

TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127
(518) 587-1939, Ext. 224

LISA CLOSSON
ZONING CLERK



CODE REVISION COMMITTEE

October 12, 2023

Present: John McEachron, Chairman/Deputy Supervisor/Town Board, Linda Bottiglieri, Scott Dussault, Dave Gabay, Planning Board, Connor Krueger, John Lant, Supervisor/Town Board Chairman, Chris Ramsdill, Zoning Board, Ryan Riper, Town Engineer, and Richard Spackmann.

Absent: Duane Bogardus, Councilman, Brett Hebner, Tom Murphy, Planning Board, Mark Mykins, Senior Building Inspector/Code Enforcement Officer.

Discussion Topics:

- Discussion on proposed changes in §109-21
 - §109-21 Conservation Subdivision Design
 - E. Dimensional requirements.
 - (1) Minimum lot requirements for conservation subdivision designs are set at the following levels:
 - (a) Lots with municipal sewer and water: ~~no minimum~~ 20,000 square feet per lot size.
 - (b) Lots with municipal water only: 30,000 square feet per lot.
[Amended 8-1-2019]
 - (2)
 - (b) At least 50% of the required road frontage and setbacks (~~except R-1~~ side yard setback, ~~which~~ shall be no less than 20 feet) for the underlying zoning district shall be maintained in the conservation subdivision design. ~~unless the Planning Board otherwise authorizes a reduction.~~
- Discussion on density
 - Propose 8 units per acre from existing 12 units per acre in H-1
 - Propose 100,000 sq. ft. lot size (2.3 acres) for R-2 (25 % increase from 80,000 sq. ft.)
 - Discussion on increasing lot size in R-1
 - Discussion on yard setbacks
 - Discussion on proposed changes to lot size creating pre-existing non-conforming lots
- Discussion on a moratorium if needed
- Discussion on proposed change to §53-8, Duties of Dog Control Officer

- § 53-8 **Duties of Dog Control Officer.**
A Dog Control Officer designated by the Town Board, **as well as State Officers (DEC and Troopers) and County Sheriff**, as provided in § 114 of the Agriculture and Markets Law, may enforce the provisions of this chapter and may also investigate and report to the Town Justice any dangerous dog, as described in § 121 of the Agriculture and Markets law, and see that the order or orders of the Town Justice in such case are carried out
- Discussion on §129-105, Continuation of lawful uses, and §129-109, Expansion
 - §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~~ to 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.
§129-109, 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~~ 25% of the ~~square-footage area of the use~~ existing on May 6, 1974, **so long as such expansion does not result in additional non-conforming uses of the same or different.** Adequate proof of square footage **that existed in 1974**, shall be the property owner's responsibility, subject to verification of the Town of Wilton.
(2) Residential: ~~100~~ 50% of the ~~square-footage area of the use~~ existing on May 6, 1974, **so long as such expansion does not result in additional non-conforming uses of the same or different** Adequate proof of square footage shall be the property owner's responsibility, subject to verification of the Town of Wilton.
- Review of proposed ordinance for Keeping of Backyard Chickens
 - Change from Keeping of Backyard Chickens to Residential Chickens
 - **129 - _____ Keeping of Backyard Residential Chickens.**
Intent:
The purpose of this ordinance is to provide standards for the keeping of domesticated chickens. The intention is to allow residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that these chickens do not adversely impact the neighborhood or surrounding properties on which the chickens are kept.
Permit Required.
(a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
(b) The fee for an annual permit to keep chickens is \$20.00. This permit may be renewed on an annual basis for \$10.00.
(c) The applicant shall demonstrate compliance with all the criteria and standards within this ordinance in order to obtain a permit.
(d) The application for a permit shall be submitted to the Town of Wilton, Building Department.

Exceptions.

Any use specially permitted under Agricultural with animals by the Zoning Board of Appeals or those that fall within the established Saratoga County Agricultural Districts.

Number and type of chickens allowed.

- (a) The maximum number of chickens allowed is ~~six (6)~~ twelve (12) per residential lot regardless of how many dwelling units are on the lot.
- (b) Only female chickens are allowed. There is no restriction as to the species of chickens.

Non-Commercial use only.

Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes under this permit.

Enclosures.

- (a) Chickens shall be kept in an enclosure, chicken tractor, or fenced area (chicken pen) always during daylight hours. Enclosures must be clean, dry, and odor free, always kept neat and in a sanitary condition. They shall be kept in a manner that will not disturb the use or enjoyment of neighboring properties due to noise, odor, or other adverse impacts. The chicken pen shall provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12” in the ground or securely wrapped on all sides and the bottom. The pen must be covered with wire, aviary netting or solid roofing.
- (b) Chickens shall be secured within a henhouse during non-daylight hours. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than 1-inch openings. The use of scrap, waste board, sheet metal or similar materials is prohibited. The hen house shall always be maintained and in good working condition.
- (c) Henhouses, enclosures, chicken tractors, and fenced areas shall be kept no less than ~~30~~ 10 feet from any rear or side property line ~~and~~, located behind the primary residence located on the property, and a minimum of 25 feet from a primary residence. Henhouses shall not exceed 30 square feet in size.

Odor and Noise impacts.

- (a) Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity as determined by the Town, Codes Enforcement Officer.

Lighting.

Only motion activated lighting shall be used to light the exterior of the henhouse, and no such lighting shall be detectible beyond the property boundaries.

Feed and Water.

Chickens must be always provided with feed and clean water; such feed and water shall be located so it is unavailable to rodents, wild birds and predators.

Waste and Storage removal.

Provisions shall be made for the storage and removal of chicken manure and chicken related waste. All stored waste shall be covered by a fully enclosed container

not larger than 20 gallons in size. No more than one such container per property housing chickens. Uneaten feed shall be removed in a timely manner so as not to attract pests.

Violation.

Each violation of this ordinance shall be subject to a \$25.00 fine; each day a violation continues shall constitute a separate offense. The Town of Wilton shall retain the right to inspect any property to determine whether a violation has been corrected.

Permit Revocation.

A permit may be revoked without reimbursement of any fee for:

- (a) Misrepresentation on an application.
- (b) Violation of the provisions of this ordinance, or failure to correct said violation upon reinspection.
- (c) Where it has been determined by the enforcement officer that there is a risk to public health or safety.

Enforcement.

Any violation of this ordinance may be enforceable by injunction or other action available under law.

Removal of Chickens.

In addition to the penalty under the section labeled as Violation, any violation of the provisions of this ordinance shall be grounds for an order from the Town to remove the chickens and chicken related structures from the property. The enforcement officer may order the removal of the chickens upon determination that the chickens pose a health risk. In the case that a chicken dies, it must be disposed of immediately and in a sanitary manner.

- Discussion on relocating §129-14 through §129-18 to Town Code and taken out of the Zoning Ordinance (SEE BELOW)

§ 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.[1]

[1]

Editor's Note: A copy of Appendix A is available in the Town offices.

B.

The Historic Preservation Board may make additions to Appendix A, subject to Town Board ratification. In identifying any area, place, building, structure or similar object as a landmark to add to Appendix A, the Historic Preservation Board shall apply one or more of the following criteria:

(1)

It possesses special character, historic interest or value as part of the cultural, political, economic or social history of the Town.

(2)

It is identified with an historic personage.

(3)

It embodies the distinguishing characteristics of an architectural style.

(4)

It exemplifies the cultural, economic, social or historic heritage of the Town.

C.

In identifying a group of properties as an historic district, the district shall be geographically within a clearly identifiable area of a number of structures which give it distinct historic or aesthetic character. The boundaries of the historic district so designated shall be specified in detail.

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[1] 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.

[1]

Editor's Note: A copy of Appendix A is available in the Town offices.

§ 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

Next meeting 11/09/2023 @5:00 p.m.