Chapter 109
Subdivision of Land

[HISTORY: Adopted by the Town Board of the Town of Wilton 4-6-1995;[1] 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 used primarily for access 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)

§ 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.[3] 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

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.\[4\]

§ 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. Submit two full size copies (24”x36”), fifteen (11”x17”) copies of the subdivision plan and fifteen copies of completed EAF and Subdivision Plat Residential Project Application form. Submit PDF file of each document.

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 or any individual Board member, 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, **two full size** 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 overall subdivision plan submission** shall be submitted in (11” x17”) size for distribution to the Board. A PDF should be emailed to the Executive Secretary for the Planning Department, 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 x11 inches by 14 1/2 x 17 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:


   [2] Request for any zoning changes proposed for the area to be subdivided. Approved zoning variance shall be submitted.

   [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. Chapter 129, Article XXVII. 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]

(c) 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 30-62 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 required number of prints for outside agency submittal**, 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. **Town land to have monuments set at road frontage and C.I.R.S. at locations required by Town Engineer.**

(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. **A signature block 5” x 3” high.**

(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. [5]

(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 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,
§ 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 2520,000 square feet; when served by either municipal water or sewer, divide by 3530,000 square feet; or when served by neither municipal water or sewer, divide by 4540,000 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. Regulated lands as identified by (1)-(4) of this section = buildable land.


[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]

<table>
<thead>
<tr>
<th>Conservation Subdivision — Example A</th>
<th>Conservation Subdivision — Example B</th>
<th>Conventional Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hypothetical Scenario:</td>
<td>Hypothetical Scenario:</td>
<td>Hypothetical Scenario:</td>
</tr>
<tr>
<td>Lot Area = 100 acres</td>
<td>Lot Area = 100 acres</td>
<td>Lot Area = 100 acres</td>
</tr>
<tr>
<td>Regulated Lands = 20 acres</td>
<td>Regulated Lands = 60 acres</td>
<td>Regulated Lands = 20 acres</td>
</tr>
</tbody>
</table>

**Step One: Buildable Land Area**

Lot Area minus Regulated Lands:

- 100 acres — 20 acres = 80 acres
- 100 acres — 60 acres = 40 acres
- 100 acres — 20 acres = 80 acres

**Step Two: Density Calculation Area**

Buildable Land minus 15%:

- 80 acres - 12 acres = 68 acres
- 40 acres - 6 acres = 34 acres
- Not applicable

**Step Three: Total Permitted Number of Lots**

Density Calculation Area divided by Zone 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

**Step Four: Dedicated Open Space**

Regulated Lands that represent less than 50% of total require 35% reserved for Dedicated Open
- Not required
Examples of Conservation Subdivision V. Conventional Subdivision

[Added 10-6-2005, as revised 11-10-2005]

<table>
<thead>
<tr>
<th>Conservation Subdivision — Example A</th>
<th>Conservation Subdivision — Example B</th>
<th>Conventional Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space:</td>
<td>Space:</td>
<td></td>
</tr>
<tr>
<td>80 acres x 35% = 28 acres of Dedicated Open Space</td>
<td>40 acres x 15% = 6 acres of Dedicated Open Space</td>
<td></td>
</tr>
</tbody>
</table>

**Step Five: Land for Lot Layout**

<table>
<thead>
<tr>
<th>Buildable Land Area minus Dedicated Open Space:</th>
<th>Buildable Land Area minus Dedicated Open Space:</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>80 acres - 28 acres = 52 acres available for lot layout</td>
<td>40 acres — 6 acres = 34 acres available for lot layout</td>
<td>80 acres available for lot layout</td>
</tr>
<tr>
<td>Average lot size:</td>
<td>Average lot size:</td>
<td>Average lot size:</td>
</tr>
<tr>
<td>52 ÷ 37 = 1.4 acres (60,984 sf) avg. lot size</td>
<td>34 acres ÷ 19 lots = 1.8 acres (78,408 sf) avg. lot size</td>
<td>80 ÷ 44 = 1.8 acres (78,408 sf) avg. lot size</td>
</tr>
</tbody>
</table>

**Subdivision Yields:**

<table>
<thead>
<tr>
<th>28 acres of open space</th>
<th>6 acres of open space</th>
<th>20 acres of open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>52 acres developed</td>
<td>34 acres developed</td>
<td>80 acres developed</td>
</tr>
<tr>
<td>37 houses</td>
<td>19 houses</td>
<td>44 houses</td>
</tr>
<tr>
<td>Shorter road — less cost for construction and maintenance</td>
<td>Shorter road — less cost for construction and maintenance</td>
<td>Longer road — more cost for construction and maintenance</td>
</tr>
<tr>
<td>Less disturbance, more vegetation preserved</td>
<td>Less disturbance, more vegetation preserved</td>
<td>More disturbance, less vegetation preserved</td>
</tr>
</tbody>
</table>

**NOTE:**

1. 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. A phantom aerial image with parallel boundaries overlaid to be included with submission.

[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. [Amended 1-5-2015 by L.L. No. 1-2015]

(1) The applicant shall consult with the Planning Board to determine the interest and need regarding the ownership, use, and maintenance of regulated lands and dedicated open space areas prior to conceptual approval of a conservation subdivision. Lands may be conveyed to the Town for passive or active recreational use, public facilities, infrastructure, or other such uses as determined by the Town Board. The Town’s implementation of this need may be in the form of an easement, regulation, restriction, or fee ownership of land. The Planning Board shall provide a recommendation to the Town Board for lands identified in the conservation subdivision proposal for dedication. Land dedication to the Town requires Town Board approval. If lands offered by the developer are accepted by the Town Board, the subdivision may receive a ten-percent density bonus for potential allowance of additional lots. The calculated density bonus quantity shall be rounded down to nearest whole number.

(2) If the Town of Wilton does not accept lands, the 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) By conveyance to a private or public land trust or government entity.

(3) Dedicated open space areas may 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.

(4) 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 just open space lands and stormwater drainage systems. The Planning Board will review what the HOA owns and maintains. Possible additional ownership considerations may include, but are not limited to, sidewalks, lighting, roadways, accessory buildings, recreational facilities and equipment, stormwater structures, utility components, and the like.

§ 109-22 through § 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. (Reserved)[6]

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]**
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.

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."

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 new construction. 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. \[7\] [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. \[8\] 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, \[9\] 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 \[10\] 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, \[11\] 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 \[12\] and the approved grade profile.

(3) The construction of the top course shall be deferred until 50% 80% or more 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, by order of Town Highway Superintendent and Town Engineer.

(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.
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.

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.

Additional requirements shall be imposed if deemed necessary. Core samples to be taken as directed by Highway Superintendent.

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.

Drainage facilities.

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.

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.[13]

Unusual conditions.

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.

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.

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.

Additional requirements.

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]

Road elevation shall ensure the construction of driveways with a maximum slope of 5% from pavement edge to the road right-of-way line.

The radii at all intersection shall be 35 feet for subbase, base and top courses.

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, grubblings, 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 (bond or other acceptable financial securities) 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. [14]

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]

(8) Install all road signage, monuments and bench marks.

§ 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, 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