

ZONING

*129 Attachment 3*

**Exhibit A<sup>1</sup>**  
**Local Law No. 1 of 1989**

A local law amending the code of the Town of Wilton. Providing for the creation of a Planned Unit Development District to be known as “Planned Unit Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.”

WHEREAS, because of the location of the site at the intersection of Routes 9 and 33, the Town Board has determined the proposed project is appropriate for the location and the change of area from a commercial zone to a Planned Unit Development District,

BE IT ORDAINED by the Town Board of the Town of Wilton as follows:

SECTION I

This local law shall be known as “No. 1 of 1989” and amends the Code of the Town of Wilton to provide for the creation of a Planned Unit Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.

SECTION II

The Code of the Town of Wilton and the Zoning Map of the Town of Wilton as set forth therein be and the same hereby are amended by changing the following described area as set forth below from C-1 Commercial District as such is now zoned and creating within the boundaries of said newly described area a Planned Unit Development District to be known and described as “Planned Development District No. 1, McGregor Village Planned Unit Development District, Town of Wilton.”

SECTION III

The area of the Planned Unit Development District consists of 60.0, plus or minus, acres in the Town of Wilton and is bounded and described as set forth in Appendix A (legal description) attached hereto and made a part hereof.

SECTION IV

The McGregor Village Planned Unit Development District shall provide for the proposed construction of a retail factory outlet center with approximately 200,000 square feet of building area. The buildings, roads and other paved surfaces in the proposed development district will cover about 30.0, plus or minus, acres will be used for open space, buffer strips, landscaped areas and an on-site stormwater management area. The Planned Unit Development District will have parking for 912, plus or minus, cars. It will also have an on-site water supply system, a

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<sup>1</sup> Editor’s Note: This model is a completed, fictitious PUDD amendment to be used as guidance for applicants.

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connection to the county sewer system and a one-hundred-thousand-gallon underground water tank for water supply and fire protection. The developer to assure a compatible, aesthetically pleasing development in a colonial village atmosphere shall do the design, construction and maintenance of all buildings and landscaping within the development district.

Improvements to New York State Route 9 at the proposed site access road intersection to Saratoga County Route 33 at the proposed site access road intersection, to the intersection of New York State Route 9, Saratoga County 33 and Northern Pines Road, to the section of Route 33 between Interstate 87 and the proposed site access road and to the intersection of Saratoga County Route 33 and Interstate 87, including the ingress and egress systems at that intersection, as required by the New York State Department of Transportation after its review of the developer's traffic study, and as finally approved by the New York State Department of Transportation and the town's engineers, will be completed by the developer at its cost. The developer has also agreed to fund a long-range traffic improvement study to address transportation needs which may be induced as a result of the Planned Unit Development District and other area developments which this Planned Unit Development District may encourage and to pay its fair share of any transportation improvements which the long-range traffic improvements study concludes are needed. The amount necessary to fund the long-range traffic improvement study shall be determined by the Town Board of the Town of Wilton and paid to the Town of Wilton, which shall have the authority, in its sole discretion, to determine when the study will be done and who will complete it and shall have the ultimate authority, in its sole and reasonable discretion, to determine the fair share of the developer for any transportation improvements which the study concludes are needed. The amount initially contributed by the developer for the traffic improvement study shall be applied as a credit to reduce the amount of the developer's subsequent contribution toward its fair share of the cost of the traffic improvements, the total sum of which shall be borne by the various private developers involved and not by the town.

### SECTION V

The developer shall construct the project generally in accordance with the approved sketch plan, as approved by the Town of Wilton Planning Board and Town Board. However, the exact location and size of buildings, location of parking areas, green areas, pedestrian sidewalks and other related matters may be changed, altered or amended during the Town of Wilton Planning Board site plan review process. It is the intention of this provision to provide the developer with flexibility for a mixture of commercial/retail space. The sketch plan is not intended to limit the developer with respect to a specific number of buildings, specific location of buildings or parking lots or other related items customarily considered by the site plan review process.

### SECTION VI

The entire project shall consist of buildings not to exceed a total of 200,000 square feet. Parking spaces shall conform to the requirements established by the Town Planning Board during the site plan review process. The maximum building height of any building shall be 30 feet.

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### SECTION VII

Prior to the issuance of building permits for the buildings within this district, the owner shall submit a site plan for approval by the Town Planning Board in accordance with Chapter 129, Article XXIII of the Code of the Town of Wilton. No building permits shall be issued without final approval of the site plan by the Town Planning Board. The specific details concerning the work allowed pursuant to such permits shall be established by the Planning Board during the site plan review process.

### SECTION VIII

A fifty-gallon-per-minute on-site production well and water system serving all buildings within the district shall supply water. Sanitary sewage shall be provided throughout the site during development, and permanent sewage disposal shall be provided by connection to the county sewer system. The developer shall provide the connection to the existing system.

### SECTION IX

All buildings shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code. A duly licensed engineer or architect shall approve all blueprints and building specifications. All construction shall be subject to the inspection and approval of the Town Building Inspector and Town Engineers. All buildings shall contain a fire alarm system having direct alarm connection to the appropriate fire company and/or fire control center. All buildings shall be equipped with sprinklers in accordance with New York State Fire Prevention and Building Code and the standards of the National Fire Protection Association. Fire hydrants shall be installed in accordance with appropriate standards and codes.

### SECTION X

All utilities shall be installed underground.

### SECTION XI

No outside storage of any products or equipment shall be permitted on the subject premises.

### SECTION XII

The uses of the commercial and/or retail buildings to be constructed within this district shall be those permitted by the current Code of the Town of Wilton for commercial or retail use, provided that amusement/video arcades, laundromats and car washes shall not be permitted.

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### SECTION XIII

All signs within the district shall comply with the requirements established by the Planning Board during site plan review.

### SECTION XIV

The developer shall file bonds or letters of credit in the amounts established by the Town Planning Board and acceptable as to amount and form to the Town Engineers and Town Attorney to guarantee the following:

- A. The return of the site to its original condition after clearing and grading, should this be deemed necessary by the Planning Board.
- B. The satisfactory completion of the roads and other infrastructure for the project.
- C. The satisfactory completion and maintenance of landscaping on the project site.

The bonds or letters of credit shall be filed for the period of time to be determined by the Planning Board.

### SECTION XV

No buildings, roads or other paved surfaces shall be constructed within the one-hundred-foot setback from the right-of-way as required by the Town of Wilton.

### SECTION XVI

All roads, drainage easements and related rights-of-way shall be constructed and/or located by the developer in accordance with the requirements of the town, shall be approved by the Town Engineers and shall be offered without cost to the Town of Wilton.

### SECTION XVII

Fifty parking spaces shall be set aside by the developer for use by the Town of Wilton's Park and Ride Program.

### SECTION XVIII

This local law shall take effect immediately upon filing in the office of the Secretary of State.