartments shall be designed so as not to be readily discernible as an additional dwelling unit.
- (3) Accessory apartments shall be a minimum of 500 square feet and a maximum of 800 square feet and shall be no more than 40% of the gross floor area of the main dwelling unit.

Q. Temporary mobile home uses for the intention of temporary and secondary dwellings to assist in resolving personal hardships.

**[Added 7-2-1997]**

- (1) Approval of both the Planning Board and the Zoning Board of Appeals is required.
- (2) Submission of photographic evidence or visual inspection by the Building Inspector is required to certify that the proposed mobile home is habitable and in good repair.
- (3) The mobile home shall be located on a temporary foundation and properly skirted.
- (4) All setback requirements shall be met.

(5) The Zoning Board of Appeals shall set a specific time limit to the special permit.

(6) There shall be compliance with the appropriate sections of Article VIII.

R. Schools.

**[Added 7-2-1997]**

(1) Schools and facilities approved by the New York State Department of Education shall be exempt from these regulations.

(2) A play/recreation area of at least 10 square feet per student shall be provided. This play/recreation area shall have a thirty-foot landscaped buffer between any adjacent properties and between the road right-of-way. Such buffer area shall contain screen plantings, as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer.

(3) Traffic circulation shall be arranged so as not to require students to walk across lanes of traffic.

(4) Buildings constructed in a residential area shall conform to the architectural character of the neighborhood.

S. Outdoor sales/automobile sales/mobile home sales.

**[Added 7-2-1997]**

(1) A thirty-foot landscaped buffer shall be required between the front yard setback and the road right-of-way. Such buffer area shall contain plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide visual enhancement of the site.

(2) Approved display areas may be located in the front yard upon approval of both the Zoning Board of Appeals and the Planning Board. This approved display area may limit the number and size of the items to be displayed.

(3) All storage shall be to the rear of the property, and a thirty-foot landscaped buffer shall be required between the storage area and any adjacent property. Such buffer area shall contain screen plantings of trees, hedges, shrubs, etc., to provide visual enhancement of the site. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to a landscaped buffer along any property line.

T. Kennels.

**[Added 7-2-1997]**

(1) Kennels are encouraged to be built in conjunction with veterinary hospitals and offices but shall not be excluded if this is not the case.

(2) A thirty-foot landscaped buffer shall be required along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to a landscaped buffer along any property line.

(3) Where animals are housed or boarded, a system for the disposal of animal waste shall be provided.

(4) Animal yards and runs, if provided, shall be screened and a maintenance plan provided to ensure that the area is cleaned of animal waste.

(5) Kennels shall not be allowed adjacent to residential development.

U. Adult uses.

**[Added 1-8-1998 by L.L. No. 1-1998]**



(1) Adult-oriented businesses shall be prohibited from locating within 500 feet of a residential use or a zoning district that permits residential use.

(2) Adult-oriented businesses shall be prohibited from locating within 1,000 feet of the property line of a school, day-care center, house of worship, public park, public or private recreation facility, community center or other public facility, motel or hotel, designated historic district, historic landmark or site or designated urban renewal area.

**[Amended 11-15-1999]**

(3) Adult-oriented businesses shall not be permitted to locate less than 500 feet from another such use, and not more than one adult-oriented business shall be permitted to locate within a single building or single lot.

(4) Adult-oriented businesses shall not exceed, in total, 2,500 square feet of floor area and cellar space not used for enclosed storage or mechanical equipment.

(5) Adult-oriented businesses shall be required to meet all other development standards and requirements of the laws of the Town of Wilton, including but not limited to district lot and bulk regulations, parking requirements, signage, facade and screening regulations.

(6) Adult-oriented businesses shall not be permitted in any building where a portion of the floor area of the building is in residential use, including nonconforming residential uses, a school, house of worship, public or private recreation facility, community center or other public facility, motel or hotel, historic landmark or site or designated urban renewal area.

(7) Adult-oriented businesses shall not be permitted to provide live entertainment on the premises which involves nude dancing that is lewd, indecent or grossly sexual in nature. This shall not be construed to include conduct of being nude that constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to, and necessary for, the conveyance or communication of a genuine message or public expression and is not a guise or pretense utilized to exploit nudity, nor shall it include conduct that is protected by the United States or New York State Constitution.

(8) The exterior appearance of any building containing an adult-oriented business shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.

(9) Adult-oriented businesses shall conform with all existing applicable sign regulations in addition to the following specific requirements:

(a) Signs which are illuminated in neon or which contain flashing lights shall be prohibited.

(b) Exterior signs, displays or other advertisements which contain nude, seminude or provocative pictures shall be prohibited.

(c) Interior signs, displays, posters or other advertisements which contain nude, seminude or provocative pictures shall be located a minimum of four feet from any window or door and shall not be visible from the exterior of the establishment.

(d) Permanent and/or temporary window and door signs shall not occupy more than 20% of each window or door.

(10) Special use permits granted to adult-oriented businesses shall be nontransferable and shall be subject to renewal by the Zoning Board of Appeals on an annual basis.

(11) Property owners within 1,000 feet of the location of a proposed adult-oriented business shall be notified in writing of the date, time and location of the public hearing.

V. Agricultural with animals; private stables.

**[Added 8-6-1998]**

(1) Slope of required pasture land shall be no greater than 15% with a minimum of one third being no greater than 5%.

(2) Pasture/fence line shall be a minimum of 30 feet from any property line and a minimum of 50 feet from any existing well.

(3) Pasture land shall be a minimum of 40,000 square feet for one to three animals, with an additional 13,000 square feet for each additional animal.

(4) Manure storage shall be located a minimum of 100 feet from any property line or a minimum of 200 feet from a property line when upgradient from existing wells.

(5) Manure shall be removed on a monthly basis, unless a concrete manure pit is installed.

(6) Pasture land shall be fenced with appropriate fencing. Details shall be shown on the plan.

(7) The floor of the barn/stable shall be impervious (e.g., clay soil, wood or concrete flooring). The bedding material on the floor of the barn/stable shall be cleaned out and removed on a weekly basis.

W. Places of worship/parish houses/rectories.

**[Added 11-15-1999]**

(1) Additional landscaping and buffering shall be required as follows:

(a) A thirty-foot-wide landscaped buffer shall be required along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to a landscaped buffer along any property line.

(b) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each eight parking spaces provided.

(2) Traffic circulation shall be arranged so as not to require pedestrians to walk across lanes of traffic.

(3) Buildings constructed in a residential area shall conform to the visual character of the neighborhood.

(4) Steeples may be allowed to exceed the thirty-five-foot height requirements if an automatic sprinkler is installed in the steeple.

(5) All entrances and exits to a place of worship shall be directly to a state or county highway, unless it can be demonstrated that access to a Town road is in the best interest of public safety, with the approval of both the Zoning Board of Appeals and the Planning Board.

**[Added 11-7-2002; amended 4-3-2003]**

X. Parks/playgrounds (privately owned).

**[Added 11-15-1999]**

(1) Additional landscaping and buffering shall be required as follows:

(a) A thirty-foot-wide landscaped buffer shall be required along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to a landscaped buffer along any property line.

(b) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each eight parking spaces provided.

(2) Any play/recreation area shall have a thirty-foot landscaped buffer between any adjacent properties and between the play/recreation area and the road right-of-way. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer.

(3) Traffic circulation shall be arranged so as not to require pedestrians to walk across lanes of traffic.

Y. Boarding of horses/riding stables.

**[Added 11-15-1999]**

(1) Slope of required pastureland shall be no greater than 15% with a minimum of 1/3 being no greater than 5%.

(2) Pasture/fence line shall be a minimum of 30 feet from any property line and a minimum of 50 feet from any existing well.

(3) Pastureland shall be a minimum of 40,000 square feet for one to four horses, with an additional 10,000 square feet for each additional horse.

(4) Manure storage shall be located a minimum of 100 feet from any property line or a minimum of 200 feet from a property line when upgradient from existing wells.

(5) Manure shall be removed on a biweekly basis, unless a concrete manure pit is installed.

(6) Pastureland shall be fenced with appropriate fencing. Details shall be shown on the site plan.

(7) The floor of the barn/stable shall be impervious, (e.g., clay soil, wood or concrete flooring). The bedding material on the floor of the barn/stable shall be cleaned out and removed on a weekly basis.

Z. Clubs/lodges/golf and country clubs.

**[Added 11-15-1999]**

(1) Additional landscaping and buffering shall be required as follows:

(a) A thirty-foot-wide buffer along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to the buffer along any property line.

(b) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each eight parking spaces provided.

(2) Traffic circulation should be arranged so as not to require pedestrians to walk across lanes of traffic.

(3) Buildings constructed in a residential area shall conform to the visual character of the neighborhood.

AA. Boardinghouses/tourist homes/bed-and-breakfast facilities.

**[Added 11-15-1999]**

(1) Buildings constructed in a residential area shall conform to the architectural character of the neighborhood.

(2) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system.

(3) Additional landscaping and buffering shall be required as follows:

(a) A thirty-foot-wide buffer along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and

sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to the buffer along any property line.

(b) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each eight parking spaces provided.

BB. Public libraries/museums.

**[Added 11-15-1999]**

(1) Additional landscaping and buffering shall be required as follows:

(a) A thirty-foot-wide buffer along the side and rear property lines. Such buffer area shall contain screen plantings as determined by the Planning Board, consisting of trees, hedges, shrubs, etc., to provide a visual and sound buffer. It shall be the option of either the Zoning Board of Appeals or the Planning Board to require fencing in addition to the buffer along any property line.

(2) In addition to all other parking regulations (see § 129-161), there shall be planted in the parking lot one tree for each eight parking spaces provided.

(3) Buildings constructed in a residential area shall conform to the visual character of the neighborhood.

(4) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system.

**§ 129-177. (Reserved)**

**§ 129-178. (Reserved)**

**§ 129-179. (Reserved)**

**ARTICLE XXVI. Signs**

**§ 129-180. Intent.**

This sign regulation is intended to:

A. Provide adequate-size signage for all sections of this chapter.

B. Allow sufficient representation for home occupation, real estate or temporary signs in noncommercial areas without detracting from the aesthetics of the neighborhood.

C. Stimulate an attractive, inoffensive sign environment in the community by requiring signs to meet certain aesthetic standards.

**§ 129-181. Sign requirements.**

A. No new signs shall be placed within 100 feet of the center of a stream, with the exception of informational, directional, public safety or regulatory signs which may be placed in such a location by any authorized federal, state or local government entity with the permission of the landowner where such signs are otherwise allowed by law, provided that no such sign shall exceed four square feet in size or a height of 10 feet.

B. Size and dimensions.

(1) Measurement of signs.

(a) All signs shall be measured by the outside dimensions of the sign board. Where individually mounted letters are used to make a sign, the sign shall be measured from the outermost portion of the letters on the right and left sides and the top and bottom of the sign, to include that area between the letters as part of the sign.

(b) Box or letter signs shall be considered as separate signs if the background area of the sign does not physically connect them.

(2) Said signs shall comply with the following provisions:

(a) Signs, attached. In any nonresidential district an attached sign shall be in proportion to the main building front and/or face. Said sign shall not exceed 15% of the building facade, where the sign is located, or 150 square feet, whichever is less. Attached signs shall be allowed only when the main entrance to a business or an industry exits to the building exterior, any other provisions of this article notwithstanding.

(b) Signs, detached.

[1] Maximum square footage for any detached sign in the C-1 Commercial, I-1 Industrial, C-2 Business/Light Industrial, C-3 Commercial/Light Industrial, CR-1 Commercial/Residential or CR-2 Commercial/Residential Zones shall be 75 square feet per side, not to exceed 150 total square feet. In no case shall the total of all signs, both attached and detached, exceed 250 square feet, except in the case where a parcel has frontage and an entrance on two different roads the total of all signs, both attached and detached, shall not exceed 350 square feet.

**[Amended 12-1-2005]**

[2] H-1 Hamlet District signs shall be 60 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 120 square feet.

**[Added 12-1-2005]**

[3] RB-1 Residential Business District signs shall be 40 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 200 square feet.

**[Amended 12-1-2005]**

[4] Plazas/multiple uses on one property. In the case where a property has multiple uses on a property in either one building or multiple buildings only one detached sign shall be allowed. The total square footage of this sign shall not exceed the area requirements. This square footage shall include the property/project name and the tenant signs.

**[Amended 12-1-2005]**

[5] In all cases where a parcel has frontage and an entrance on two or more roads, the number of allowable detached signs may be increased to two, but only if the signs are to be located at entrances located on each road.

**[Amended 12-1-2005]**

(3) Signs pertaining to a nonconforming commercial use located in a residential district shall not exceed 20 square feet per side and shall be limited to one sign per establishment.

(4) Signs for uses allowed as a special use shall be as follows, and only one freestanding sign shall be allowed:

(a) Home occupations: maximum square footage for any double-faced sign shall be one square foot per side, not to exceed two total square feet.

(b) Recreational vehicle/tenting campsites: maximum square footage for any double-faced sign shall be 32 square feet per side, not to exceed 64 total square feet.

(c) Senior living community: maximum square footage for any double-faced sign shall be 40 square feet per side, not to exceed 80 total square feet.

(d) Clubs/lodges and country clubs: maximum square footage for any double-faced sign shall be 16 square feet per side, not to exceed 32 total square feet.

(e) Boarding, tourist houses and bed-and-breakfasts: maximum square footage for any double-faced sign shall be four square feet per side, not to exceed eight total square feet.

(f) Apartment buildings: maximum square footage for any double-faced sign shall be 10 square feet per side, not to exceed 20 total square feet.

(g) Any church, school or similar publicly owned structure: maximum square footage of 24 square feet per single side is permitted.

#### C. Design.

(1) No more than two signs, which require a permit, are allowed per establishment. Except in the case where a parcel fronts on two different roads, no more than one attached sign and two detached signs shall be allowed.

(2) No detached sign shall be more than 20 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(3) No sign shall flash, produce glare, undue distraction or confusion or be a hazard to the surrounding area or to vehicular traffic.

(4) No sign shall extend above the roof or parapet of the building, including detached signs.

(5) Illuminated signs shall be shielded to reduce glare.

(6) Signs located on New York State Route 50 and New York State Route 9 shall conform to the New York State Route 50 Corridor Study and the Town of Wilton New York State Route 9 Corridor Landscaping Study as follows:

(a) Minimize freestanding signs. Those approved shall be in conformance with the Sign Ordinance.

(b) Simplify the signs as much as possible by the use of logos and other nonverbal symbols.

(c) Signs shall be compatible with the building architecture.

(d) All project signs shall be of like style and shall be part of an overall plan for the entire project.

(e) Sign illumination shall be minimized and only used to make the sign visible at night.

#### D. Specific regulations to sign types.

##### (1) Attached signs.

(a) Attached signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.

(b) Attached signs, except for certain electric signs, shall not extend more than six inches from the face of the buildings to which they are attached. Electric signs may extend a distance of up to 14 inches to accommodate the sign and a code-required transformer box; but in no case shall this transformer box extend more than eight inches from the face of the building to which it is attached or shall it extend beyond the face of the sign.

##### (2) Detached signs:

(a) No detached sign may be located less than 50 feet from any other detached sign.

(b) Detached signs shall be set back a minimum of 30 feet from the front property line.

(c) No detached sign shall extend over or into the public right-of-way nor shall it overhang the property lines.

**§ 129-182. Legal nonconforming signs.**

A. Signs eligible for characterization as legal nonconforming. Any sign located within the Town limits on the date of adoption of this article or located in an area annexed to the Town thereafter which does not conform with the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, provided that it also meets one of the following requirements:

(1) The sign was covered by a sign permit or variance on the date of adoption of this article, if one was required under applicable law; or

(2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this article.

B. Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(1) The sign is altered in any way in structure or copy, except for changeable copy signs and normal maintenance, which tends to or makes the sign less in compliance with the requirements of this article than it was before the alteration; or

(2) The sign is relocated to a position making it less in compliance with the requirements of this article.

(3) Upon the occurrence of any of the conditions in § 129-182B(1) or (2), the sign shall be immediately brought into compliance with this article with a new permit secured therefor or shall be removed.

**§ 129-183. Construction.**

General provisions:

A. All signs shall comply with applicable regulations of the Building Code.

B. All electrical signs shall be constructed in accordance with the standards of the National Electric Code.

C. All detached signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot.

D. All signs, including attached signs, shall be securely anchored and shall not swing or move in any manner.

E. All detached or attached signs shall employ acceptable safety material.

F. All signs shall be painted and/or fabricated in accordance with generally accepted standards.

G. All signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

**§ 129-184. Maintenance.**

A. Any sign and/or supporting structure, which becomes in disrepair, shall be removed from the site upon the order of the Building Inspector if not repaired after 30 days' notice. Any new sign shall conform to all regulations. A seasonal sign temporarily removed or covered shall not be considered in disrepair.

B. Abandoned signs. Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited and shall be removed by order of the Building Inspector.

C. All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

**§ 129-185. Temporary signs.**

The following signs shall be allowed without a permit, subject to the regulations contained herein:

A. Construction signs. One construction sign per construction project not exceeding 24 square feet per side in sign area in residential districts or 48 square feet per side in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed five days after completion of construction and prior-to occupancy.

B. Holiday signs. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, provided that such signs are not permanently displayed. Such signs shall be set back 10 feet from all boundary lines of the lot, provided that a clear area of 72 inches in height is maintained for a distance of 55 feet from the intersection of two streets, a railroad and a street or a street and driveway.

C. Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots. Said signs are subject to the following regulations:

(1) Said signs may be erected no earlier than 45 days prior to said election and shall be removed within five days following said election.

(2) In any zone, only one sign per candidate or measure is permitted on any one parcel of land. Said sign shall not exceed 32 square feet in aggregate area and, if detached, shall not exceed six feet in height. Said sign shall not be erected in such a manner as to constitute a roof sign. If there should be more than one tenant, each tenant shall be permitted the above allowed dimensions.

(3) Notwithstanding the provisions of this subsection, a sign may be placed upon any legally existing sign structure but not so as to cover an already existing current sign.

(4) No political sign shall be located within or over the public right-of-way.

D. Public notices. Official notices posted by public officers or employees in the performance of their duties.

E. Real estate signs. One real estate sign on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet per side in area and is removed within seven days after the sale, rental or lease has been accomplished.

F. Temporary signs. Temporary signs four square feet per side in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than 30 days before said event and are removed no more than five days after the event.

G. Banner/grand opening. These banners are limited to 100 square feet, one per business and shall not be displayed more than 30 days.

H. A-frame or sandwich board signs shall not be permitted in any district.

I. Portable signs shall not be permitted in any district.

J. Hot air balloons or helium balloons shall not be permitted in any district.

#### **§ 129-186. Unlawful signs.**

The following signs are prohibited:

A. Animated and intensely lighted signs. Except for time and temperature signs, no sign shall be permitted which is animated by means of flashing, blinking, or traveling lights or any other means not providing constant illumination, unless specifically permitted by special permit.

B. Moving signs. Except as otherwise provided in this article, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a nonstationary or fixed condition except for the rotation of barber poles, permissible changing signs or permissible multiprism units. Indexing multiprism units shall not exceed a speed of two complete revolutions every 20 seconds.



C. Public areas. No sign shall be permitted which is placed on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this article.

D. Unclassified signs.

(1) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character or which contain advertising matter, which is untruthful.

(2) Signs which are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by posting the name of the occupant or structure and the street address.

(3) Signs which operate or employ any motion-picture projection or media in conjunction with any advertisements or which have visible moving parts or any portion of which moves or give the illusion of motion except as permitted in this article.

(4) Signs that emit audible sound, odor or visible matter.

(5) Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words.

(6) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign or signal device.

(7) Off-premises signs or billboards shall not be permitted in any district. All signs shall be located on the same site that they identify or advertise. Off-premises directional signs for community activities and major attractions shall be permitted within the public right-of-way with approval from the Highway Superintendent.

(8) Roof signs shall not be permitted in any district.

(9) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering or revolving device. Such devices shall be prohibited even if they have no message or logo on them. Said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth. Exception for banners, grand opening only; see § 129-185G.

#### **§ 129-187. Permit requirements.**

A. Permit required.

(1) Permits required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Building Inspector. The fee for said permit is listed in Chapter 63. Every application for a sign permit shall be accompanied by scaled plans, showing the area of the sign, the position of the sign in relation to nearby buildings or structures, the location of the building, the structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued, but should the work authorized under the permit not be completed within one year after the date of issuance, the permit shall become null and void.

(2) The Building Inspector may issue a permit for a business sign, meeting the following requirements, in connection with any legal business or industry:

(a) Signs are located on the same premises as the business or industry.

(b) Signs shall be attached to the building or set back a minimum of 30 feet from the front property line.

(c) The primary purpose of the sign shall be for identification and may state the owner, trade names, trademarks, products sold and/or the business or activity conducted on the premises on which the sign is located.

(3) Permit exemptions. Signs identified in § 129-185 shall be exempt from sign permit requirements.

(4) Temporary signs not covered in § 129-185F will be limited to six months and not exceed 32 square feet.

B. A permit is not required for:

(1) Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business, by words or corporate symbolism, and do not exceed four square feet per side in area, signs identifying rest rooms, public telephones or walkways or signs providing direction, such as parking lot entrance and exit signs and those of similar nature with no more than one sign at an intersection.

(2) Flags. The flag, emblem or insignia of any nation or political subdivision.

(3) Government signs. Government signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public-service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

(4) House numbers, nameplates and lawn signs. House numbers, nameplates and lawn signs not exceeding two square feet per side in area for each residential building.

(5) Interior signs. Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building and signs for and located within the inner or outer lobby, court or entrance of any theater that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications required by the Town.

(6) Historical markers, tablets, statues, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material and emblems installed by governmental agencies or religious or nonprofit organizations, not exceeding six square feet per side.

(7) Notice bulletin boards. One notice bulletin board per lot not over 24 square feet per side in area for publicly owned or religious institutions where the same are located on the premises of said institution.

(8) "No trespassing" or "no dumping" signs. "No trespassing" or "no dumping signs" not to exceed 1 1/2 square feet per side in sign area.

(9) Plaques. Plaques or nameplate signs not more than two square feet per side in area, which are fastened directly to the building.

(10) Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected.

(11) Signs in the display window. Signs in the display window of retail businesses and restaurants that are in conjunction with a display of merchandise or a display relating to services.

(12) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four square feet per side in area and provided, further, that all such symbols, plaques and identification emblems shall be placed flat against a building.

(13) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed when the danger has subsided.

(14) Home occupation. One sign not more than one square foot per used side is allowed per home occupation.

(15) Private owner merchandise sale signs for garage sales and auctions, not exceeding four square feet per side for a period not exceeding seven days.

(16) At service stations, a sign attached on gasoline pumps displaying the price of fuel, not exceeding two square feet per side in area.

(17) Neighborhood Identification signs. In any zone, a sign, a masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name and be limited to four feet by six feet in area. Any sign requiring an extension of electricity will require a building permit.

**[Amended 7-3-2008]**

(18) Any person, with the permission of the landowner, may place in such a location a posting sign pursuant to and in conformity with §§ 11-2109 Editor's Note: Environmental Conservation Law § 11-2109 was repealed by L. 1194, c. 570, § 5, effective 7-26-1994. and 11-2111 of the Environmental Conservation Law, provided that no such sign shall exceed four square feet in size or 10 feet in height.

C. Penalty for failure to apply for sign permit. Any person who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit shall be considered in violation of a section or sections of this chapter pertaining thereto and shall be subject to prosecution according to § 129-251. Further, he/she shall be required, upon receipt of a written notice from the Building Inspector, to file an application for the necessary permit or permits and shall be required to pay fees as specified in Chapter 63. Any such sign shall be removed until a valid permit is obtained.

D. Unsafe or illegal signs

(1) If the Building Inspector finds that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this section, he/she shall give written notice to the violator thereof. If the violator fails to remove or alter the structure so as to comply with the standards set forth herein within 10 days after such notice, such sign or other advertising structure shall be removed or altered at the direction of the Building Inspector at the expense of the violator or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any violator or owner who refuses to pay costs so assessed. The Building Inspector, in addition to exercising any and all other remedies provided for in this chapter for a violation hereof, may, in addition, cause any sign or other advertising structure which is an immediate peril to the health or safety of persons or property to be removed summarily and without notice by Town employees. Any expense incident thereto shall be paid by the violator or owner of the building, structure or lot to which such sign is attached.

(2) Miscellaneous signs and posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of building, barns, or sheds or on trees, poles, posts, fence or other structures is prohibited unless otherwise permitted by this article.

**§ 129-188. Special permit signs.**

All types of signage not specifically covered in the foregoing sections shall require a special permit requiring approval of the Zoning Board of Appeals.

**§ 129-189. Fees.**

For permit fees, see Chapter 63, Fees.

**§ 129-190. Questions dealing with sign area.**

The Zoning Board of Appeals, who shall review the application as an interpretation of the Zoning Chapter, shall resolve any question on sign area, where the applicant disagrees with the decision of the Building Inspector.

**§ 129-191. (Reserved)**

**§ 129-192. (Reserved)**

**§ 129-193. (Reserved)**

**§ 129-194. (Reserved)**

**ARTICLE XXVII. Timber, Silviculture, Soil and Stream Regulations**

**§ 129-195. General requirements.**

**[Amended 4-5-2007]**

Activities requiring Planning Board review under this article are thereby subject to the Town of Wilton preliminary site plan approval regulations. No modification of existing stream channels, filling of lands or wetlands, grading, mining, or removal of vegetation or excavation of soils for the construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of the Zoning Ordinance. Where necessary, final site plan approval may require additional review and modification, the removal of unapproved site improvements or the revegetation of the site.

**§ 129-196. Timber harvesting and silvicultural practices.**

**[Amended 11-10-2005; 4-5-2007]**

A. Timber harvesting and silvicultural practices are hereby prohibited in any zoning district prior to the issuance of a timber harvesting or silvicultural permit, as outlined in § 129-199, or as otherwise presented under this article.

B. Timber harvesting shall be permissible within the vegetative buffer strip, provided for in § 129-198C(2), with the conditions that not more than 1/3 of the crown canopy is removed within any ten-year period.

C. The harvesting, cutting, culling, removal or thinning of vegetation on pasture and cultivated land devoted to agriculture within 50 feet of the center of a stream shall be allowed, provided that a riparian vegetative buffer strip consisting of woody shrubs or trees are retained sufficient to maintain the stability of the stream bank and minimize stream bank erosion and direct runoff to the stream.

D. The above cutting standards are in addition to and not exclusive of the standards detailed § 129-198 (Stream Resource Management.)

E. Refer to the NYSDEC Timber Harvesting BMP Manual for standards.

**§ 129-197. Soil disturbance; excavation, mining, removal and filling of lands.**

**[Amended 11-10-2005; 4-5-2007]**

A. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, mining, garbage, rubbish or other waste or by-products is hereby prohibited in any zoning district, except upon prior approval by the Planning Board or as otherwise presented under this chapter.

B. A certificate may be requested of the applicant which would entail filing a surety bond that is executed only by surety company authorized to do business in the State of New York. The amount of the bond shall be established by the Planning Board upon advice from the Town Engineer and shall be sufficient to rehabilitate the property upon default of the operator of the excavating or filling operations. Court costs and other reasonable expenses shall be covered by the applicant.

C. This regulation does not apply to normal soil removal for landscaping and general home improvements, basements or foundation work when a legal building permit has been previously issued by the Town of Wilton. When basement or foundation work is not completed within six months and if found by the Building Inspector to constitute an eyesore or hazard, it may be filled and the cost assessed to the property owner.

**§ 129-198. Stream resource management.**

A. Findings, objectives and applicability.

(1) Streams provide a variety of benefits, including drinking water, process and cooling water for industry, water for agriculture, a means for a community to assimilate its wastes, as well as habitat for fish and wildlife. Streams also provide a community open space amenity and recreational benefits.

(2) Aesthetically pleasing waters add to the quality of human experience. They also provide recreational opportunities, may enhance property values of adjoining properties (public and private), and provide focal points of interest in which a community can take pride.

**[Amended 11-10-2005]**

(3) The objectives of stream resource management are:

(a) Protection of the natural environment, including water quality, soil conservation, aquatic ecology (fisheries) and terrestrial ecology (wildlife).

(b) Protection of health and safety from flooding and storm damage.

(c) Improved cultural and economic environment through the protection of aesthetic conditions along streams.

(4) Stream resource management places primary emphasis on water quality protection and enhancement through the control of nonpoint sources of pollution, such as erosion and sedimentation, and on protection of natural and cultural resources in the stream corridor. Floodplain management places emphasis on the protection of people and structures from flood hazards. Floodplains are part of stream corridor and can serve as a buffer zone to filter the sediment and pollution produced by urbanization and other land use activities, such as agriculture or timber harvesting. Floodplains can also provide a margin of safety from flood and erosion hazards to adjacent populations.

**[Amended 11-10-2005]**

(5) The provisions of this section apply to the Snook Kill, Little Snook Kill, Delegan Brook and the Bog Meadow Brook. The streams leading to Lake Elizabeth and Loughberry Lake, as well as the lakes themselves, shall also be included.

**B. Highways and roads.**

(1) No new public road or private road shall be located within 100 feet of the center of the stream except for such roads as are necessary for crossing the stream.

(2) If there is no other vehicular access to a new or existing land use or development within the stream conservation corridor, a new private road shall be allowed, but only if such road is not open to the general public, if it is located at all points at least as far from the stream as the land use or development to which it shall provide access and if it is not located within 100 feet of the center of the stream. This is not to preclude crossing of streams to gain access to lands on the other side.

(3) Any new public or private road trail for motorized open space recreation uses or new private woods road and any new bridge associated with any such road or trail shall be so located, designed and constructed as to minimize its visibility from the stream, minimize alteration of the natural environment and avoid undue adverse environmental impact; shall be reasonable and necessary; and shall have its uses effectively restricted to those specified by the person undertaking such activity. Any bridges associated with such road or trail over the stream shall not interfere with the recreational use of the stream.

(4) Any bridge associated with a new trail for an open space recreational use shall be constructed of naturally occurring materials, such as wood and stone, to the extent feasible and shall not interfere with the recreational use of the stream.

(5) No new fills shall be placed within a minimum of 50 feet from the edge of the stream.

**[Amended 11-10-2005]**

**C. Structures.**

(1) New structures, whether above or below ground, other than fences, poles, bridges and fisherman parking areas, shall be constructed a minimum of 100 feet from the edge of the stream.

**[Amended 11-10-2005]**

(2) A buffer strip consistent with the following standards shall separate all new structures and septic systems, except for fences, poles, bridges and fisherman parking areas, from the stream:

[Amended 11-10-2005]

Slope of Land (degrees)	Width of Buffer Strip (Distance from Edge of Stream) (feet)
0	100
10	120
20	130
30	170
40	210
50	250
60	290
70	330
80	370
90	410
100	450

(3) Fences, poles, bridges and fisherman parking areas shall be constructed a minimum of 50 feet from the center of the stream.

(4) New structures and septic systems shall be designed and constructed so as to avoid undue adverse environmental impacts and in accord with erosion and stormwater control standards acceptable to the Planning Board of the Town of Wilton.

(5) No new fisherman parking shall be constructed unless it:

(a) Is reasonable and necessary.

(b) Shall not impede the natural flow of the stream.

(c) Shall be so located, designed and constructed as to minimize its intrusion into the water body and to avoid adverse environmental impact.

#### D. Utilities.

(1) Uses subject to review pursuant to Article VII or Article VIII of the Public Service Law shall be limited to locations where structures, support structures, lines, cables, pipes, equipment and accessories shall be substantially invisible from the stream. Except at stream crossings, such structures, support structures, lines, cables, pipes, equipment and accessories shall not be located within 100 feet of the center of the stream. In addition, such structures and facilities shall be located only where the impact on the scenic qualities of the stream corridor can be eliminated.

(2) New stream crossings by private or public utility uses shall be minimized and shall be limited to the extent feasible to those points along a stream corridor where crossings are now made, but in no case shall they be more frequent than once every 1,000 feet as measured along the course of the stream.

(3) A stream corridor utility use under these guidelines shall be located, designed and constructed so as to avoid undue adverse environmental impact and to minimize visibility from the stream and the stream corridor from structures, support structures, lines, cables, pipes and other associated equipment and accessories.

E. Signs.

(1) No new signs shall be placed within 100 feet of the center of a stream with the exception of the following:

(a) Informational, directional, public safety or regulatory signs may be placed in such a location by any authorized federal, state or local government entity with the permission of the landowner where such signs are otherwise allowed by law, provided that no such sign exceeds four square feet in size or a height of 10 feet.

(b) Any person, with the permission of the landowner, may place in such location a posting sign pursuant to and in conformity with §§ 11-2109 Editor's Note: Section 11-2109 was repealed L. 1994, c. 570, eff. 7-26-1994. and 11-2111 of the Environmental Conservation Law, provided that no such sign exceeds four square feet in size or a height of 10 feet.

**§ 129-199. Permit required.**

**[Amended 11-10-2005; 12-7-2006 by L.L. No. 4-2006; 4-5-2007]**

No person shall engage in any soil disturbing or timber harvesting activity, excluding silvicultural activities, which involves one or more acres without first obtaining a permit from the NYSDEC for discharges from construction activities, as per NYSDEC GP 02-01. A stormwater pollution prevention plan consistent with the requirements of §§ 129-205 through 129-210 of this chapter shall be required. The SWPPP shall meet the performance and design criteria and standards in § 129-206. The approved erosion control permit shall be consistent with the provisions of Article XXVIII of this chapter.

**§ 129-200. Permit issuance.**

A. Nothing contained in this chapter shall preclude soil disturbing and timber harvesting activities in the event of:

- (1) A bona fide emergency.
- (2) Authorized governmental activities.
- (3) The customary cultivation of farmland.
- (4) The removal of diseased vegetation or of rotten or damaged trees or of other vegetation that presents safety, environmental or health hazards.
- (5) The cutting of firewood by the owner of land for personal use in his own dwelling.

B. The Building Inspector shall issue a written permit to allow timber harvesting or soil disturbance practices on less than five acres of land, and silvicultural practices on more than one acre of land upon submission of all required information. The Building Inspector may impose limitations, conditions or other such criteria which shall be noted on the written permit. The following information shall be provided to the Building Department prior to permit issuance:

**[Amended 11-10-2005; 4-5-2007]**

- (1) The applicant shall notify adjoining property owners by certified mail, return receipt requested, prior to starting work. Proof of mailings shall be submitted to the Building Department.
- (2) Silvicultural practices shall be carried out as part of a silvicultural plan and overseen by a certified forester. A copy of this plan shall be submitted to the Building Department at the time of application.
- (3) The applicant must pledge that the operations carried out under the permit will conform to the Best Management Practices for Water Quality in New York State.
- (4) Timber harvesting activities, as opposed to silvicultural practices, are subject to a NYS DEC GP 02-01 SPDES permit for stormwater discharges from construction activities greater than one acre.

C. The Building Inspector shall issue a permit for timber harvesting or soil disturbance activities on five or more acres only with the consent of the Planning Board of the Town of Wilton. The Planning Board may give its consent only after giving consideration to the following:

**[Amended 11-10-2005; 4-5-2007]**

(1) Review of a sketch plan delineating the extent and amount of timber harvesting or soil disturbance activities and a general vicinity map presented by any person desiring to engage in such activities of five or more acres, whether on a single parcel or a series of adjacent or contiguous parcels.

(2) When indicated by the State Environmental Quality Review guidelines, the submission of an environmental assessment form shall be required.

(3) Timber harvesting activities, as opposed to silvicultural activities, are subject to a NYSDEC GP 02-01 SPDES permit for stormwater discharges from construction activities greater than one acre.

(4) At its discretion, the Planning Board may require a bond or letter of credit prior to the issuance of a permit to cover the cost of constructing and maintaining all soil erosion and sediment control measures which it deems necessary. The amount of the bond or letter of credit shall not exceed \$1,000 per acre.

(5) The applicant shall notify adjoining property owners by certified mail, return receipt requested, prior to starting work. Proof of mailings shall be submitted to the Building Department.

(6) Applicant must pledge that the operations carried out under the permit will conform to the Best Management Practices for Water Quality in New York State.

**§ 129-201. Penalties for offenses.**

Any person violating any provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$1,000 or by imprisonment in the County jail for not more than one year, or both, for each offense. When a violation of this chapter is continuous, each 24 hours thereof shall constitute a single, separate and distinct offense. The Town Board may also bring a civil action to restrain any violation of this article.

**§ 129-202. (Reserved)**

**§ 129-203. (Reserved)**

**§ 129-204. (Reserved)**

**ARTICLE XXVIII. Stormwater Control**

**[Added 12-7-2006 by L.L. No. 4-2006]**

**§ 129-205. Findings of fact; purpose; statutory authority; applicability; exceptions.**

In addition to this article, all development activities must comply with other applicable state and federal laws, including NYS SPDES GP-02-01.

A. Findings of fact. It is hereby determined that:

(1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;

(2) This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;

(3) Clearing and grading during construction tend to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;

(4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;



(5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

(6) Substantial economic losses can result from these adverse impacts on the waters of the municipality;

(7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

(8) The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

(9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

B. Purpose. The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in this section. This article seeks to meet those purposes by achieving the following objectives:

(1) Meet the requirements of minimum measures 4 and 5 of the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;

(2) Require land development activities to conform to the substantive requirements of the NYS SPDES General Permit for Construction Activities GP-02-01, or as amended or revised;

(3) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

(4) Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

(5) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

(6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

C. Statutory authority. In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Wilton has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Wilton and for the protection and enhancement of its physical environment. The Town of Wilton may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

D. Applicability.

(1) This article shall be applicable to all land development activities as defined in this chapter.

(2) The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

(a) Review the plans;

(b) Upon approval by the Town Board of the Town of Wilton, engage the services of a registered professional engineer (PE), registered landscape architect (RLA), or certified professional in erosion and sediment control

(CPESC) to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

(c) Accept the certification of a PE or RLA that the plans conform to the requirements of this article.

(3) All land development activities subject to review and approval by the Town Board, or other designated Board, of the Town of Wilton under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this article.

(4) All land development activities not subject to review as stated in Subsection D(3) shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this article.

E. Exemptions. The following activities may be exempt from review under this article:

(1) Agricultural activity as defined in this chapter.

(2) Silvicultural activity.

(3) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility, including road maintenance that does not disturb the soil, such as repaving.

(4) Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

(5) Any part of a subdivision if a plat for the subdivision has been approved by the Town of Wilton on or before the effective date of this article, but is still subject to the regulations set forth in SPDES GP-02-01.

(6) Land development activities for which a building permit has been approved on or before the effective date of this article.

(7) Individual cemetery graves.

(8) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(9) Emergency activity immediately necessary to protect life, property or natural resources.

(10) Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

(11) Landscaping and horticultural activities in connection with an existing structure.

#### **§ 129-206. Stormwater pollution prevention plans.**

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article. (See § 129-205E, Exemptions.)

B. Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including location, type and size of project;

(b) Site map/construction drawing(s) for the project, including a general location map at a scale that shows the relationship of the site to water resources. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity;

existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); site maps shall be at a scale no smaller than one inch equals 50 feet;

(c) Description of the soil(s) present at the site;

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance, and the total disturbed acreage of each phase. A site plan shall be at a scale that shows sufficient detail to illustrate the project phasing. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, not more than five acres shall be disturbed at any one time unless approved by the NYSDEC Regional Office pursuant to GP-02-01 and pursuant to an approved site plan;

(e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project closeout;

(h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins according to the NY Standards and Specifications for Erosion and Sediment Control;

(j) Temporary practices that will be converted to permanent control measures;

(k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(p) Any existing data that describes the stormwater runoff at the site.

(2) Land development activities as defined in this article and meeting Condition A, B, or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below, as applicable:

(a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

(b) Condition B: stormwater runoff from land development activities disturbing five or more acres.

(c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(3) SWPPP requirements for Conditions A, B, and C:

- (a) All information in § 129-206B(1) of this article;
- (b) Description of each postconstruction stormwater management practice;
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
- (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the water quality volume, stream channel protection volume, overbank flood control, and extreme flood control storm events as defined in this article;
- (e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;
- (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
- (h) In any case where the Town of Wilton will not take ownership of the stormwater facility, maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 129-208 of this article.

C. Plan certification. The SWPPP shall be prepared by a RLA, CPESC or PE and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this article.

D. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

E. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

#### **§ 129-207. Performance and design criteria.**

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, August 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

#### **§ 129-208. Maintenance and repair of stormwater facilities.**

A. Maintenance during construction.

(1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Quarterly reports must also be prepared. The quarterly reports shall be delivered to the Stormwater Management Officer. All inspection reports and quarterly reports shall be copied to the site logbook.

B. Stormwater management facility ownership. Proposed or future stormwater management facilities shall be dedicated to the Town of Wilton, or its designee, provided such facilities meet all the requirements of this article and § 109-35 of this Code and include adequate and perpetual access and sufficient area, by fee simple methods for stormwater management areas, and through dedication of roads, for inspection and regular maintenance.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall be operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 129-207B.

D. Maintenance agreements. In such a case where the Town of Wilton shall not be the owner of stormwater management facilities, the following shall apply. The Town of Wilton shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of the attached schedule, entitled "Sample Stormwater Control Facility Maintenance Agreement." Editor's Note: Said schedule is included at the end of this chapter.

#### **§ 129-209. Severability; when effective.**

A. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

B. Effective date. This article shall be effective upon filing with the office of the Secretary of State.

#### **§ 129-210. Administration and enforcement.**

A. Construction inspection.

(1) Erosion and sediment control inspection.

(a) The Town of Wilton Stormwater Management Officer may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Wilton enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- [1] Start of construction;
- [2] Installation of sediment and erosion control measures;
- [3] Completion of site clearing;
- [4] Completion of rough grading;
- [5] Completion of final grading;
- [6] Close of the construction season;
- [7] Completion of final landscaping;
- [8] Successful establishment of landscaping in public areas.

(b) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

(2) Stormwater management practice inspections. The Town of Wilton Stormwater Management Officer, or a designated qualified consultant (must be a PE, RLA, or CPESC), is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a PE or RLA.

(3) Inspection of stormwater facilities after project completion. In cases where the Town of Wilton shall not be the owner of stormwater management facilities, the following shall apply. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Inspections may be performed by local government staff, or the local government may designate an inspector required to be a PE, RLA, or CPESC. The designated inspector is required to submit a report of his or her findings to the local government.

(4) Submission of reports. The Town of Wilton Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.

(5) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Wilton the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection A(3).

B. Performance guarantee.

(1) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Wilton in its approval of the stormwater

pollution prevention plan, the Town of Wilton will require the applicant or developer to provide, prior to construction, the relevant fee per stormwater management area as stated in § 63-15E of the Town of Wilton Code.

**[Amended 7-3-2008]**

(2) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Wilton with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Wilton may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

(3) Recordkeeping. The Town of Wilton may require entities subject to this article to maintain records demonstrating compliance with this article.

**C. Enforcement and penalties.**

(1) Notice of violation. When the Town of Wilton determines that a land development activity is not being carried out in accordance with the requirements of this article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (a) The name and address of the landowner, developer or applicant;
- (b) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action;
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (f) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

(2) Stop-work orders. The Town of Wilton may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Wilton confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.

(3) Violations. Any land development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by law.

(4) Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

(5) Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this article, the Stormwater Management Officer may prevent the occupancy of said building or land.

(6) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Wilton may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

D. Fees for services. The Town of Wilton may require any person undertaking land development activities regulated by this article to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Wilton or performed by a third party for the Town of Wilton. See Chapter 63 of the Town of Wilton Code for the current fee schedule.

#### **ARTICLE XXIX. (Reserved)**

**§ 129-211. (Reserved)**

**§ 129-212. (Reserved)**

**§ 129-213. (Reserved)**

**§ 129-214. (Reserved)**

**§ 129-215. (Reserved)**

**§ 129-216. (Reserved)**

#### **ARTICLE XXX. (Reserved)**

**§ 129-217. (Reserved)**

**§ 129-218. (Reserved)**

**§ 129-219. (Reserved)**

**§ 129-220. (Reserved)**

**§ 129-221. (Reserved)**

**§ 129-222. (Reserved)**

#### **ARTICLE XXXI. (Reserved)**

**§ 129-223. (Reserved)**

**§ 129-224. (Reserved)**

**§ 129-225. (Reserved)**

**§ 129-226. (Reserved)**

**§ 129-227. (Reserved)**

**§ 129-228. (Reserved)**

#### **ARTICLE XXXII. (Reserved)**

**§ 129-229. (Reserved)**

**§ 129-230. (Reserved)**



**§ 129-231. (Reserved)**

**§ 129-232. (Reserved)**

**§ 129-233. (Reserved)**

**§ 129-234. (Reserved)**

**ARTICLE XXXIII. (Reserved)**

**§ 129-235. (Reserved)**

**§ 129-236. (Reserved)**

**§ 129-237. (Reserved)**

**§ 129-238. (Reserved)**

**§ 129-239. (Reserved)**

**ARTICLE XXXIV. (Reserved)**

**§ 129-240. (Reserved)**

**§ 129-241. (Reserved)**

**§ 129-242. (Reserved)**

**§ 129-243. (Reserved)**

**§ 129-244. (Reserved)**

**ARTICLE XXXV. Administration and Enforcement**

**§ 129-245. Enforcement.**

This chapter shall be enforced by the Building Inspector who shall be appointed by the Town Board. In case of a vacancy in the office of the Building Inspector, the Town Supervisor or his/her designated representative shall act as Building Inspector. No building permit or certificate of occupancy shall be issued by the Building Inspector except where all provisions of this chapter have been complied with.

**§ 129-246. Permits.**

A. Building permit. No building or dwelling unit shall be constructed, structurally altered, enlarged or moved where such construction, alteration or enlargement is in excess of \$2,000 (market value) and is not considered general maintenance unless a building permit for such action has been issued by the Building Inspector.

B. Conditional use permit. A conditional use permit for special purposes that do not fall under the requirements for a building permit or special use permit may be granted for the period up to 90 days by the Building Inspector upon the approval of the Town Board. This permit may be renewed by the Town Board for an additional 30 days.

**§ 129-247. Materials to be submitted with permit applications.**

A. Each application to the Building Inspector for a permit to erect a new building or structure or to enlarge or move an existing one shall be accompanied by a site plan showing the measurements of the lot and all buildings, setbacks and parking spaces, existing and proposed, the intended uses or uses of the land and buildings and plans for provision of essential services. In the case of nonresidential uses or multifamily uses, the documentation shall be the same as

required for the site plan review. For new construction, no building permit shall be issued unless the method of sewage disposal and water supply is approved by the appropriate governmental agencies.

B. Any other application for a building permit and any application for a special or conditional use permit shall be accompanied by a description of the intended use or uses of the land and buildings and such further details as the Building Inspector, Zoning Board of Appeals or any other board may require for a clear understanding of the case.

#### **§ 129-248. Certificate of compliance and occupancy.**

A. No commercial building or site hereafter erected, expanded, altered or in any way changed or modified shall be occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector and a certificate of site compliance shall have been issued by the Director of Planning and Engineering.

(1) Requirements for a certificate of occupancy are listed in Chapter 43 of the Code.

(2) A certificate of site compliance shall be issued only when all items on a site plan and any requirements of the Planning Board or of any other interested party shall have been satisfactorily completed.

B. A certificate of occupancy may be issued, at the discretion of the Building Inspector and with the approval of any other interested party, without a certificate of site compliance only if a suitable escrow account has been established with the Town.

(1) All escrow amounts collected by the Town of Wilton shall be placed in an escrow account.

(2) All escrow amounts shall be in an amount, approved by the Town, capable to complete any unfinished portion of the project.

(3) The Town shall be authorized to pay the costs for the completion of a project from the money on deposit in the account in order for the Town to defray the cost of completing any required work not completed by the owner/developer within a mutually agreed upon time period, determined at the establishment of said escrow account, but in no case longer than one year from the issuance of certificate of occupancy.

(4) Upon completion of the project, should moneys remain in the escrow account, they shall be returned to the owner/developer. If moneys on deposit prove to be insufficient for the completion of the project, the owner/developer shall be required to deposit moneys in an amount-sufficient to cover any additional expenses as may be required.

#### **§ 129-249. Zoning Board of Appeals.**

A. Creation, appointment and organization. A Zoning Board of Appeals shall consist of seven members appointed by the Town Board, who shall also designate the Chairman. The terms of office for all members of the Zoning Board of Appeals shall be seven years. The Zoning Board of Appeals shall appoint a Secretary and prescribe rules for the conduct of its affairs as provided by its bylaws.

B. Powers and duties. The Zoning Board of Appeals shall have the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows:

(1) Interpretation. To resolve any questions involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary, if there is uncertainty concerning such boundary.

(2) Special permits. The Zoning Board of Appeals shall issue all residential special permits, except for senior living communities, which shall be issued by the Town Board, and nonresidential special permits shall be issued by the Planning Board.

#### **[Amended 8-4-2005]**

(3) Variances. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. Any variances to an existing PUDD, such as, but not limited to,

adding other uses, shall be made by application to the Town Board and shall follow the PUDD approval process as outlined in the PUDD regulations contained in Article XXI of this chapter.

**[Amended 9-6-2007]**

(4) Procedure. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the ordinance involved and shall exactly define the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that should be granted, as the case may be. Before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals (except for residential area variances and residential special permits), the Secretary of said Board shall present to the Planning Board a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals a report of its advisory opinion on said application or appeal within 30 days of notification. Upon failure to submit such report, the Planning Board shall be considered to have approved the application or appeal.

**[Amended 11-7-2002]**

C. Alternate members.

**[Added 2-16-2005 by L.L. No. 2-2005]**

(1) Pursuant to § 267, Subdivision 11 of the Town Law, a town may enact a local law to expand the conditions under which alternate members of the Zoning Board of Appeals and the Planning Board may serve.

(a) A Town Board may by local law or ordinance or as part of the local law or ordinance creating the Zoning Board of Appeals and the Planning Board establish alternate member positions for purpose of substituting for a member in the event such member is absent, ill or unable to participate because of conflict of interest. Alternate members shall be appointed by resolution of the Town Board, for terms established by the Town Board.

(b) The Chairperson of the Zoning Board of Appeals and the Planning Board may designate an alternate member to substitute for a member when such member is absent, ill or unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals and Planning Board meeting at which the substitution is made.

(c) All provisions of this section relating to Zoning Board of Appeals and Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on the other boards, shall also apply to alternate members.

(2) This section would create one alternate position for the Zoning Board of Appeals and one alternate position for the Planning Board for a term of one year.

**§ 129-250. Special use permit classification.**

The issuance of special permits for special permitted uses shall be determined as follows:

A. Senior living communities shall be referred to the Town Board for the issuance of a special permit.

(1) When considering whether or not to grant said permit, the Town Board shall follow the guidelines set forth in §§ 129-175 and 129-176H and also consider the effect of the proposed development on the current and proposed Comprehensive Plans and any other relevant matters.

(2) The Town Board shall also refer the special permit application to the Town Planning Board for a site plan review.

(3) For fees, see Chapter 65.

B. Residential special permitted uses shall be referred to the Zoning Board of Appeals and nonresidential special permitted uses shall be referred to the Planning Board for the issuance of a special permit. The Zoning Board of Appeals, Town, and Planning Board shall follow the guidelines set forth in §§ 129-175 and 129-176.

**§ 129-251. Penalties for offenses; complaints.**

Editor's Note: See also § 129-201.

A. Any person who violates or causes to be violated any provision of this chapter shall be guilty of an offense and be punishable as follows:

(1) For a first offense, by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both.

(2) For a second offense, both of which were committed within a period of five years, by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both.

(3) For a third or subsequent offense, all of which occurred within a period of five years, by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.

B. Each day's continued violation shall constitute a separate additional violation.

C. Whenever a violation of this chapter occurs, any person may file a written and signed complaint in regard thereto. All such complaints shall be reported and filed with the Building Inspector, who shall properly record such complaint and immediately take appropriate corrective action.

**§ 129-252. (Reserved)**

**§ 129-253. (Reserved)**

**§ 129-254. (Reserved)**

**ARTICLE XXXVI. Amendments**

**§ 129-255. Amendments.**

A. The Town Board may, from time to time, on its own motion or on petition or on recommendation of the Planning Board or the Board of Appeals, after public notice and hearing, amend, supplement, change, modify or repeal this chapter, pursuant to the provisions of the Town Law applicable thereto.

B. Every such proposed amendment or change, whether initiated by the Town Board or by petition, may be referred to the Planning Board for report thereon. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place for a public hearing on the proposed amendments and cause notice to be given at least 10 days prior to the time and place of such hearing in a paper of general circulation in the Town.

**[Amended 11-7-2002]**

**§ 129-256. Referrals to county.**

In accordance with the General Municipal Law of New York State §§ 239-l and 239-m, all proposed zoning regulations or any amendment thereof which would change the district classification of or the regulations applying to real property lying within areas defined by the aforementioned section and proposed special permits or variances affecting lands or buildings within the defined areas shall be referred to the County Planning Agency of Saratoga County for review and comment prior to the final action by the appropriate Town body.

Attachments:

129a Table of Zoning Map Amend

129b Sch I Model PUD Local Law

129c Exhibit A Ord. No. 1 of 1989

129d Exhibit B Typical Parking Stall doc

129e Exhibit C Std Notes for Subdivision Plats

129f App Notif of Interested Landowners

129g Schedule A

129h Schedule B  
129i Schedule C  
129j Schedule D  
129k Schedule E  
129l Schedule F  
129m Schedule G  
129n Schedule H  
129o Schedule I  
129p Schedule J  
129q Schedule K  
129r Schedule L  
129s Schedule M  
129t Schedule N  
129u Schedule O  
129v Sample Stormwater Control

ETHICS AND DISCLOSURE

*9 Attachment 1*

**Town of Wilton**

**Code of Ethics Review Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Appointment: \_\_\_\_\_

I, the undersigned, hereby attest that I have reviewed the Code of Ethics provisions in the Town of Wilton Ethics and Disclosure Law.

I also attest that I understand the provisions of the code and, to the best of my knowledge, am not in violation of any of its precepts.

x \_\_\_\_\_  
Signature

## ETHICS AND DISCLOSURE

### *9 Attachment 2*

#### **Town of Wilton**

#### **Disclosure Statement**

I hereby submit the following disclosure statement under oath listing the assets, liabilities and sources of income for myself, my spouse and unemanipated children.

x \_\_\_\_\_  
Date of Statement

(a) General information.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Title: \_\_\_\_\_ Date of Appointment: \_\_\_\_\_

Your Principal Occupation and Employer: \_\_\_\_\_

\_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Occupation and Principal Employer of Spouse: \_\_\_\_\_

\_\_\_\_\_

- (b) Please list any office, trusteeship, directorship or position of any nature, whether compensated or uncompensated, held by you or your spouse with any proprietorship, partnership, corporation or other organization (presently or during the preceding 12 months) which does business with the Town of Wilton or has any matter pending before the Town Board, Planning Board or Zoning Board of Appeals:

\_\_\_\_\_

\_\_\_\_\_

WILTON CODE

- (c) Please list any occupation, trade, business or profession presently engaged in by you or your spouse (presently or during the preceding 12 months) which does business or has any matter pending with or is licensed or regulated by a town agency or department (indicate what town agency or department):

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- (d) Please list below all sources of income for you, your spouse or unemancipated children:

All compensated employment of whatever nature:

---

---

All directorships and other fiduciary positions for which compensation has or will be claimed:

---

---

All contractual arrangements producing or expecting to produce income:

---

---

All honorariums, lecture fees and other miscellaneous sources of income:

---

---

- (e) Please list below the name and address of any proprietorship, partnership or corporation doing business with the Town of Wilton or any instrumentality thereof in which you, your spouse or unemancipated children presently have or have had in the preceding 12 months an interest of 5% or more:

**Company Name**

**Address**

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>



## ETHICS AND DISCLOSURE

- (f) Please indicate below the location, general nature and acquisition date of any real property in the Town of Wilton in which direct, indirect, vested or contingent interest is held by you, your spouse or unemancipated children along with the names of all individuals or entities who share a direct or indirect interest therein:

Location	General Nature*	Acquisition Date	Individuals or Entities Sharing Interest
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\* Please specify if commercial, industrial, residential, farm or vacant.

- (g) Please list any direct or indirect interest, whether vested or contingent, of you, your spouse or unemancipated children in any contract made or executed by the Town of Wilton or any instrumentality thereof:

Instrumentality	Description of Interest and Nature of Contract
_____	_____
_____	_____
_____	_____

- (h) Please list below all notes and accounts receivable\* in excess of \$1,000 held by you or your spouse from any entity doing business with or having any matter considered before the Town of Wilton or any instrumentality thereof:

Name of Debtor	Type of Obligation, Date Due and Nature of Security, If Any
_____	_____
_____	_____
_____	_____

\* Deposit or investment accounts at banks, savings and loan associations, credit unions and investment firms do not constitute notes or accounts receivable.

## WILTON CODE

- (i) Please list below all liabilities (including the name of the creditor) of you and your spouse to any entity doing business with or having any matter considered by the Town of Wilton or any instrumentality thereof (do not include credit cards or ordinary consumer debt, such as automobile and mortgage loans, or ordinary and customary business loans from banks, savings and loan associations and credit unions):

Name of Debtor	Type of Obligation, Date Due and Nature of Security, If Any
_____	_____
_____	_____
_____	_____

- (j) Any additional information for which space is inadequate:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## ATTESTATION

I hereby certify that I have read the foregoing Disclosure Statement and the Addendum thereto (if applicable) and that, to the best of my knowledge and belief, they are true, correct and complete and that I have not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

x \_\_\_\_\_  
(Signed)

PEDDLING AND SOLICITING

*85 Attachment 1*

**Town of Wilton**

**Peddling and Soliciting Application**

Applicant's Name: \_\_\_\_\_

Male/Female: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ DOB: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_

Permanent Home Address: \_\_\_\_\_

Full Local Address: \_\_\_\_\_

Name of Employer/Firm/Company/Organization you are representing:

\_\_\_\_\_  
(Please submit credentials establishing your relationship to the above.)

What type of business is this? \_\_\_\_\_

What merchandise do you sell? \_\_\_\_\_

What service do you offer? \_\_\_\_\_

Please indicate the length of time you will be peddling/soliciting in the Town and in what geographic areas you will be peddling/soliciting: \_\_\_\_\_

\_\_\_\_\_  
Description and license number of the vehicle you will be using:

\_\_\_\_\_  
Where is the merchandise manufactured or produced?

\_\_\_\_\_  
Where is the merchandise now? \_\_\_\_\_

How will you deliver this merchandise? \_\_\_\_\_

## WILTON CODE

Please give two business references located in Saratoga County or New York State or some other evidence that you are of good character and a responsible business person:

---

Have you ever been convicted of any crime, felony or misdemeanor, or convicted of any violation of any municipal ordinance? \_\_\_\_\_

If so, what was the offense and what penalty or punishment did you receive?

---

Does your business involve "weighing" a product? \_\_\_\_\_

If yes, please attach a certificate from the New York State Sealer of Weights and Measures certifying that all weighing and measuring devices to be used have been examined and approved by that office.

Does your business involve the handling of food? \_\_\_\_\_

If yes, please attach a license from the New York State Health Department.

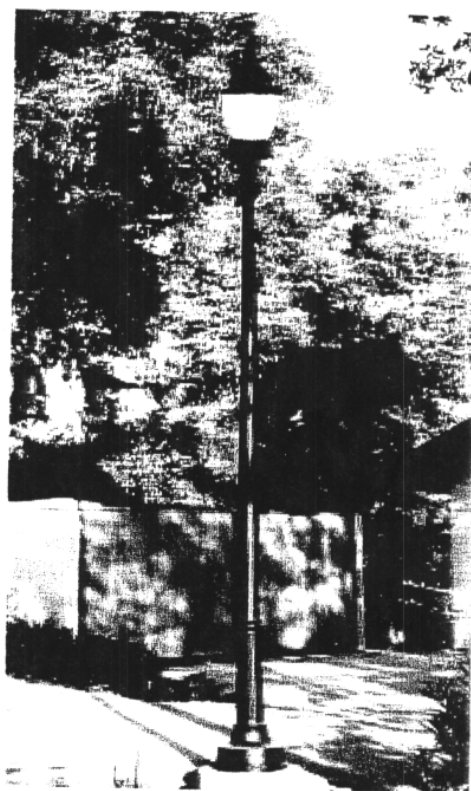
## SIDEWALK, PATHWAYS AND STREET LIGHTING

*107 Attachment 1*

### Town of Wilton

#### Sternberg Palmetto Luminaire

Lamp	Luminaire	Optical System	Voltage	Pole	Finish	Options
150 HPS	A453	RE3	120	2512	BK	HSS



## SUBDIVISION OF LAND

### *109 Attachment 1*

#### **Town of Wilton**

#### **Appendix Notification of Interested Landowners [Adopted 12-11-1986]**

##### **Section 1. Scope. [Amended 12-1-1988; 8-8-1991]**

The following shall be the Town policy regarding notification of certain interested landowners concerning all pending applications involving rezoning, variances, special permits, planned unit developments, all residential subdivisions, commercial and industrial site plans and any other application which would involve any change in the present Zoning Ordinance<sup>1</sup> with regard to land use.

##### **Section 2. Persons to be notified.**

This policy will require the applicant to forward notice of the public hearing by registered or certified mail, return receipt requested, to the following: all persons owning property contiguous to the affected parcel and across any street or public roadway from the affected parcel and any other property owners specifically designed by any Town board or agency.

##### **Section 3. Notification to be completed prior to hearing.**

The applicant must complete the notification process prior to the public hearing. As a general rule, the hearing should not take place until the notification has been completed to the satisfaction of the Town agency. If the notification process has not been strictly complied with due to no fault of the applicant, i.e., failure to notify a landowner who cannot be located, the Town agency may, at its own discretion, go ahead with the hearing.<sup>2</sup>

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<sup>1</sup> Editor's Note: See Ch. 129, Zoning.

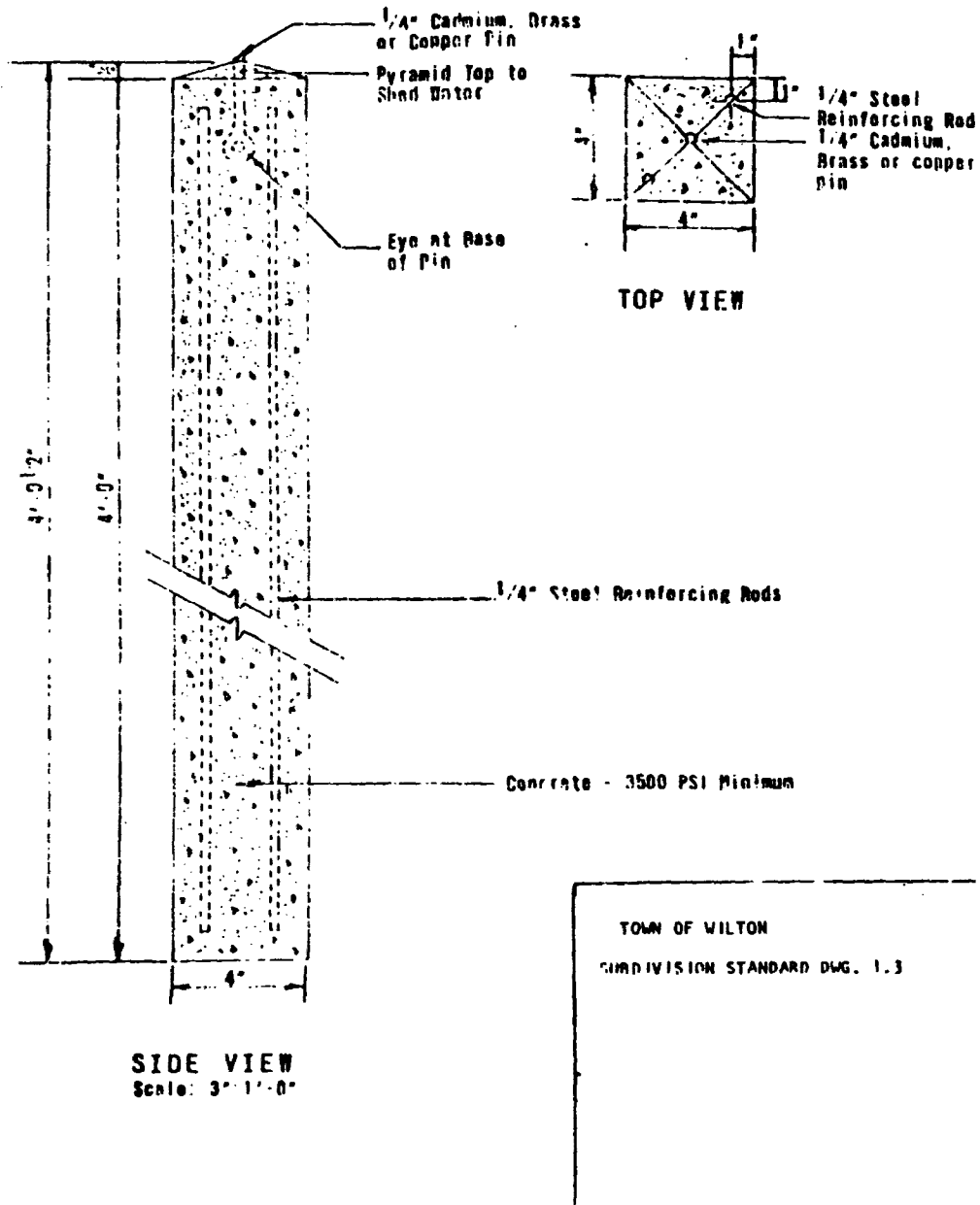
<sup>2</sup> Editor's Note: Former Section 4, Exception, which immediately followed this section, was repealed 12-7-1995.

SUBDIVISION OF LAND

109 Attachment 2

Town of Wilton

Subdivision Standard Drawing 1.3

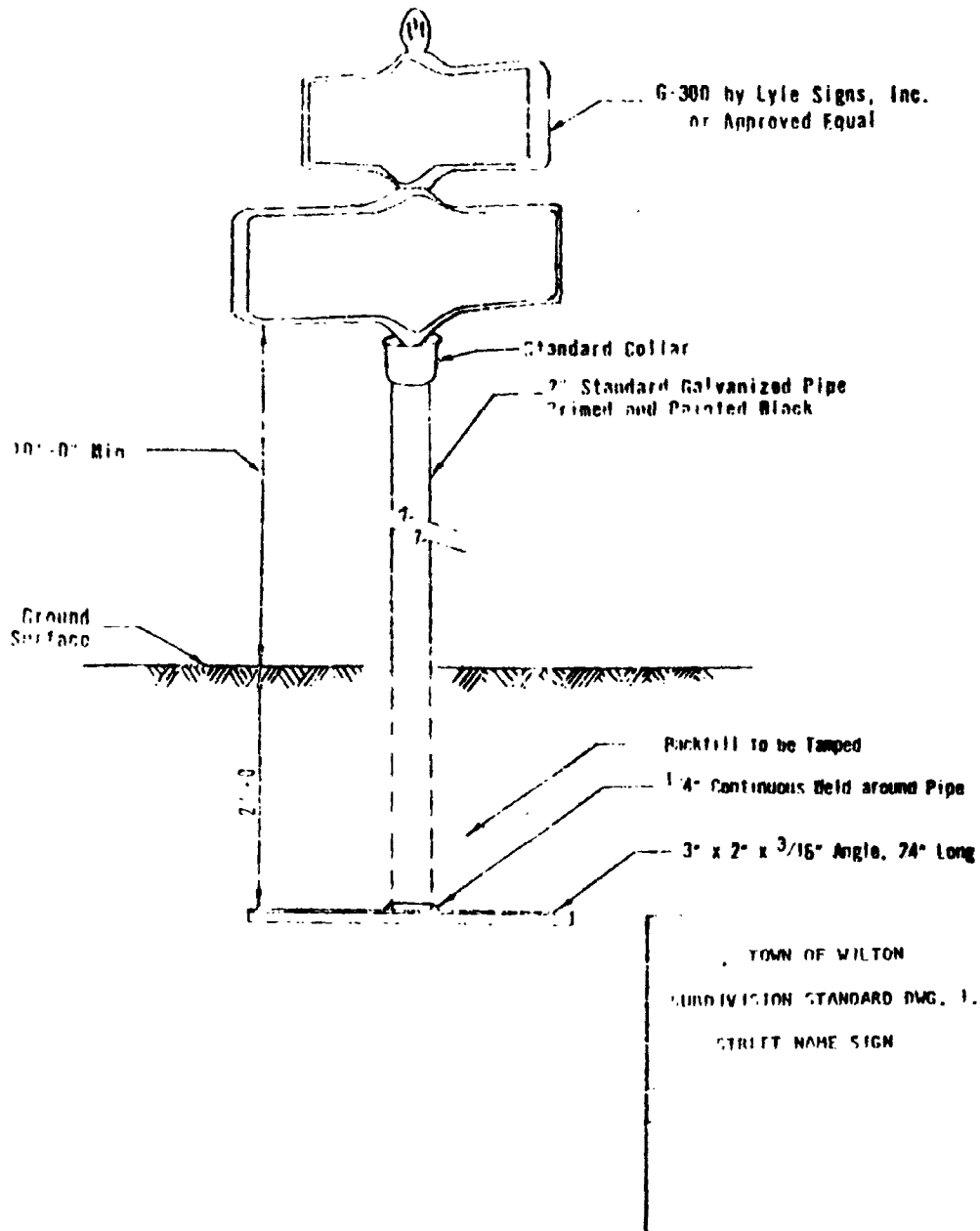


SUBDIVISION OF LAND

109 Attachment 3

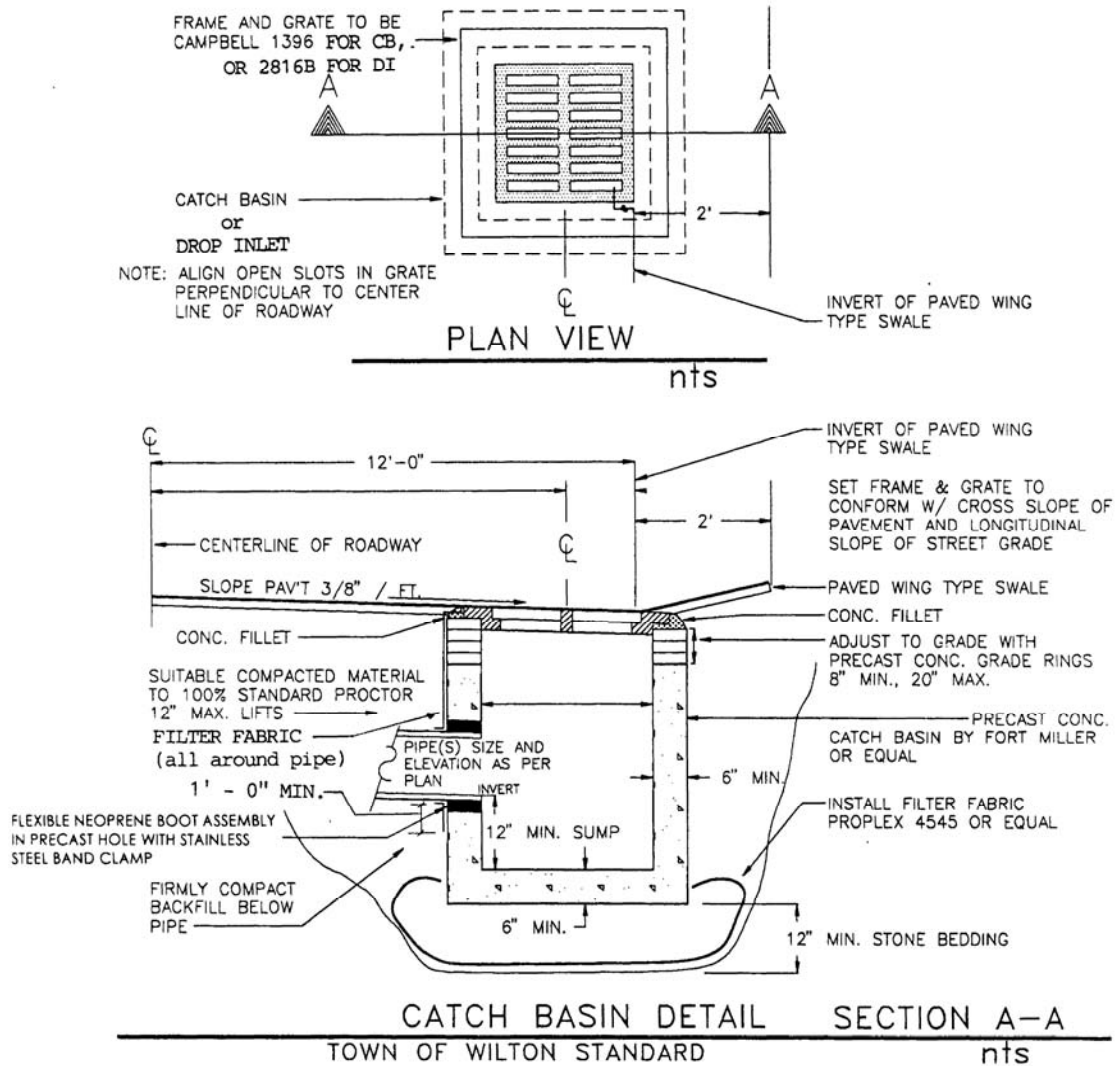
Town of Wilton

Subdivision Standard Drawing 1.6





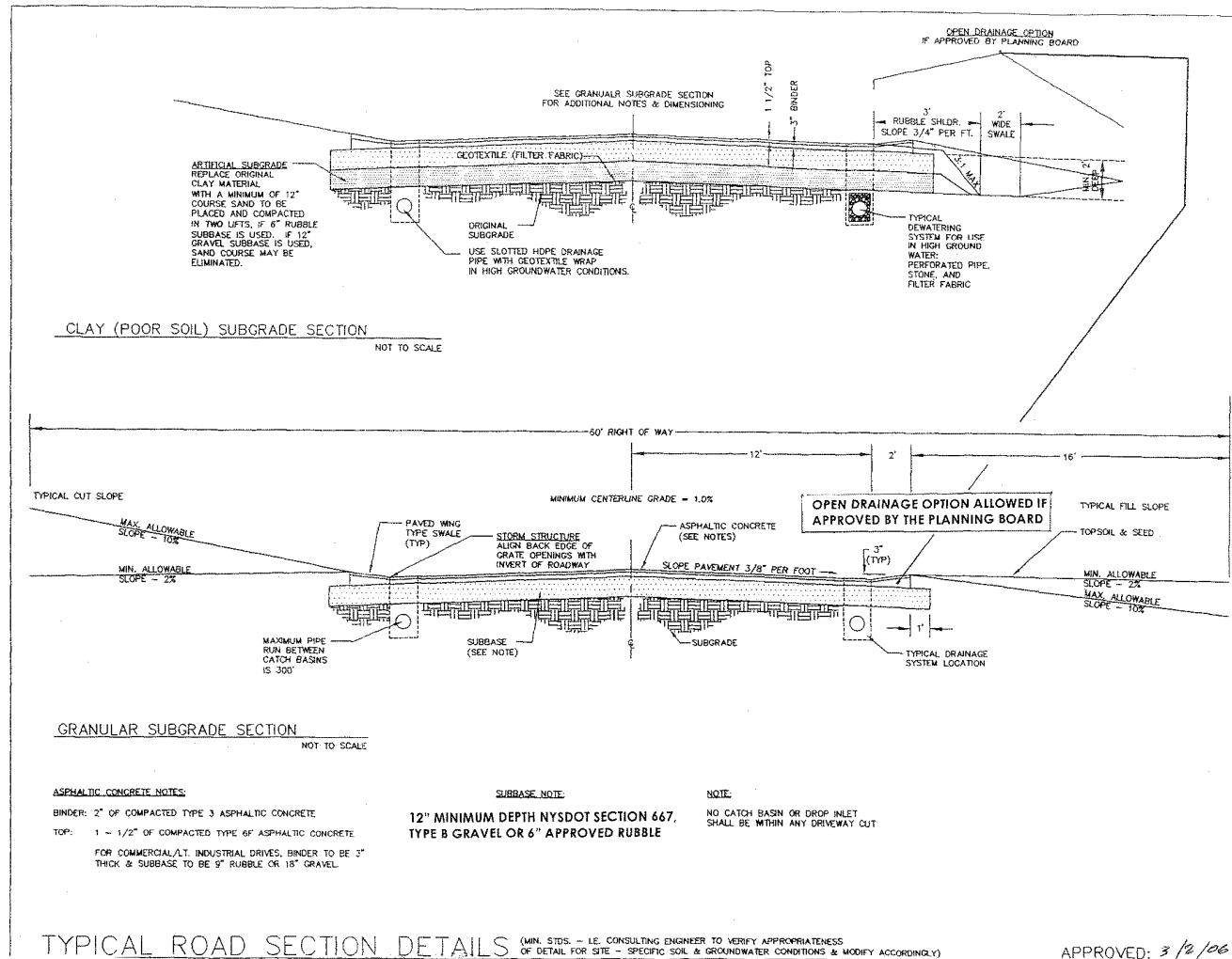
### Catch Basin Detail



# SUBDIVISION OF LAND

## 109 Attachment 5

### Town of Wilton Typical Road Section Details

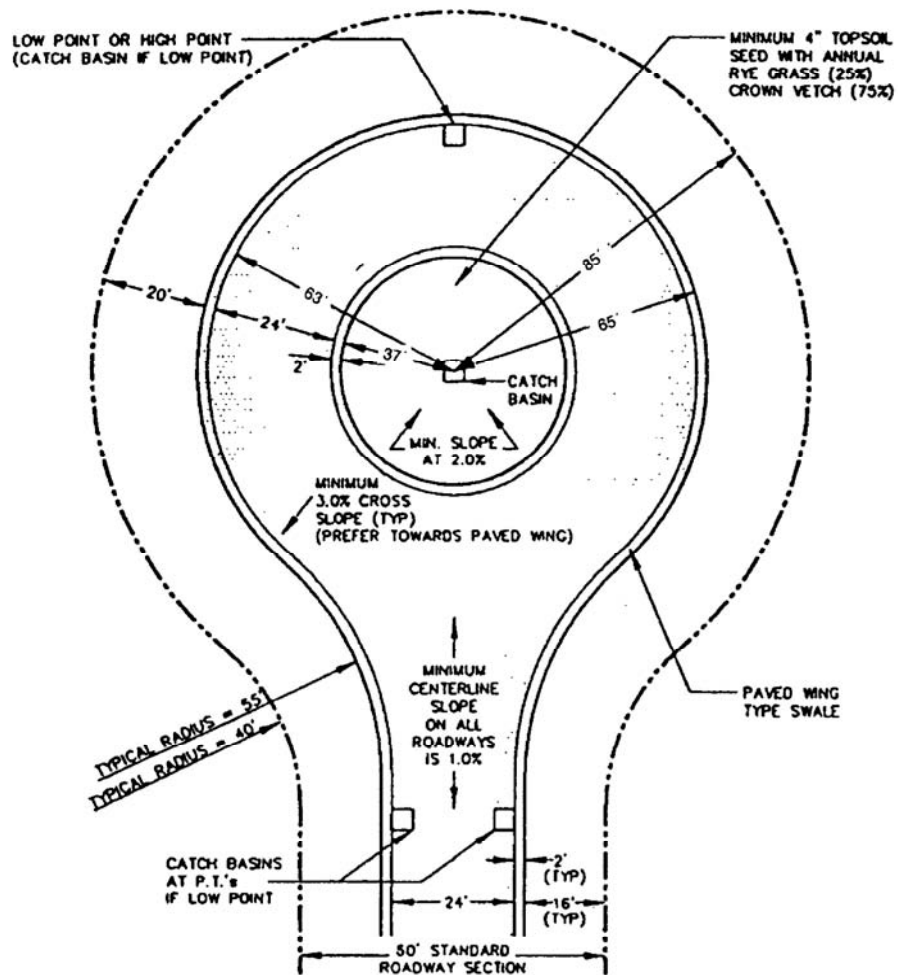


# SUBDIVISION OF LAND

109 Attachment 6

Town of Wilton

Typical Cul-de-Sac  
[Amended 8-4-2005]



## TYPICAL CUL-DE-SAC DETAIL

APPROVED: 6/1/95

PREPARED FOR: TOWN OF WILTON  
22 TRAVER ROAD  
GANSEVOORT, NY

PREPARED BY:



NOT TO SCALE

# SUBDIVISION OF LAND

109 Attachment 7

Town of Wilton

Road Specifications

**Table V-1**  
**Classification of Soils and Soil-Aggregate Mixtures**

General Classification	Granular Materials (35% or less passing 0.075 millimeter)							Silt-Clay Materials (more than 35% passing 0.075 millimeter)			
Group Classification	A-1		A-3	A-2				A-4	A-5	A-6	A-7
	A-1-a	A-1-b		A-2-4	A-2-5	A-2-6	A-2-7				A-7-5 <sup>1</sup> A-7-6 <sup>2</sup>
Sieve analysis, percent passing											
2.00 millimeter (No. 10)	50 max.	—	—	—	—	—	—	—	—	—	—
0.425 millimeter (No. 40)	30 max.	50 max.	51 min.	—	—	—	—	—	—	—	—
0.075 millimeter (No. 200)	15 max.	25 max.	10 max.	35 max.	35 max.	35 max.	35 max.	36 min.	36 min.	36 min.	36 min.
Characteristics of fraction passing 0.425 millimeter (No. 40)											
Liquid limit	—		—	40 max.	41 max.	40 max.	41 max.	40 max.	41 min.	40 max.	41 min.
Plasticity index	6 max.		N.P.	10 max.	10 max.	11 min.	11 min.	10 max.	10 max.	11 min.	11 min.
Usual types of significant constituent materials	Stone fragments, gravel and sand		Fine sand	Silty or clayey gravel and sand				Silty soils		Clayey soils	
General rating as subgrade	Excellent to good							Fair to poor			

NOTES:

<sup>1</sup> Plasticity index of A-7-5 subgroup is equal to or less than LL minus 30.

<sup>2</sup> Plasticity index of A-7-6 subgroup is greater than LL minus 30. (See Figure V-2.)

## ZONING

### *129 Attachment 1*

#### **Town of Wilton**

#### **Table of Zoning Map Amendments**

<b>Enactment Number</b>	<b>Adoption Date</b>	<b>Description</b>
	2-9-1976	R-1 to R-2
L.L. No. 1-1983	6-13-1983	R-1 to PUD (Pines of McGregor)
L.L. No. 1-1984	5-14-1984	R-2 to PUD (Mihaly's Apartments)
L.L. No. 2-1984	9-10-1984	R-2 to PUD (Country Acre Apartments)
L.L. No. 3-1985	8-19-1985	R-2 to PUD (Robert Waldron-Route 50)
L.L. No. 6-1985	10-21-1985	I-1 to PUD (William Morris Apartments)
L.L. No. 2-1986	3-6-1986	R-2 to PUD (Mihaly's Apartments)
L.L. No. 3-1986	6-5-1986	R-1 to PUD (Echo Valley)
L.L. No. 4-1986	7-10-1986	R-2 to PUD (Robert Waldron)
L.L. No. 4-1989	6-1-1989	R-1 to PUD (Curr-Ahee Veterans Housing)
L.L. No. 4-1990	4-19-1990	R-1 to PUD (The Greens at McGregor)
	7-2-1997	C-1 to CR-1 (along Route 9) and I-1 (corner of Northern Pines Road and Ballard Road)
	12-3-1998	I-1 to C-4 (Alton and Helen Purinton)
Res. No. 88	3-7-2002	C-4 to I-1 (125 North Road)
	5-2-2002	R-3CD to CR-1 (Tax Map Parcel No. 140.-3-10.11)
	6-6-2002	C-2 to C-1
	6-6-2002	Special permit to PUD and add to C-1
	12-1-2005	Create a new Hamlet District (H-1) to encompass much of what is now known as the Wilton Hamlet directly north of the intersection of Route 9 and Ballard Road
	12-1-2005	Extend existing C-4 district westerly along Ballard Road to encompass all of the existing C-1 district plus the single parcel directly north of the now C1 district

# WILTON CODE

<b>Enactment Number</b>	<b>Adoption Date</b>	<b>Description</b>
	12-1-2005	Create a new Hamlet area (H-1) at Gurn Springs south of Ballard Road and west of Traver Road extending 500 feet east of Traver Road and including the cemetery and church
	12-1-2005	Extend the existing C-3 zone north to encompass the single adjacent parcel between Ballard Road and the D & H Railroad
	12-1-2005	Extend the existing C-3 zone at Barnes Corners across Route 50 to encompass all parcels in the existing C-2 zone north of Route 50 and east of Edie Road, plus the single parcel bounding the corner of Route 50 on the south and Edie Road on the east
	12-1-2005	Change the C-2 zone to RB-1 Zone on the south side of Route 50 to a distance of 500 feet from Route 50 for all parcels except the PUDD, between the existing C-3 zone in the north to the existing C-1 zone in the south. On the north side of Route 50, change the name of C-2 zone to RB-1 Zone to better reflect the actual and intended character of the district
L.L. No. 2-2006	6-1-2006	H-1 to PUDD (Ridgeview Commons)
	3-1-2007	Change RB-1 to RB-2 where RB-1 exists behind the Jones Road/Route 50 Stewart's parking lot (Tooker parcel fronting Jones Road) and on the southeast side of Route 50

## ZONING

### *129 Attachment 2*

#### **Town of Wilton**

#### **Schedule 1<sup>1</sup> Model PUD Local Law**

As each planned unit development district requires an amendment to the Code of the Town of Wilton, adoption of a Planned Unit Development District (PUDD) requires a change to the existing Zoning Map and shall be accompanied by a local law approved by resolution of the Town Board. This model is provided as a guide to the applicant who will be responsible for preparation of the local law.

#### SECTION I: Title of proposed PUD District.

This local law shall be known as "Local Law No. \_\_\_\_\_ of 19 \_\_\_\_ of the Town of Wilton amending the Code of the Town of Wilton, as adopted \_\_\_\_\_, providing for the creation of a Planned Unit Development District to be known as \_\_\_\_\_."

SECTION II: The Code of the Town of Wilton, as adopted \_\_\_\_\_, and the Zoning Map of the Town of Wilton set forth therein and made a part thereof are amended by changing from the existing zoning districts \_\_\_\_\_ as hereinafter described and creating within the boundaries of said newly described area a planned development district to be known and described as \_\_\_\_\_.

SECTION III: The area of (name of PUDD) consists of approximately \_\_\_\_\_ acres in the Town of Wilton and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch plan), attached hereto and made a part hereof. The area is located (approximate) and bordered by (streets).

#### SECTION IV:

- A. A description of the uses allowed in the PUDD, by type, number and acreage, and a description of open space/recreation areas and any lands to be dedicated for public use.
- B. The sketch plan and the proposed uses are set forth in Appendix B and are in the office of the Town Clerk. The Town Board may amend the sketch plan after a public hearing.

SECTION V: An explanation of the manner in which the PUDD will be provided with water and sewer service.

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<sup>1</sup> Editor's Note: The title of this schedule was amended 3-6-2003. This ordinance also repealed former Schedule 1, Computation of Density Example: R-2 Zone.

## WILTON CODE

SECTION VI: Established construction standards for buildings and public improvements, i.e., plans to be approved by licensed architect or engineer. Construction shall comply with New York State Uniform Fire Prevention and Building Code. All construction shall be subject to inspection by Town Building Inspector, Town Engineer and Town Highway Superintendent.

SECTION VII: Construction to begin within \_\_\_\_\_ (months, years) of final approvals and issuance of all required permits; description of staging of development.

SECTION VIII: All roads, drainage easements and rights-of-way shall be constructed by the developer and shall be in accordance with the Town Building Code and Chapter 109, Town Subdivision Regulations, of the Code of the Town of Wilton, and shall be offered without cost to the Town of Wilton for public use.

SECTION IX: Dedication of open space/recreation areas to the Town or nonprofit entity (homeowners' association); dedication of lands for public use, i.e., schools, fire station, etc.

SECTION X: Uses permitted in PUDD are set forth in Appendix B. Statement that developer shall follow procedures of Chapter 129, Article XXIII Site Plan Review, of the Code of the Town of Wilton and Chapter 109, Town Subdivision Regulations, of the Code of the Town of Wilton; statement that no use shall be permitted except as approved by the Town Board as being in conformity with this local law.

SECTION XI: Submission of plans. The developer shall, in accordance Chapter 129, Article XXIII Site Plan Review, of the Code of the Town of Wilton and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

SECTION XII: This local law shall take effect immediately upon filing in the office of the Secretary of State.

In addition to the amendment to the Code of the Town of Wilton, PUDD applications shall be subject to the review process outlined in Chapter 129, Article XXI of the Code of the Town of Wilton.

\* Exhibit A following this model is a completed, fictitious PUDD amendment to be used as guidance for applicants.



## ZONING

### *129 Attachment 3*

#### **Exhibit A<sup>1</sup>**

#### **Local Law No. 1 of 1989**

A local law amending the code of the Town of Wilton. Providing for the creation of a Planned Unit Development District to be known as “Planned Unit Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.”

WHEREAS, because of the location of the site at the intersection of Routes 9 and 33, the Town Board has determined the proposed project is appropriate for the location and the change of area from a commercial zone to a Planned Unit Development District,

BE IT ORDAINED by the Town Board of the Town of Wilton as follows:

#### SECTION I

This local law shall be known as “No. 1 of 1989” and amends the Code of the Town of Wilton to provide for the creation of a Planned Unit Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.

#### SECTION II

The Code of the Town of Wilton and the Zoning Map of the Town of Wilton as set forth therein be and the same hereby are amended by changing the following described area as set forth below from C-1 Commercial District as such is now zoned and creating within the boundaries of said newly described area a Planned Unit Development District to be known and described as “Planned Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.”

#### SECTION III

The area of the Planned Unit Development District consists of 60.0, plus or minus, acres in the Town of Wilton and is bounded and described as set forth in Appendix A (legal description) attached hereto and made a part hereof.

#### SECTION IV

The McGregor Village Planned Unit Development District shall provide for the proposed construction of a retail factory outlet center with approximately 200,000 square feet of building area. The buildings, roads and other paved surfaces in the proposed development district will cover about 30.0, plus or minus, acres will be used for open space, buffer strips, landscaped areas and an on-site stormwater management area. The Planned Unit Development District will have parking for 912, plus or minus, cars. It will also have an on-site water supply system, a

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<sup>1</sup> Editor’s Note: This model is a completed, fictitious PUDD amendment to be used as guidance for applicants.

## WILTON CODE

connection to the county sewer system and a one-hundred-thousand-gallon underground water tank for water supply and fire protection. The developer to assure a compatible, aesthetically pleasing development in a colonial village atmosphere shall do the design, construction and maintenance of all buildings and landscaping within the development district.

Improvements to New York State Route 9 at the proposed site access road intersection to Saratoga County Route 33 at the proposed site access road intersection, to the intersection of New York State Route 9, Saratoga County 33 and Northern Pines Road, to the section of Route 33 between Interstate 87 and the proposed site access road and to the intersection of Saratoga County Route 33 and Interstate 87, including the ingress and egress systems at that intersection, as required by the New York State Department of Transportation after its review of the developer's traffic study, and as finally approved by the New York State Department of Transportation and the town's engineers, will be completed by the developer at its cost. The developer has also agreed to fund a long-range traffic improvement study to address transportation needs which may be induced as a result of the Planned Unit Development District and other area developments which this Planned Unit Development District may encourage and to pay its fair share of any transportation improvements which the long-range traffic improvements study concludes are needed. The amount necessary to fund the long-range traffic improvement study shall be determined by the Town Board of the Town of Wilton and paid to the Town of Wilton, which shall have the authority, in its sole discretion, to determine when the study will be done and who will complete it and shall have the ultimate authority, in its sole and reasonable discretion, to determine the fair share of the developer for any transportation improvements which the study concludes are needed. The amount initially contributed by the developer for the traffic improvement study shall be applied as a credit to reduce the amount of the developer's subsequent contribution toward its fair share of the cost of the traffic improvements, the total sum of which shall be borne by the various private developers involved and not by the town.

## SECTION V

The developer shall construct the project generally in accordance with the approved sketch plan, as approved by the Town of Wilton Planning Board and Town Board. However, the exact location and size of buildings, location of parking areas, green areas, pedestrian sidewalks and other related matters may be changed, altered or amended during the Town of Wilton Planning Board site plan review process. It is the intention of this provision to provide the developer with flexibility for a mixture of commercial/retail space. The sketch plan is not intended to limit the developer with respect to a specific number of buildings, specific location of buildings or parking lots or other related items customarily considered by the site plan review process.

## SECTION VI

The entire project shall consist of buildings not to exceed a total of 200,000 square feet. Parking spaces shall conform to the requirements established by the Town Planning Board during the site plan review process. The maximum building height of any building shall be 30 feet.

## ZONING

### SECTION VII

Prior to the issuance of building permits for the buildings within this district, the owner shall submit a site plan for approval by the Town Planning Board in accordance with Chapter 129, Article XXIII of the Code of the Town of Wilton. No building permits shall be issued without final approval of the site plan by the Town Planning Board. The specific details concerning the work allowed pursuant to such permits shall be established by the Planning Board during the site plan review process.

### SECTION VIII

A fifty-gallon-per-minute on-site production well and water system serving all buildings within the district shall supply water. Sanitary sewage shall be provided throughout the site during development, and permanent sewage disposal shall be provided by connection to the county sewer system. The developer shall provide the connection to the existing system.

### SECTION IX

All buildings shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code. A duly licensed engineer or architect shall approve all blueprints and building specifications. All construction shall be subject to the inspection and approval of the Town Building Inspector and Town Engineers. All buildings shall contain a fire alarm system having direct alarm connection to the appropriate fire company and/or fire control center. All buildings shall be equipped with sprinklers in accordance with New York State Fire Prevention and Building Code and the standards of the National Fire Protection Association. Fire hydrants shall be installed in accordance with appropriate standards and codes.

### SECTION X

All utilities shall be installed underground.

### SECTION XI

No outside storage of any products or equipment shall be permitted on the subject premises.

### SECTION XII

The uses of the commercial and/or retail buildings to be constructed within this district shall be those permitted by the current Code of the Town of Wilton for commercial or retail use, provided that amusement/video arcades, laundromats and car washes shall not be permitted.

## WILTON CODE

### SECTION XIII

All signs within the district shall comply with the requirements established by the Planning Board during site plan review.

### SECTION XIV

The developer shall file bonds or letters of credit in the amounts established by the Town Planning Board and acceptable as to amount and form to the Town Engineers and Town Attorney to guarantee the following:

- A. The return of the site to its original condition after clearing and grading, should this be deemed necessary by the Planning Board.
- B. The satisfactory completion of the roads and other infrastructure for the project.
- C. The satisfactory completion and maintenance of landscaping on the project site.

The bonds or letters of credit shall be filed for the period of time to be determined by the Planning Board.

### SECTION XV

No buildings, roads or other paved surfaces shall be constructed within the one-hundred-foot setback from the right-of-way as required by the Town of Wilton.

### SECTION XVI

All roads, drainage easements and related rights-of-way shall be constructed and/or located by the developer in accordance with the requirements of the town, shall be approved by the Town Engineers and shall be offered without cost to the Town of Wilton.

### SECTION XVII

Fifty parking spaces shall be set aside by the developer for use by the Town of Wilton's Park and Ride Program.

### SECTION XVIII

This local law shall take effect immediately upon filing in the office of the Secretary of State.



## ZONING

### 129 Attachment 5

#### **TOWN OF WILTON STANDARD NOTES FOR SUBDIVISION PLATS**

*(Last Revised 6/17/03)*

1. The developer shall furnish each purchaser of a lot with a copy of the approved subdivision plat.
2. The developer shall furnish each purchaser of a lot on which water supply and/or sewage treatment facilities were installed with a reproduction of the approved plans and an accurate as-built plan depicting all installed sanitary facilities.
3. The developer shall furnish each purchaser of a lot on which there was not water supply and/or sewage treatment facilities installed with a reproduction of the approved plans and shall notify the purchaser of the necessity of installing such facilities in accordance with the approved plans.
4. The sanitary facilities on these lots shall be inspected for compliance with the approved plans at the time of construction by a New York licensed professional (P.E., R.A. or exempt L.S.) and written certification to that effect shall be submitted to the NYSDOH – Glens Falls District Office and the Town of Wilton Building Code Enforcement Office within 30 days and prior to occupancy. This applies to both water supply and wastewater treatment systems.
5. Individual wells and sewage treatment systems shall no longer be constructed or used for household domestic purposes when public facilities become available. Connection to the public sewerage system is required within one year of the system(s) becoming available.
6. Before issuance of a Building Permit for each lot, the permanent well shall be sampled by an independent testing laboratory and successfully tested for water flow and coliform bacteria, per NYSDOH standards. Results shall be forwarded to the Town of Wilton Building Department.
7. Certification of seasonal high groundwater elevation by a licensed professional (P.E. or P.L.S.) indicating: The basement or slab elevation of all buildings is required to be a minimum of three (3) feet above the seasonal high groundwater table elevation. All buildings constructed with a basement or slab elevation between three (3) and five (5) feet above the seasonal high groundwater table elevation shall be equipped with sump pumps which discharge to a closed drainage system or an adequate outfall as approved by the licensed professional and the Building Inspector of the Town of Wilton.
8. All lots shall be graded to ensure positive drainage away from all structures. No isolated low areas shall be created unless designed as such. The drainage patterns created shall not adversely affect adjoining properties or downstream drainage facilities.
9. One-half (1/2) of the total Traffic Mitigation Fee is due before final approval and the final one-half (1/2) is due before issuance of the first Building Permit for subdivisions with 10 or more total lots. For all other subdivisions, the total Traffic Mitigation Fee is due before final approval.
10. This property may border a farm as defined in the Town of Wilton's Right to Farm Law. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise, and vibration.

## ZONING

### *129 Attachment 6*

#### **Town of Wilton**

#### **Appendix Notification of Interested Landowners [Adopted 6-6-1996<sup>1</sup>]**

##### § 1. Scope.

The following shall be the town policy regarding notification of certain interested landowners concerning all pending applications involving rezoning, variances, special permits, planned unit developments, residential subdivisions, commercial and industrial site plans and any other application which may involve any change in the present Zoning Ordinance with regard to land use.

##### § 2. Persons to be notified.

This policy shall require the applicant to forward notice of the public hearing by registered or certified mail, return receipt requested, to the following:

- A. All persons owning property contiguous to the affected parcel.
- B. All persons owning property across any street or public roadway from the affected parcel.
- C. Any other property owners or persons specifically designated by any town board or agency.

##### § 3. Timing of notification.

As a general rule, the public hearing shall not take place until proof of notification (return receipts) has been provided to the town, prior to the public hearing, and notification has been done to the satisfaction of the town. If the notification process has not been strictly complied with due to no fault of the applicant, i.e., failure to notify a landowner who cannot be located, the town agency may, at its own discretion, allow the public hearing to take place.

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<sup>1</sup> Editor's Note: This resolution superseded the former provisions regarding notification of interested landowners adopted 12-11-1986, as amended.

# ZONING

## 129 Attachment 7

### Town of Wilton

#### Schedule A R-1 Residential District [Amended 12-1-2005; 3-2-2006]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet)	Minimum Yard Dimensions (feet)			Minimum Floor Area (square feet)
					Front	Side	Rear	
Dwelling, one-family								720
Municipal water and sewer	20,000 <sup>1</sup>	100 <sup>2</sup>	35%	35	50	20	50	
Municipal water or sewer	30,000	150	35%	35	50	25	50	
No municipal water or sewer	40,000	150	35%	35	50	25	50	
<b>Special Permitted Uses</b>								
Dwelling, two-family accessory apartment								1,500
Municipal water and sewer	40,000	200	35%	35	50	25	50	
Municipal water or sewer	60,000	250	35%	35	50	25	50	
No municipal water or sewer	80,000	250	35%	35	50	40	50	
Mobile home, temporary	40,000		See § 129-176Q					
Parks	30,000	200		35	50	50	50	
Home occupations			See § 129-176C					
Public utilities	80,000	200	35%	35	50	25	50	

#### NOTES:

<sup>1</sup> On a corner lot the minimum lot size shall be 30,000 square feet.

<sup>2</sup> On a corner lot the minimum frontage shall be 150 feet on each road/street.



# ZONING

## 129 Attachment 8

### Town of Wilton

#### Schedule B R-2 Residential District [Amended 12-1-2005; 3-2-2006]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet)	Minimum Yard Dimensions (feet)			Minimum Floor Area (square feet)
					Front	Side	Rear	
Agricultural without animals	200,000	400	35%	35	60	50	100	
Dwelling, one-family	80,000	250	35%	35	50	40	50	720
<b>Special Permitted Uses</b>								
Agricultural with animals	200,000	400	35%	35	75	100	100	
Boarding of horses/riding stables	400,000	400	35%	35	75	100	100	
Boardinghouses/tourist homes/bed-and-breakfast facilities	80,000	250	35%	35	50	40	50	
Dwelling, two-family/accessory apartment	120,000	250	35%	35	50	40	50	1,500
Home occupations			See § 129-176C					
Mobile home, temporary	40,000		See § 129-176Q					
Places of worship/parish houses/rectories	120,000	250	35%	35	75	40	75	
New York State Regents approved schools, private	120,000	250	35%	35	75	50	75	
Parks	40,000	250	NA	35	50	50	50	
Private stables	120,000	250	35%	35	75	100	100	
Public utilities	120,000	300	35%	35	50	40	50	

# ZONING

## 129 Attachment 9

### Town of Wilton

#### Schedule C R-3 Residential District [Amended 12-1-2005; 3-2-2006]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet)	Minimum Yard Dimensions (feet)			Minimum Floor Area (square feet)
					Front	Side	Rear	
Agricultural without animals	200,000	400	35%	35	60	50	100	
Dwelling, one-family	120,000	400	35%	35	75	100	200	720
<b>Special Permitted Uses</b>								
Agricultural with animals	200,000	400	35%	35	75	100	100	
Boardinghouses/tourist homes/bed-and-breakfast facilities	120,000	400	35%	35	75	100	100	
Dwelling, two-family/accessory apartment	120,000	400	35%	35	75	100	200	1,500
Home occupations			See § 129-176C					
Mobile home, temporary			See § 129-176Q					
Parks	40,000	250		35	50	50	50	
Private stables	120,000	400	35%	35	75	100	100	
Public utilities	120,000	300	35%	35	100	100	200	

**ZONING**

*129 Attachment 10*

**Town of Wilton**

**Schedule D  
R-M Mobile Home Park District  
[Amended 12-1-2005]**

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space (percent)	Maximum Building Height (feet)	Minimum Yard Dimensions (feet)		
					Front	Side	Rear
Mobile home parks	See Article VIII, R-M Mobile Homes and Mobile Home Parks						

# ZONING

129 Attachment 11

## Town of Wilton

### Schedule E

#### RB-1 Residential Business District

[Added 8-4-2005; amended 12-1-2005; 3-1-2007]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>3</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>4</sup>	Rear <sup>4</sup>
Dwelling, one-family							
Municipal water and sewer	20,000 <sup>1</sup>	100 <sup>2</sup>	35%	35	50	20	50
Municipal water or sewer	30,000	150	35%	35	50	25	50
No municipal water or sewer	40,000	150	35%	35	50	25	50
Two-family dwelling w/accessory apartment with municipal water and sewer	40,000	200	35%	35	50	25	50
Two-family dwelling							
Municipal water or sewer	60,000	250	35%	35	50	25	50
No municipal water or sewer	80,000	250	35%	35	50	40	50
Special Permitted Uses							
Business offices	60,000	200	35%	35	50	50	75
Places of worship/parish houses/rectories	120,000	200	35%	35	50	30	100
Clubs/lodges/community buildings	60,000	200	35%	35	50	50	75
Day-care centers	40,000	200	35%	35	50	50	100
Hotel, motel, or tourist cabin of 25 units or less	120,000	200	35%	35	50	30	100
Restaurants (sit down only)	40,000	200	35%	35	50	30	100
Veterinary offices*	60,000	200	35%	35	50	50	75
Home occupations	See § 129-176C				50		
Public utilities	120,000	200	35%	35	50	50	50

**NOTES:**

\*The boarding of animals is specifically prohibited in the RB-1 and H-1 Zones.

<sup>1</sup> On a corner lot the minimum lot size shall be 30,000 square feet.

<sup>2</sup> On a corner lot the minimum frontage shall be 150 feet on each road/street.

<sup>3</sup> Maximum height shall be 55 feet with 20 feet unoccupied space.

<sup>4</sup> Paved area side and rear yard setbacks shall be a minimum of 15 feet, and front setback shall be a minimum of 30 feet. When uses abut any residential district (R-1, R-2, or R-3) or exclusively residential PUD district, the setback for the paved area in the side yard and/or rear yard that abuts said district shall be a minimum of 50 feet to 100 feet. The Planning Board shall determine the exact amount of setback based on the need, quality, and/or effectiveness of the proposed buffer.

# ZONING

## 129 Attachment 12

### Town of Wilton

#### Schedule F RB-2 Residential Business District [Added 3-1-2007]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>2</sup>	Rear <sup>2</sup>
Dwelling, one-family							
Municipal water and sewer	40,000	200	35%	35	50	35	50
Municipal water or sewer	60,000	250	35%	35	50	40	50
No municipal water or sewer	80,000	250	35%	35	50	40	50
Two-family dwelling w/accessory apartment with municipal water and sewer	60,000	250	35%	35	50	40	50
Two-family dwelling							
Municipal water or sewer	90,000	250	35%	35	50	40	50
No municipal water or sewer	120,000	250	35%	35	50	40	50
Special Permitted Uses							
Business offices	60,000	200	35%	35	50	50	75
Day-care centers	40,000	200	35%	35	50	50	100
Bed-and-breakfast facility	80,000	250	35%	35	50	40	50
Home occupations	See § 129-176C				50		
Public utilities	120,000	200	35%	35	50	50	50

#### NOTES:

<sup>1</sup> Maximum height shall be 55 feet with 20 feet unoccupied space.

<sup>2</sup> Paved area side and rear yard setbacks shall be a minimum of 15 feet, and front setback shall be a minimum of 30 feet. When uses abut any residential district (R-1, R-2, or R-3) or exclusively residential PUD district, the setback for the paved area in the side yard and/or rear yard that abuts said district shall be a minimum of 50 feet to 100 feet. The Planning Board shall determine the exact amount of setback based on the need, quality, and/or effectiveness of the proposed buffer.

# ZONING

## 129 Attachment 13

### Town of Wilton

#### Schedule G

#### H-1 Hamlet One District

[Added 8-4-2005; amended 12-1-2005; 3-2-2006; 6-7-2007; 11-6-2008]

Principal Permitted Use	Minimum Lot Size (square feet) <sup>1</sup>	Minimum Frontage (feet)	Minimum Green Space (percent)	Building Height (occupied space in feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Total Side	Rear <sup>4</sup>
Dwelling, one-family	10,000	80	35	35	15 to 25	15	30
Dwelling, two-family	10,000	80	35	35	15 to 25	15	30
Veterinary hospital*	10,000	80	35	35	15 to 25	15	30
Restaurants (sit-down only)	10,000	80	35	35	15 to 25	15	30
Business office	10,000	80	35	35	15 to 25	15	30
Convenience store	10,000	80	35	35	15 to 25	15	30
Banks	10,000	80	35	35	15 to 25	15	30
Federal/state/local offices	10,000	80	35	35	15 to 25	15	30
Retail businesses	10,000	80	35	35	15 to 25	15	30
Public libraries	10,000	80	35	35	15 to 25	15	30
Boarding houses/tourist homes/bed-and-breakfast facilities	10,000	80	35	35	15 to 25	15	30
Health services	10,000	80	35	35	15 to 25	15	30
Laundromats/retail dry cleaning	10,000	80	35	35	15 to 25	15	30
Places of worship	10,000	100	35	35	15 to 25	15	30
Public utilities	10,000	80	35	35	15 to 25	15	30
Day-care centers	10,000	80	35	35	15 to 25	15	30
Mixed use buildings: retail/office w/residential uses	10,000	80	35	35	15 to 25	15	30
<b>Special Permitted Uses</b>	10,000	80	35	35	15 to 25	15	30
Senior living communities <sup>3</sup>	10,000	80	35	35	15 to 25	15	30
Home occupations	10,000	80	35	35	15 to 25	15	30

\* NOTE: The boarding of animals is specifically prohibited in the RB-1 and H-1 zones.

<sup>1</sup> On a corner lot the minimum lot size shall be 15,000 square feet.

<sup>2</sup> Maximum height shall be 55 feet with 20 feet unoccupied space.

<sup>3</sup> Requires Town Board approval.

<sup>4</sup> Nonresidential uses abutting residential uses shall have a combined setback of 20 feet; 60 feet if rear setback.

# ZONING

## 129 Attachment 14

### Town of Wilton

#### Schedule H C-1 Commercial District [Amended 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Veterinary hospitals	40,000	200	35%	35	100	30	100
Restaurants	40,000	200	35%	35	100	30	100
Funeral parlors	40,000	200	35%	35	100	30	100
Business offices	40,000	200	35%	35	100	30	100
Banks	40,000	200	35%	35	100	30	100
Convenience stores	40,000	200	35%	35	100	30	100
Nursery/garden centers	40,000	200	35%	35	100	30	100
Drive-in/drive-through establishments	40,000	200	35%	35	100	30	100
Motels/hotels	120,000	200	35%	35	100	30	100
Federal/state/local offices	120,000	200	35%	35	100	30	100
Retail/wholesale businesses	40,000	200	35%	35	100	30	100
Service stations/automotive repair	40,000	200	35%	35	100	30	100
Bowling establishments	40,000	200	35%	35	100	30	100
Indoor-outdoor recreation facilities	40,000	200	35%	30	100	50	100
Boardinghouses/tourist homes/bed-and-breakfast facilities	40,000	200	35%	35	100	30	100
Public libraries/museums	120,000	200	35%	35	100	100	100
Hospitals/health services	200,000	300	35%	35	100	100	100
Outdoor sales/automobile sales/mobile home sales	120,000	200	35%	35	100	30	100
Laundromats	40,000	200	35%	35	100	30	100
Kennels	40,000	200	35%	35	100	50	100
Pet cemeteries	120,000	200			100	30	100
Golf and country clubs	120,000	200	35%	35	100	30	100
Clubs/lodges	120,000	200	35%	35	100	30	100
Places of worship/parish houses/rectories	120,000	200	35%	35	100	30	100
Enclosed shopping malls	2,178,000	300	35%	35	100	100	100

# WILTON CODE

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Animal farms	400,000	400	35%	35	100	50	100
<b>Special Permitted Uses</b>							
Senior living communities <sup>3</sup>	120,000	200	35%	45	100	50	50
Public utilities	120,000	300	35%	35	100	40	50
Day-care centers	40,000	200	45%	35	100	50	100

NOTE: Residential use is specifically prohibited in this zone.

<sup>1</sup> When uses in this C-1 Commercial District abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet, except for parking which may be within 50 feet of either side or rear property line. In addition, adequate screening (as determined by the Planning Board) shall be provided in all cases.

<sup>2</sup> Maximum height shall be 55 feet with 20 feet unoccupied space.

<sup>3</sup> Requires Town Board approval.



# ZONING

## 129 Attachment 15

### Town of Wilton

#### Schedule I C-2 Business/Light Industrial District [Amended 12-1-2005; 7-3-2008]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Assembly, fabricating or packaging of products, including but not limited to mechanical, electrical, optical, photographic, scientific or electronic products	80,000	200	35%	35	45	30	50
Bakeries	80,000	200	35%	35	45	30	50
Business offices	60,000	200	35%	35	45	50	75
Clubs/lodges/ community buildings	60,000	200	35%	35	45	50	75
Convenience stores	60,000	200	35%	35	45	30	50
Day-care centers	40,000	200	45%	35	45	50	100
Electronics, telecommunications, computer business/ service offices	80,000	200	35%	35	45	30	50
Institutional, philanthropic and governmental offices	80,000	200	35%	35	45	30	50
Laboratories	80,000	200	35%	35	45	30	50
Non-retail laundry and dry-cleaning facilities	80,000	200	—	—	—	—	—
Places of worship/ parish houses/rectories	120,000	200	35%	35	45	30	75
Printing and publication facilities	80,000	200	35%	35	45	30	50
Taxi dispatch facility	40,000	200	35%	35	45	30	100
Training and instructional classrooms and facilities	80,000	200	35%	35	45	30	50
Veterinary offices	60,000	200	35%	35	45	50	75
Warehousing/ distribution facilities	80,000	200	35%	35	45	30	50

# WILTON CODE

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Special Permitted Uses							
Adult uses. Also see § 129-176U	80,000	200	35%	35	45	30	50
Public utilities	80,000	200	35%	35	45	40	50
Self-service storage facilities	40,000	200	35%	35	45	30	50
Telecommunication towers		See § 129-176L					

NOTE: Residential uses are specifically prohibited in this zone.

<sup>1</sup> When uses in this C-2 Commercial District abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet, except for parking which may be within 50 feet of either side or rear property line. In addition, adequate screening (as determined by the Planning Board) shall be provided in all cases.

<sup>2</sup> Maximum height is 55 feet with 20 feet of unoccupied space.

# ZONING

## 129 Attachment 16

### Town of Wilton

#### Schedule J C-3 Commercial/Light Industrial District [Amended 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Assembly, fabricating or packaging or products	80,000	200	35%	35	45	30	50
Bakeries	80,000	200	35%	35	45	30	50
Banks	40,000	200	35%	35	45	30	100
Bowling establishments	40,000	200	35%	35	45	30	100
Business offices	40,000	200	35%	35	45	30	100
Clubs/lodges	120,000	200	35%	35	45	30	100
Commercial laundry and, dry-cleaning facilities	80,000	200		—	—	—	—
Convenience stores	40,000	200	35%	35	45	30	50
Drive-in/drive-through establishments	40,000	200	35%	35	45	30	100
Electronics, telecommunications, computer business/ service offices	80,000	200	35%	35	45	30	50
Funeral parlors	40,000	200	35%	35	45	30	100
Hospitals/health services	200,000	200	35%	35	45	100	100
Indoor-outdoor recreation facilities	40,000	200		30	45	50	100
Institutional, philanthropic and governmental offices	80,000	200	35%	35	45	30	50
Kennels	40,000	200	35%	35	45	50	100
Laboratories	80,000	200	35%	35	45	30	50
Laundromats	40,000	200	35%	35	45	30	100
Mechanical, electrical, optical, photographic, scientific or electronic manufacturing	80,000	200	35%	35	45	30	50
Motels/hotels	120,000	200	35%	35	45	30	100
Nursery/garden centers	80,000	200	35%	35	45	30	50
Outdoor sales/ automobile sales/ mobile home sales	120,000	200	35%	35	45	30	100
Pet cemeteries	120,000	200	—	—	45	30	100

# WILTON CODE

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>2</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>1</sup>	Rear <sup>1</sup>
Places of worship/parish houses/rectories	120,000	200	35%	35	45	30	100
Printing and publication facilities	80,000	200	35%	35	45	30	50
Public libraries/museums	120,000	200	35%	35	45	100	100
Restaurants	40,000	200	35%	35	45	30	100
Retail/wholesale businesses	40,000	200	35%	35	45	30	100
Service stations/automotive repair	40,000	200	35%	35	45	30	100
Taxi dispatch facility	40,000	200	35%	35	45	30	100
Training and instructional classrooms and facilities	80,000	200	35%	35	45	30	50
Veterinary hospitals	40,000	200	35%	35	45	30	100
Warehousing/distribution facilities	80,000	200	35%	35	45	30	50
<b>Special Permitted Uses</b>							
Public utilities	80,000	200	35%	35	45	40	50
Self-service storage facilities	40,000	200	35%	35	45	30	50

NOTE: Residential uses are specifically prohibited in this zone.

<sup>1</sup> When uses in the C-3 Commercial District abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet, except for parking which may be within 50 feet of either side or rear property line. In addition, adequate screening (as determined by the Planning Board) shall be provided in all cases.

<sup>2</sup> Maximum height is 55 feet with 20 feet of unoccupied space.

# ZONING

## 129 Attachment 17

### Town of Wilton

#### Schedule K I-1 Industrial District [Amended 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>2</sup>	Rear <sup>2</sup>
Assembly plants	120,000	250	35%	35	100	50	75
Automobile wrecking/junkyards	300,000	300	35%	35	100	50	75
Component manufacturers	120,000	250	35%	35	100	50	75
Composting facilities	200,000	300	35%	35	100	75	75
Heavy equipment sales	120,000	250	35%	35	100	50	75
Printing and publishing	120,000	250	35%	35	100	50	75
Research laboratories	120,000	250	35%	35	100	50	75
Transportation facility	120,000	250	35%	35	100	50	75
Warehousing	120,000	250	35%	45	100	50	75
Warehousing and distribution facilities	120,000	250	35%	45	100	50	75
<b>Special Permitted Uses</b>							
Public utilities	120,000	200	35%	35	100	50	75
Telecommunication towers		See § 129-176L					

NOTE: Residential use is specifically prohibited in this zone.

<sup>1</sup> Maximum height is 55 feet with 20 feet of unoccupied space.

<sup>2</sup> When uses in this I-1 Industrial District abut any residential district, the side setback shall be a minimum of 100 feet, and the rear setback shall be a minimum of 150 feet, except for parking which may be within 50 feet of either side or rear property line. In addition, adequate screening (as determined by the Planning Board) shall be provided in all cases.

# ZONING

## 129 Attachment 18

### Town of Wilton

#### Schedule L

#### NC-1 Northway Corridor Overlay District [Amended 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space (percent)	Maximum Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side	Rear
Green buffer zone							

## ZONING

### 129 Attachment 19

#### Town of Wilton

#### Schedule M CRT Composting/Recycling/Transfer/C&D Processing Facility District [Amended 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Facility Coverage <sup>1,2</sup>	Maximum Building Height (feet)	Minimum Yard Dimensions (feet) <sup>3</sup>		
					Front	Side	Rear
Composting facility	200,000	300	10%	35	100	75	75
Construction and demolition debris processing facility	120,000	250	10%	35	100	75	75
Recyclable handling and recovery facility	120,000	250	10%	35	100	75	75
Transfer station	120,000	250	10%	35	100	75	75

NOTES: Residential use is specifically prohibited in this zone.

All uses within a Composting, Recycling and Transfer District require site plan review by the Planning Board and a Part 360 compliance, whether or not the proposed use requires a building permit.

<sup>1</sup> Facility coverage includes all buildings, outside product storage areas and outside areas used for processing of materials (excluding composting and clean wood processing.)

<sup>2</sup> Multiple uses cannot exceed 10% cumulative area coverage.

<sup>3</sup> A minimum distance of 100 feet is required between the CRT use and/or building to the nearest residential property line or residential district, except for parking which may be within 50 feet. When uses in this CRT District abut any residential district, the side setback shall be a minimum of 100 feet, and the rear setback shall be a minimum of 150 feet. In addition, adequate screening must be provided.

# ZONING

## 129 Attachment 20

### Town of Wilton

#### Schedule N CR-1 Commercial-Residential One District [Amended 8-4-2005; 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>2,3</sup>	Rear <sup>2,3</sup>
Dwelling, one-family							
Municipal water and sewer	20,000 <sup>4</sup>	100 <sup>5</sup>	35%	35	45	20	0
Municipal water or sewer	30,000	150	35%	35	45	25	50
No municipal water or sewer	40,000	150	35%	35	45	25	50
Veterinary hospital/pet cemeteries	40,000	200	35%	35	45	30	100
Restaurants (sit down only)	40,000	200	35%	35	45	30	100
Funeral parlors	40,000	200	35%	35	45	30	100
Convenience stores	40,000	200	35%	35	45	30	100
Business office	40,000	200	35%	35	45	30	100
Banks	40,000	200	35%	35	45	30	100
Nursery/garden centers	40,000	200	35%	35	45	30	100
Motels/hotels	120,000	200	—	35	45	30	100
Federal/state/local offices	120,000	200	35%	35	45	30	100
Retail businesses	40,000	200	35%	35	45	30	100
Indoor/outdoor recreational facilities	40,000	200	—	30	45	30	100
Public libraries	120,000	200	35%	35	45	30	100
Boarding houses/ tourist homes/bed-and-breakfast facilities	40,000	200	35%	35	45	30	100
Hospitals/health services	200,000	300	35%	35	45	100	100
Laundromats/retail dry cleaning	40,000	200	35%	35	45	30	100
Two-family dwelling/ accessory apartment	40,000	200	35%	35	45	25	50
Clubs/lodges	120,000	200	35%	35	45	30	100
Places of worship/ parish houses/rectories	120,000	200	35%	35	45	30	100
Day-care centers	40,000	200	45%	35	45	50	100
Drive-in/drive through establishments	40,000	200	35%	35	45	30	100
Home occupations	See § 129-176C						



# WILTON CODE

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>2,3</sup>	Rear <sup>2,3</sup>
Special Permitted Uses							
Public utilities	120,000	300	35%	35	45	40	50
Senior living communities <sup>6</sup>	120,000	300	35%	45	45	50	50
Mobile home, temporary	See § 129-176Q						
Gas stations/service stations/automobile repairs	40,000	200	35%	35	45	30	100
Automobile sales	120,000	200	35%	35	45	30	100
Kennels	40,000	200	35%	35	45	50	100

## NOTES:

<sup>1</sup> Maximum height 55 feet with 20 feet unoccupied space.

<sup>2</sup> When commercial uses in CR-1 abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet, except for parking that may be within 50 feet of either side or rear property line.

<sup>3</sup> One hundred feet shall be required if directly abutting the side and rear residential property line in a residential district.

<sup>4</sup> On a corner lot the minimum lot size shall be 30,000 square feet.

<sup>5</sup> On a corner lot the minimum frontage shall be 150 feet on each road/street.

<sup>6</sup> Requires Town Board approval.

# ZONING

## 129 Attachment 21

### Town of Wilton

#### Schedule O CR-2 Commercial-Residential Two District [Amended 8-4-2005; 12-1-2005]

Principal Permitted Uses	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Green Space	Maximum Building Height (feet) <sup>1</sup>	Minimum Yard Dimensions (feet)		
					Front	Side <sup>2,3</sup>	Rear <sup>2,3</sup>
Dwelling, one-family							
Municipal water and sewer	40,000 <sup>5</sup>	200 <sup>6</sup>	35%	35	45	35	50
Municipal water or sewer	60,000	250	35%	35	45	40	50
No municipal water or sewer	80,000	250	35%	35	45	40	50
Two-family dwelling w/accessory apartment with municipal water and sewer	60,000	250	35%	35	45	40	50
Two-family dwelling							
Municipal water or sewer	90,000	250	35%	35	45	40	50
No municipal water or sewer	120,000	250	35%	35	45	40	50
Business offices	40,000	200	35%	35	45	30	100
Clubs/lodges/ community buildings	60,000	200	35%	35	45	50	75
Home occupations	See § 129-176C						
Day-care centers	40,000	200	35%	35	45	50	100
Special Permitted Uses							
Places of worship/ parish houses/rectories	120,000	200	35%	35	45	30	100
Senior living communities <sup>4</sup>	120,000	300	35%	45	45	50	50
Veterinary offices	40,000	200	35%	35	45	30	100
Public utilities	120,000	200	35%	35	45	40	50

**NOTES:**

<sup>1</sup> Maximum height 55 feet with 20 feet unoccupied space.

<sup>2</sup> When commercial uses in CR-2 abut any residential district, the side setback shall be a minimum of 100 feet and the rear setback shall be a minimum of 150 feet, except for parking that may be within 50 feet of either side or rear property line.

<sup>3</sup> One hundred feet shall be required if directly abutting the side and rear residential property line in a residential district.

<sup>4</sup> Requires Town Board approval.

<sup>5</sup> On a corner lot the minimum lot size shall be 30,000 square feet.

<sup>6</sup> On a corner lot the minimum frontage shall be 150 feet on each road/street.

## ZONING

### *129 Attachment 22*

#### **Town of Wilton**

#### **Sample Stormwater Control Facility Maintenance Agreement**

Whereas, the Municipality of The Town of Wilton ("Municipality") and \_\_\_\_\_, hereinafter "facility owner," want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A<sup>1</sup> of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a PE or RLA licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.

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<sup>1</sup> Editor's Note: Said schedule is on file in the Town offices.

WILTON CODE

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a bond, letter of credit or escrow account).
8. This agreement shall be recorded in the office of the County Clerk, County of Saratoga together with the deed for the common property and site plat and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property or as expenses against the letter of credit.
10. This agreement is effective \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Developer/Facility Owner

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Town of Wilton Authorized Signature

\_\_\_\_\_  
(Print Name)