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Chapter 129

Zoning

[HISTORY: Adopted by the Town Board of the Town of Wilton 5-4-1995[1]. 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. [2] 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. **CONSERVATION SUBDIVISION** 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. **[Amended 2-7-2013]**
- 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 nonstructural.

[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.[3]

[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, ILLUMINATED

Any sign which emanates light, either by means of exposed tubing or lamps or other electric means on its surface or by means of illumination transmitted through the sign surface, or which reflects lights from a source intentionally directed upon it.

[Added 2-7-2013]

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.^[4]

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.

[\[Image\]](#)

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; 2-7-2013]

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
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.^[5]

§ 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.[6]
- (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[7]]

§ 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.^[8]
- 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.
- D. Upon designation by the Town Board, the Town Clerk shall record and forward notice of each property placed on the Schedule of Historic Districts, Buildings and Landmarks to the Town of Wilton Assessor, Building Inspector, and Planning Director. **[Added 12-3-2009]**

**§ 129-16 Property exclusion provision.
[Amended 12-3-2009]**

All property owners that hold title to any property identified in Appendix A^[9] 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 may receive appropriate recognition by the Town of Wilton and the Historic Preservation Board with a suitable historic marker or plaque and 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 of receiving notification. 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. **[Amended 12-3-2009]**
 - (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.
- C. Demolition of any structure or building 49 years or older. **[Added 12-3-2009]**
- (1) Prior to issuing a demolition permit on a building or structure older than 49 years old, the Town Building Department shall notify the Historic Preservation Board by providing 14 days' written notice identifying the building or structure for which such permit is sought by the address and name of the owner or owners, unless, in the opinion of the Building Department, the structure poses an

imminent threat to health and safety.

- (2) The Historic Preservation Board shall evaluate and document the building or structure for historic or architectural significance appropriately as may be necessary during the fourteen-day notice period prior to any demolition permit. The Board may request an additional 14 days to evaluate and document such significant structures in cases where extensive research is required.

§ 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

[10]§ 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~~Special use permit uses.
[Amended 7-2-1997; 7-2-2002; 4-3-2003]

The following shall be allowed as ~~special permits~~special use permit uses: See Schedule A.

§ 129-22 Additional requirements.
[Added 7-2-2002; amended 4-3-2003]

For all permitted uses and ~~special permits~~special use permitted uses, § 129-176 shall be reviewed for additional requirements.

§ 129-23 (Reserved)

§ 129-24 (Reserved)

Article V

R-2 Residential District

[11]§ 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~~**Special use 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 permits~~**special use permit** uses: See Schedule B.

§ 129-27 **Additional requirements.**
[Added 7-2-2002; amended 4-3-2003]

For all permitted uses and ~~special permits~~**special use permit**ted uses, § **129-176** shall be reviewed for additional requirements.

§ 129-28 **(Reserved)**

§ 129-29 **(Reserved)**

Article VI R-3 Residential District

[12]§ 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~~**Special use permit** uses.
[Amended 7-2-1997; 8-6-1998; 7-2-2002; 4-3-2003]

The following shall be allowed as ~~special permits~~**special use permit** uses: See Schedule C.

§ 129-32 **Additional requirements.**
[Added 7-2-2002; amended 4-3-2003]

For all permitted uses and ~~special permits~~**special use permit**ted uses, § **129-176** shall be reviewed for additional requirements.

§ 129-33 (Reserved)

§ 129-34 (Reserved)

Article VII

Reserved

[13]§ 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

[14]§ 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 SEQR 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.[15]

§ 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

[16][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~~Special use permit uses.

The following shall be allowed as ~~special permits~~special use permit uses: See Schedule E.

§ 129-48.3 Additional requirements.

[Amended 3-1-2007; 2-7-2013]

For all permitted uses and ~~special permits~~special use 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.

§ 129-49 (Reserved)

[17]Article VIIC H-1 Hamlet District

[18][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~~**Special use permit** uses.

The following shall be allowed as ~~special permit~~**special use permit** uses: See Schedule G.[19]

§ 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

[\[Image\]](#)

- (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 municipal sewer, water and utilities and a level grass area. Ornamental light poles and uniformly spaced street trees of mixed species should be located on the building side adjacent to sidewalk and property line, with maintenance responsibility retained by the property owner. A five-foot sidewalk shall be installed on a best-fit route along the property line in the right-of-way with approval from the authority having jurisdiction over the roadway. The grass area adjacent to the sidewalk 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. **[Amended 2-7-2013]**

Figure 2 - Greenbelt Plan View for the Hamlet One (H-1) District

[\[Image\]](#)

- (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 should be to the rear of the building and screened from the road and adjacent neighboring parcels. Acceptable screening shall be landscaping, fencing and/or 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. **[Amended 2-7-2013]**
- (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

[\[Image\]](#)

Figure 4 - Building Site Design with Side and Rear Parking

[\[Image\]](#)

- (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.

[\[Image\]](#)

Two story building illustrating appropriate site layout, treatment and fenestration. Includes vertical alignment of windows.

- (8) For all permitted uses and ~~special permits~~special use 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.

[\[Image\]](#)

[Image]

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.

[Image]

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.

[\[Image\]](#)

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.

[\[Image\]](#)

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

[20]§ 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~~Special use permit **uses.**
[Amended 7-2-1997]

In the C-1 Commercial District, the following uses are allowed with the issuance of a ~~special-~~special use 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%~~25% 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 permits~~special use 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

[21]§ 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~~Special use 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~~special use 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 permits~~special use 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

[22]§ 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~~Special use 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~~special use 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 permits~~special use 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

[23]§ 129-65 (Reserved)

§ 129-66 (Reserved)

§ 129-67 (Reserved)

§ 129-68 (Reserved)

§ 129-69 (Reserved)

Article XIII

I-1 Industrial District

[24]§ 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~~Special use permit uses.

[Added 7-2-1997[25]]

In the I-1 Industrial District, the following uses are allowed with the issuance of a ~~special permits~~special use 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 permits~~special use 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

~~[26]~~§ 129-75 **(Reserved)**

§ 129-76 **(Reserved)**

§ 129-77 **(Reserved)**

§ 129-78 **(Reserved)**

§ 129-79 **(Reserved)**

Article XV NC-1 Northway Corridor Overlay District

~~[27]~~§ 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

[28]§ 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~~Special use 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 permits~~special use permit: See Schedule N.

§ 129-97 **Additional requirements.**

[Added 7-2-2002; amended 4-3-2003]

For all permitted uses and ~~special permits~~special use 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.

C. Additional permitted uses in the CR-2 Zone (Commercial/Residential Two District): training and instructional classrooms and facilities, banks, health-related facilities and sit-down restaurants.

[Added 9-1-2011 by L.L. No. 4-2011]

§ 129-99 ~~Special permit~~Special use permit uses.

The following uses are allowed in the CR-2 Commercial/Residential Two District with the issuance of a ~~special permits~~special use permit: See Schedule O.

§ 129-100 **Additional requirements.**

For all permitted uses and ~~special permits~~special use 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;[29]
 - (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.[30] 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, 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; 9-6-2012]**
- 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.^[31]
 - (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

[32]§ 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,[33] 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)
[34]§ 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 permits~~special use 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~~ Two full size and twelve 11" x 17" copies of the site plan shall be submitted and twelve copies of EAF and application. ~~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]** -Formal Approval- Planning Board should not give formal approval with resolution.
 - [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]** [See note in §109](#)
- [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:stormwater regulations](#). **[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 at time of application:

(1) The application fee. Site plan review fees: **[Amended 2-7-2013; 6-2-2016]**

- (a) Minimum of \$300.
- (b) Per square foot, if more than 1,000 square feet of structure modification: \$0.50.

(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 structure added to any existing structure. This applies only if the use of the property stays within the same mitigation fee category. **[Amended 6-2-2016]**

(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.^[35] 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)

^[36]**§ 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 170 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. **[Amended 2-7-2013]**

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

Louden 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.**

[37]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. Planning Board may adjust parking space quantity with careful considerations of site layout and consideration of banked parking.

- B. For a typical parking stall and painting detail, see Exhibit B.[38]
- 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 [Added 7-2-1997; amended 12-6-2001]	2 1/4 per dwelling unit; spaces located in garages are not included in the parking calculation
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

Use	Minimum Parking Spaces Required
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
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

Use	Minimum Parking Spaces Required
	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 [Amended 12-6-2001]	1 per employee in the maximum shift, plus 1 for every 2 1/2 seats
Retail stores	6 per 1,000 square feet of gross leasable floor area
Retail/warehouse stores [Added 12-3-1998]	5 spaces per 1,000 square feet of gross leasable floor area

Use	Minimum Parking Spaces Required
Riding stables	1 per 2 rental stalls
Self-service storage facilities [Added 12-1-2005]	1 parking space for every 50 storage units
Senior living community	1 per residential unit and 1 per staff member ^[39]
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 [Added 7-2-1997]	2 spaces per dwelling unit
Video stores	1 per 200 square feet of gross leasable floor area.

§ 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 permit~~Special use 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~~special use 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. ~~[40]~~ 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) ~~[41]~~
- (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, CR-1, CR-2, C-2, and C-3 Zoning Districts.

[Added 8-4-2005; amended 3-1-2007; 2-7-2013]

- 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.[42]

- (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, CR-1, CR-2, C-2, and C-3 Districts.[43]
- (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~~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~~evaluated by Planning Board. 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 permits~~special use 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, CR-1, CR-2, C-2, and C-3 Districts).

[\[Image\]](#)

- (2) Cross Section with Parking in Front (RB-1, CR-1, CR-2, and C-3 Districts).

[\[Image\]](#)

- (3) Building Site Design with Side and Rear Parking (RB-1, CR-1, C-2, CR-2, and C-3 Districts).

[\[Image\]](#)

- (4) Building Site Design with Front, Side and Rear Parking (RB-1, CR-1, C-2, CR-2, and C-3 Districts).

[\[Image\]](#)

Article XXV

~~Special Permit~~Special Use Permits

§ 129-175 **Special Use permit review.**

Each specific use for which a ~~special permits~~special use 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 permit shall be submitted with an application for a special use 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. The Planning Board may waive or modify standard requirements listed under §129-176.
 - (7) All governmental authorities having jurisdiction have given the necessary approval.
- E. When issued, ~~special permits~~special use 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~~special use 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.^[44]
- (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~~ special use 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 permits~~special use 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.^[45]
 - (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) (Reserved)^[46]
 - (b) (Reserved)^[47]
 - (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 and/or on the site. **[Amended 9-6-2012[48]]**

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 permits~~special use 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. **[49] [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 one sign attached and one detached, which require a permit, are allowed per establishment. Except in the case where a parcel fronts on two different roads, no more than attached signs and one detached sign shall be allowed. **[Amended 2-7-2013]**
- (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.
- (7) Illuminated digital media signs, excluding traveling, flashing, or blinking lights, shall be allowed in Zone C-1 only: **[Added 2-7-2013]**
 - (a) Message display shall not change at a frequency of less than 30 seconds. No animated images and no animated messages shall be permitted.
- 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~~special use 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[50] 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~~**Special use permit** signs.

All types of signage not specifically covered in the foregoing sections shall require a ~~special permits~~**special use 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]**

Width of Buffer Strip

Slope of Land

(degrees)

(Distance from Edge of Stream)

(feet)

Width of Buffer Strip

Slope of Land

(Distance from Edge of Stream)

(degrees)

(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[51] 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~~General Permit. 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~~General P 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~~General Permit.

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~~General Permit, 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 permits~~special use 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~~General Permit.
- (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." [52]

§ 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 Use permits. The Zoning Board of Appeals shall issue all residential special use permits, except for senior living communities, which shall be issued by the Town Board, and nonresidential special use 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 permits~~special use 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~~special use 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 two alternate positions for the Zoning Board of Appeals and two alternate positions for the Planning Board for a term of one year. **[Amended 6-7-2012 by L.L. No. 2-2012]**

§ 129-250 **Special use permit classification.**

The issuance of ~~special-permits~~special use permits for ~~special-permits~~special use permitted uses shall be determined as follows:

- A. Senior living communities shall be referred to the Town Board for the issuance of a ~~special-permits~~special use 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-permits~~special use permit application to the Town Planning Board for a site plan review.
- (3) For fees, see Chapter **65**.
- B. Residential ~~special-permits~~special use permitted uses shall be referred to the Zoning Board of Appeals and nonresidential ~~special-permits~~special use permitted uses shall be referred to the Planning Board for the issuance of a ~~special-permits~~special use 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.**

[53]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~~ **special use 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](#)