

ARTICLE 2 DEFINITIONS

SECTION 2.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural include the singular, unless context clearly indicates the contrary.
- B. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- C. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
- D. The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- F. In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control.

SECTION 2.02 DEFINITIONS

ACCESSORY STRUCTURE: A structure subordinate to the principal building on the lot and used for purposes customarily incidental to that of the principal structure. Where an accessory structure is attached to the structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered to be part of the main structure.

ACCESSORY USE: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same zoning lot therewith. An accessory use may not be accessory to another accessory use.

ACRE: A tract of land having an area of 43,560 square feet.

AGRICULTURAL: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, silviculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal

agricultural activities.

ALTERATION: As applied to a building, any of the following shall be considered to be an alteration; a change or rearrangement of the structural parts, a change in the entrance or exit facilities, an enlargement, whether by extending on a side or by increasing in height or the moving from one position or location to another.

ALTERATION: A property owner or agent of a property owner who has filed an application for a land development activity.

APPLICANT: A property owner or agent of a property owner who has filed an application for a land development activity.

ATTIC: An unfinished space immediately below the roof of a main building.

BAR: A business establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. Bars may include the sale of prepared food as an activity incidental to the primary use stated above.

BAR, SPORTS: A bar that has on-site athletic or gaming fields and/or courts which are utilized by its patrons.

BASEMENT: A space of full story height constructed partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST: A structure containing up to four (4) sleeping rooms which are designed or intended for occupancy by or are occupied by one or more guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast shall have only one set of kitchen facilities and employ only those living in the house.

BUILDING: Any structure, excluding fences, ether temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include manufactured homes, modular housing, utility sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for purposes of a building and similar structures. When a building is divided into separate parts extending from the ground up, each part so divided shall be deemed a separate building.

BUILDING AREA: The total areas taken on the horizontal plane at the main grade level of the principal building and all accessory buildings, excluding uncovered porches, terraces and steps.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of all of the floors of a principal building and all accessory structures on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, FRONT LINE OF: The line of the wall of the building nearest to the front line of the lot, including covered sun porches or parlors whether or not enclosed, but not including steps.

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING, PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUILDING PERMIT: An authorization issued by the Town Codes Enforcement Officer to move, erect or alter a structure within the Town.

BUSINESS OR COMMERCIAL: Pertaining or relating to the sale, exchange or trade of goods or services, where such action is the principal use to which the building or land is devoted. Also means an accessory use of a building or land to an extent which is unproportionate to the principal use. A commercial use is an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee of a property for more than seven (7) days during a calendar year.

BUSINESS OFFICE: A building in which the administrative functions of a business operation are carried out. This shall not include the storage, sale or repair of any items related to the business operation.

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and other recreational living units, and which is primarily used for recreational purposes and retains an open air or natural character.

CELLAR: That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average elevation of finished grade of the ground adjoining the building and which is not used primarily for year-round living accommodations.

CERTIFIED PROFESSIONAL IN EROSION & SEDIMENT CONTROL (CPESC): A person who has received training and is certified by CPESC Inc, to review, inspect, and/or maintain erosion and sediment control practices.

CHANNEL: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING: Any activity that removes the vegetative surface cover.

CLUB OR LODGE, PRIVATE: A non-profit association of persons, who are bona fide members, which owns, hires or leases a building or land, the use of which is restricted to

members and their guests.

COMMERCIAL EXCAVATION/MINING: A parcel or part thereof used for the purpose of extracting stone, sand, gravel or topsoil as a commercial product but exclusive of the process of grading a lot preparatory to the location of a building or use for which application for a permit under this Ordinance has been made.

CONTRACTOR YARD: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor storage.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of not more than 5,000 square feet. Also included may be the sale of prepared foods and beverages for consumption off the premises.

DEDICATION: The deliberate appropriation of property by its owner for general public use.

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.

DEVELOPER: A person who undertakes land development activities.

DRAINAGE WAY: Any channel that conveys surface runoff throughout the site.

DRIVE-THROUGH BUSINESS: A business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach staging area and service window or facilities for vehicles.

DUMPSTER: A container, receptacle or other structure designed, intended or used for the temporary storage of more than two (2) cubic yards of trash, green waste, recyclables, construction debris or any other material to be put out for collection.

DWELLING, ONE-FAMILY: A detached dwelling unit, other than a manufactured home or temporary portable housing, designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY: A detached dwelling unit, other than a manufactured home or temporary portable housing, designed for exclusive year-round occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units and designed for year-round occupancy by more than two (2) families living independently of each other, exclusive of hotels, motels, rooming houses or tourist homes.

DWELLING UNIT: One or more rooms in a residential building which are arranged, designed, used or intended for use as a complete independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation for use by one family. No dwelling unit will be contained in its entirety in any cellar or basement.

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a service drive, and within which the owner of the property shall not erect any permanent structures.

EROSION CONTROL: A measure that prevents erosion.

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”.

EROSION AND SEDIMENT CONTROL PLAN: A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, as defined herein, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, cellular communication towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare of the public. Essential services shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices or any commercial buildings or activities.

FAMILY: Any number of individuals, related by blood, marriage or adoption or not more than five (5) individuals who are not so related, living together as a single housekeeping unit.

FAMILY DAY CARE HOME: A family residence wherein day care services are provided for three (3) to six (6) children of any age for more than three (3) hours per day. The director of this facility shall be a resident of the premises where these services are to be provided. All state licensing requirements are to be met and all operations are to be in accordance with NYS Department of Social Services regulations.

FARM: Any parcel of land containing at least five (5) acres which is used for the commercial raising of agricultural products, livestock, poultry and dairy products. It includes the necessary farm structures within the prescribed limits as well as the storage of equipment. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE: A freestanding structure of metal or wood or any combination thereof resting on or partially buried in the ground and used for confinement, screening or to mark a boundary.

FENCE, OPEN: A fence which is open and largely unobstructed for viewing the property behind it.

FENCE, SOLID: A fence which screens or obstructs the view of the property behind it.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100 year flood boundary) in the flood insurance study for the Town of Schuyler.

FRONTAGE: The linear dimension measured along the public street right-of-way line or along the private road access easement.

GARAGE: A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and used for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GRADE, ESTABLISHED: The elevation of the centerline of the roads or streets as established by the proper authorities.

GRADE, FINISHED: The completed surface of lawns, walks or roads, or the average of the finished ground level at the center of all walls of a building.

GRADING: Excavation or fill of material, including the resulting conditions thereof.

GREENHOUSE, COMMERCIAL: A business whose principal activity is the selling of plants grown on the site, including any outside storage, growing or display.

GREENHOUSE, PRIVATE: An accessory building used primarily for the growing of plants for the personal use of the owner or resident of the property only.

GROUP FAMILY DAY CARE HOME: A family residence wherein day care services are provided for up to ten (10) children of any age for more than three (3) hours per day, including not more than four (4) children under two (2) years of age; or up to twelve (12) children where all such children are over two (2) years of age. Care services may also be provided for up to two (2) additional school age children during non-school hours, including school holidays, vacations and the summer. The operator of the group family day care home must reside on the premises and up to two (2) non-residents may be employed as assistants. All state licensing requirements are to be met and all operation is to be in accordance with NYS Department of Social Services regulations.

HOME OCCUPATION: An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit, is conducted solely within the main building on the property and does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL: A facility for primary inpatient care and services for observation, diagnosis and active treatment of patients with medical, surgical, obstetric or chronic conditions requiring daily care and supervision of physicians and professional medical support staff. A hospital may include 24-hour emergency care services, inpatient/outpatient diagnostic and therapeutic services and medical clinics. A hospital may include a specialty or psychiatric hospital.

HOSPITAL, ANIMAL: An establishment for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals.

IMPERVIOUS COVER: Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

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.

INFILTRATION: The process of percolating stormwater into the subsoil.

JUNK: Items including, but not limited to, old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags and rubber.

JUNK YARD: A lot, land or structure, or part thereof, used for the collecting, storage and sale of junk; or for the collecting, dismantling, storage and salvaging of machinery, and for the sale of the parts thereof. Junk yard shall also mean any place of storage or deposit, whether in conjunction with another business or not, where two or more junk vehicles are held, whether for the purpose of resale of used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together equal in bulk two (2) or more such vehicles.

JUNK VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable and which by virtue of its condition cannot be economically restored. In addition, any vehicle may be presumed to be a junk vehicle when:

1. Valid license plates are not displayed or license plates have been expired for more than sixty (60) days; or
2. Valid state inspection stickers, as required for the use of the vehicle, are not displayed or have been expired more than sixty (60) days; or
3. The vehicle remains in an inoperable condition for more than ninety (90) days.

NOTE: Vehicles removed from the road and stored on a seasonal basis for not more than six (6) months shall not be considered to be junk vehicles.

JURISDICTIONAL WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

KENNEL, COMMERCIAL: A building or land used for the commercial grooming, breeding, boarding, training or selling of more than three (3) domesticated animals older than six (6) months of age.

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.

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.

LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for a lot in the zone where such lot is located and having its principal frontage on a public street or public way.

LOT AREA: The total horizontal area within the lot lines of a lot. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A parcel of land located at the junction of and fronting on two or more intersecting streets or roads, and having an interior angle of one hundred thirty-five (135) degrees or less.

LOT COVERAGE: The part or percent of the lot occupied by the above grade portion of all principal buildings, accessory structures and uses, driveways, parking areas and sidewalks. Lot coverage shall not be intended to include landscaped areas.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.

LOT LINES: The boundary lines of a lot, including:

- a. Front Lot Line The lot line separating the front of the lot from the street right-of-way;
- b. Rear Lot Line The lot line opposite and most distant from the front lot line;
- c. Side Lot Line Any lot line other than a front or rear lot line. On a corner lot, a side lot line may also be a street lot line.

LOT OF RECORD: A lot whose existence, location and dimensions have been legally recorded on a deed or on a plat on file with the Town of Schuyler.

LOT, THROUGH: An interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district. Where the front lot line is curvilinear in shape, the lot width shall be measured as the cord of the arc at the front yard setback in the district.

MAINTENANCE AGREEMENT: A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MINI OR SELF STORAGE WAREHOUSE: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of consumer's goods.

MAJOR ARTERIAL HIGHWAY: For the purposes of this Ordinance, the term "major arterial highway" shall refer to Route 5, Newport Road and Dyke Road.

MANUFACTURED HOME: A factory-built, single family dwelling designed and built to meet the National Manufactured Home Construction and Safety Standards Act on a frame and wheels including plumbing, heating and electrical equipment so as to be towed on its own chassis to its destination. A unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. A recreational living unit shall not be considered to be a manufactured home.

MANUFACTURED HOME PARK: A parcel of land having an area of at least five (5) acres which has been designed or improved prior to its occupancy for the placement of two (2) or more manufactured homes for non-transient use.

The term "Manufactured Home Park" shall not include the placement of two manufactured homes on residentially used property for the housing of parents, grandparents, brothers, sisters, aunts, uncles, children or grandchildren or employees of an operating farm. The manufactured home(s) shall meet all setback, bulk and coverage requirements of the zoning district in which it is located

MODULAR HOME: A dwelling unit, partially prefabricated off-site, having a total wood frame structure, and designed only for erection or installation on a site-built permanent foundation and not designed to be moved once erected on such foundation. Said modular home shall have a minimum roof pitch of 3 on 12 and shall be designed and manufactured in compliance with the New York State Uniform Fire Prevention and Building Code. For the purposes of this Ordinance, a modular home shall be considered to be a single family dwelling unit.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR VEHICLE BODY SHOP: A place where the primary business is making substantial repairs to and/or the painting of the shell or body of any motor vehicle, The following services may also be carried out; general motor vehicle repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair and overall painting and undercoating.

MOTOR VEHICLE REPAIR STATION: A place where the following services may be carried out; general motor vehicle repair, engine rebuilding and rebuilding or reconditioning of motor vehicles. Automotive repair stations shall not include collision service or painting and undercoating of motor vehicles. The sale of engine fuels may or may not be carried out.

MOTOR VEHICLE SALES: A business establishment involved in the sale or resale of more than one motor vehicle at any given time during one calendar year.

MOTOR VEHICLE SERVICE STATION: A place where gasoline or any other motor vehicle engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles) or minor accessories are retailed directly to the public on the premises and where the servicing or minor mechanical repair of motor vehicles or installation of mufflers or other specialty items may occur. Automotive service stations shall not include sale or storage of motor vehicles or trailers (new or used).

MOTOR VEHICLE WASHING ESTABLISHMENT: Any structure or land where the washing and/or waxing of motor vehicles is carried on manually or by either high pressure spraying or the use of a chain or other conveyor system with water jets, blower and/or steam cleaning device.

NON-CONFORMING BUILDING, LOT OR USE: A building, lot or use of land lawfully existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is located.

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.

NURSING HOME: A facility providing rehabilitative inpatient care and services in addition to long-term care for patients with chronic or disabling medical conditions. The services provided may include occupational and physical therapy, nursing care and supervised residency.

PARKING SPACE: A space designed for the parking of one motor vehicle and having an area of at least one hundred eighty (180) square feet, with a minimum width of at least ten (9) feet and a minimum depth of at least eighteen (18) feet, exclusive of driveways and passageways giving access thereto.

PERIMETER CONTROL: A barrier that prevents sediment from leaving a site by either filtering sediment-laden runoff or diverting the runoff to a sediment trap or basin.

PERSONAL SERVICE ESTABLISHMENT: Any building where the primary occupation is the repair, care and maintenance of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include, but not be limited to; barber shops, beauty parlors, hair stylists, tailors, dressmakers, shoe cleaning or repair shops and other similar places of business. The term "personal service establishment" is not construed to include offices of physicians, dentists and veterinarians, linen or diaper service establishments or dry cleaning plants.

PHASING: Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

PLANNED DEVELOPMENT: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.

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 waterbody that will receive a discharge from the land development activity.

PROJECT: Land development activity.

RECHARGE: The replenishment of underground water reserves.

RECREATION ESTABLISHMENT, INDOOR: A building where the commercial operation of

recreational or amusement activities is conducted, including, but not limited to a bowling alley, skating rink, theater, billiard parlor, gymnasium and game arcade.

RECREATION ESTABLISHMENT OUTDOOR: A privately owned business which provides outdoor recreational services to the general public, including, but not limited to, miniature golf course, swimming pool, driving range, batting cage go-cart track, skating rink, riding stable, tennis court and skiing facility.

RECREATIONAL LIVING UNIT: A manufactured recreational housekeeping unit, not designed or intended for year-round living, including, but not limited to, travel trailer, pick-up camper, converted bus, pop-up camper, camper trailer, tent or similar device.

RELIGIOUS INSTITUTION: A building where people regularly congregate to participate in or hold religious services, meetings or other related activities.

REPAIR SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair and general service of common household appliances including, but not limited to musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors and lawn mowers.

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, not for resale. Retail sales establishment shall not be interpreted to include automotive oriented uses and neighborhood convenience stores.

RESTAURANT: An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, where the customer usually consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves customers who are not in motor vehicles, for consumption either on or off the premises.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbitally based uses.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SEDIMENT CONTROL: Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS: Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge

areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SETBACK: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this Ordinance.

SHOPPING CENTER: A business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not restrict such use to be one or any one of these.

SILVICULTURE: The controlling of the establishment, growth, composition, health, and quality of forests.

SITE: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation (would include all phases of a single development).

SITE DEVELOPMENT PERMIT: A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SITE PLAN: A document or group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01: 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.

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

SPECIAL USE PERMIT: A permit issued by the Zoning Board of Appeals to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned as a principally permitted use in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Town's inhabitants.

STABILIZATION: The use of practices that prevent exposed soil from eroding.

STABLE, COMMERCIAL: A building where horses are kept for commercial uses, including hire, sale, boarding or show.

STABLE, PRIVATE: A building, incidental to an existing residential, principal use, that shelters horses and other livestock for the exclusive use of occupants of the premises.

START OF CONSTRUCTION: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STOP WORK ORDER: An order issued which requires that all construction activity on a site be stopped.

STORMWATER: Rainwater, surface runoff, snowmelt and drainage

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.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY: One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

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.

STORMWATER MANAGEMENT PRACTICES (SM Ps): 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.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF: Flow on the surface of the ground, resulting from precipitation.

STORY: That portion of a building above the basement or cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched, hip gambrel or gabled roof and the uppermost full story, and having a floor area at least half as large as the floor below it. Space with less than five (5) feet clear headroom shall not be considered as floor area.

STREET OR ROAD: A public thoroughfare which affords the principal means of access to abutting properties.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antenna, swimming pools, signs, gas or liquid storage facility and manufactured homes. Essential public utility poles, regulatory signs and the like are not considered structures when located within required setback open spaces.

SUBDIVISION: The division of any parcel of land into three or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term "Subdivision" shall include re-subdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped within a three year period.

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 manmade 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.

TELECOMMUNICATIONS TRANSMISSION TOWER: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

TRANSFER STATION: A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

VARIANCE: An authorized departure, granted by the Zoning Board of Appeals, from the requirements of this Ordinance.

WATERCOURSE: A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

WATERWAY: A channel that directs surface runoff to a watercourse or to the public storm drain.

WAYSIDE STAND: A temporary structure, generally seasonal and excluding a tent, designed for the display and sale of agricultural products.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the street line and the front line of the building, including any attached garage, projected to the side lines of the lot.

YARD, REAR: An open space, unoccupied except for an accessory building, if any, located on the same lot with the main building and extending the full width of the lot and located between the rear line of the main building and the rear line of the lot.

YARD, SIDE: An open space, unoccupied except for an accessory building, if any, located on the same lot with the main building and located between the side-lines of the main building and the adjacent lot side-lines and extending from the front yard to the rear yard.