

§ 129-146 **Submission and review procedure.**

- A. Prior to the issuance of a building permit for any permitted or special permitted use or the subdivision of land in a commercial or industrial zone, the Planning Board shall conduct a site plan review of the proposed site. The plan shall be in accordance with this section.
- B. Criteria for determining whether or not the resulting parcels constitute a subdivision and are thereby subject to this article.
 - (1) Persons subject to this article are any one owner or group of persons acting in concert as part of a common scheme or plan who owns the original parcel(s) in question individually or collectively.
 - (2) Parcels subject to this article:
 - (a) Original parcels.
 - (b) Resulting parcels.
 - (c) Unrecorded parcels not shown on the Town of Wilton Tax Map.
 - (d) Organized parcels and resulting parcels which are not contiguous but are not separated by more than 600 feet measured along the front property line, which are of common ownership or owned by more than one person or corporation, acting in concert as part of a common purpose or plan, individually or collectively.
 - (3) Mall anchor subdivision exclusion (parcels not subject to this article). In instances where an enclosed regional shopping mall has previously received site plan approval from the Planning Board, a transfer of title to individual store(s), with or without associated parking, which creates no exterior changes from the approved site plan, involves only a store or stores, each exceeding 50,000 square feet of gross floor area, and involves no further subdivision of said store shall not be deemed to be a subdivision of land under this article, nor shall the resulting or original parcels be deemed to be not in compliance with applicable setback, frontage, lot size, off-street parking or similar area requirements as a result of such transfer.
- C. Function. It is the function of the site plan to illustrate the intended design, arrangement and uses of the land to be improved and to describe the effect the proposal will have on the physical, social and economic environment of the community.
- D. Review procedure. The review of commercial and industrial site plans is divided into four phases: presubmission, conceptual application, preliminary application and final application. The applicant shall obtain the subdivision and site plan submission checklist from the Planning Board secretary for use in preparing the submissions.
 - (1) Presubmission conference.
 - (a) The Building Inspector shall refer the prospective commercial or industrial developer to the Secretary of the Planning Board who shall schedule a presubmission conference for the next regularly scheduled Planning Board meeting. The purpose of the presubmission conference is to give the Planning Board and the applicant an opportunity to gain a perspective on the proposal's ramifications. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent, and the applicant shall learn his/her responsibilities before either is committed to significant outlays of time or capital. **[Amended 11-10-2005]**

- (b) At the presubmission conference, the applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the applicant shall provide a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features of the proposal.
- (c) All commercial and industrial site plans shall be required to have a minimum of 35% of the site to be used as green space, minimum of 25% in the C-1 zoning district. **[Amended 11-2-2023]**
- (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. Submission requirements are listed on the application form. **[Amended 6-6-1996; 8-1-2019; 11-2-2023]**
 - (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; 8-1-2019]**
 - [a] Formal approval: the 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.
 - [3] Approval of the conceptual site plan application relates only to the general ideas presented for the project and is neither legally formal nor binding upon the Planning Board. Additional modifications to the project which were not specifically required under the approval of the conceptual site plan application may be required for approval of the preliminary and/or final application for site plan approval. **[Added 8-1-2019]**
- (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) 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. Submission requirements are listed on the application form. **[Amended 6-6-1996; 11-2-2023]**
 - (b) A public hearing shall be required for all commercial and industrial subdivisions prior to preliminary approval. This public hearing shall be scheduled by the Planning Board after confirmation by the Director of Planning and Engineering that the preliminary submission is complete.
 - (c) No modification of existing stream channels, filling of lands or wetlands, grading or removal of vegetation or excavation of soils for the construction of site improvements shall begin until the developer has received preliminary site plan approval and a negative declaration on file as required by SEQRA. **[Amended 11-10-2005]**
 - (d) Failure to comply shall be construed as a violation of this Chapter **129**, and where necessary, final site plan approval may require additional review and modification, the removal of unapproved site improvements or the revegetation of the site.
 - (e) An application shall be accompanied by copies of the information drawn from the following requirements as well as other items determined necessary by the Planning Board in the conceptual approval. The required preliminary site plan shall be prepared by a professional engineer, architect or land surveyor.
- [1] Preliminary site plan requirements:
 - [a] The title of the drawing, including the name and address of the applicant and person responsible for the preparation of such drawing.
 - [b] The North arrow, scale and date.
 - [c] Boundaries of the property plotted to scale.
 - [d] Existing watercourses, wetlands and floodplains.
 - [e] A grading and drainage plan, showing existing and proposed contours.
 - [f] The location, proposed use and height of all buildings.
 - [g] The location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.
 - [h] Provision for pedestrian access.
 - [i] The location of outdoor storage, if any.
 - [j] The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

- [k] A description of the method of sewage disposal and the location of design and construction materials of such facilities.
- [l] A description of the method of securing public water and location, design and construction materials of such locations.
- [m] The location of fire and other emergency zones, including the location of fire hydrants.
- [n] The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- [o] The location, size and design and construction materials of all proposed signage.
- [p] General landscaping plan and planting schedule which identifies the location and proposed development of all buffer areas, including an indication of existing vegetative cover.
- [q] The location and design of outdoor lighting facilities.
- [r] A designation of the amount of building area proposed for retail sales or similar commercial activity.
- [s] A traffic assessment study.
- [t] Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- [u] Design of stormwater management facilities, including a statement regarding downstream impacts for the ten- and twenty-five-year-storm events. **[Amended 11-10-2005]**
- [v] Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ **129-205** through **129-210** of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in § **129-206**. The approved site plan shall be consistent with the provisions of Article **XXVIII** of this chapter. **[Added 12-7-2006 by L.L. No. 4-2006]**
- [2] Planning Board review of preliminary site plan application. The Planning Board's review of the preliminary site plan application shall include but shall not be limited to the following:
 - [a] The need of the proposed use.
 - [b] The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls. Planning measures shall be taken to help alleviate congestion and improve traffic flow to and from proposed retail and office developments. This can be done by consolidating driveways and/or providing service road systems to developments along major arterials such as U.S. Route 9 and Route 50. If several retail/office developments are being constructed on adjacent properties, a shared access could be provided between the parcels. If enough traffic is channelized to a combined driveway, a traffic signal may be warranted to provide safe and easy access to and from the retail and office developments. This type of access is similar to that found in strip malls or plazas where access is limited but still provided to the major roadway.
 - [c] The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - [d] The location, arrangement, appearance and sufficiency of off-street parking and loading.

- [e] The location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
- [f] The compliance of stormwater and drainage facilities to the NYSDEC stormwater regulations.
[Amended 11-10-2005; 8-1-2019]
- [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. The final site plan shall be prepared by a licensed professional engineer, architect or land surveyor.
[Amended 6-6-1996] [Modified 03/07/2024]
- [1] Upon approval of the final site plan, the applicant shall submit to the Town one set of Mylars and at least one set 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 the Town shall retain one Mylar and one print set, any remaining print set(s) provided shall be returned to the applicant. **[Amended 11-2-2023]**

- [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.
- (6) Expiration of Approval. **[Added 11-2-2023][Modified 04/04/2024]**
- (a) Site Plan approval granted shall expire eighteen (18) months from the date of the final site plan approval by the Planning Board if all fees and required conditions of mylar submission have not been paid and completed. Additionally, Site Plan approval shall expire 60 months from final site plan approval by the Planning Board unless:
- [1] A Building Permit is secured, and substantial site work has commenced on the approved activity or
- [2] A different, specified time limit is established during project review by the Planning Board and included in the approval; or
- [3] The applicant requests one extension of time to secure a building permit and commence substantial site work on the approved activity. Such request shall be granted at the discretion of the Planning Board.
- [a] In reviewing the request of an applicant for a renewal or extension the Planning Board shall determine whether good cause for such renewal or extension has been shown by the applicant, and shall consider, among other things, the following:
- [1] Whether there has been any change to the Town's Comprehensive Plan in that area of Town.
- [2] Whether there has been any change to the Zoning Code in that area of Town.
- [3] Whether a moratorium has been enacted in that area of Town.
- [4] Whether the applicant has used due diligence in proceeding within the previously granted time period for completion.
- [5] Whether there has been a material change in the character of the neighborhood.
- [6] Whether there are any circumstances beyond the reasonable control of the applicant that have impacted on the applicant's ability to complete the project within the previously granted time period for completion.
- (b) Site plans with pre-existing approval by the Planning Board and have not yet obtained a building permit prior to the adoption of this section of code shall comply with this expiration of approval requirement.

- 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.