

ZONING

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Town of Cobleskill

Appendix A Definitions

Word usage. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used." The word "shall" is mandatory and not optional. All other words used in this chapter shall carry their customary meanings. **[Added 9-13-2021 by L.L. No. 6-2021]**

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL PROCESSING — An on-farm commercial facility where raw agricultural products are processed into food or other products for animal or human consumption, distribution or use in other processes, including but not limited to cheese making, feed production, wine making and produce storage. **[Added 3-10-2014 by L.L. No. 2-2014]**

AGRICULTURAL RETAIL SALES — An on-farm commercial retail or service enterprise where the bulk of goods and services offered are agricultural in nature with the majority produced from on-farm activities. **[Added 3-10-2014 by L.L. No. 2-2014]**

AGRICULTURAL TOURISM ENTERPRISE/AGRI-ENTERTAINMENT/AGRITAINMENT — Farm-related tourism or farm-related entertainment activities that are undertaken for a fee (for profit only) on agricultural land for recreational or educational purposes. Examples include pick-your-own fruits and vegetables, farm markets, festivals/fairs, interactive animal displays, for-fee fishing, petting zoos, pumpkin patches, corn mazes, farm museums and other activities revolving around a central farming theme, including ancillary activities and uses (e.g., farm-stay vacations, bed-and-breakfast lodging or cafe) that supplement the agricultural elements of the property/business but retain such elements as the primary theme. **[Added 3-10-2014 by L.L. No. 2-2014; amended 9-13-2021 by L.L. No. 6-2021]**

AGRICULTURE/FARM/FARMING — Producing an agricultural product on more than seven acres of land and grossing at least \$10,000 per year for the preceding two years; or otherwise qualifying as agriculture as defined by the New York State Department of Agriculture and Markets (Article 25-AA, § 305). **[Amended 5-13-1991 by L.L. No. 2-1991; 12-12-2005 by L.L. No. 7-2005; 3-10-2014 by L.L. No. 2-2014]**

AIR LANDING FIELD — A place where airborne vehicles land or take off, where said vehicles are stored indoors or outdoors adjacent to a landing area, and where repairs can be made to said vehicles also adjacent to a landing site. Public airports are operated by governmental agencies while private airports are operated by private individuals or businesses. Vehicles may be manned or unmanned, powered or gliders. All aircraft landing strips must comply with this law and federal and state regulations and be approved by the Commissioner of Transportation for New York State. **[Added 9-13-2021 by L.L. No. 6-2021]**

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ALLEY — A public way having a right-of-way width of 20 feet or less.

ALTERATION — Any change, rearrangement or addition to a building or any modification in construction or in building equipment, excluding normal maintenance and repairs. **[Added 9-13-2021 by L.L. No. 6-2021]**

ANIMAL HOSPITAL — Premises for the medical and/or surgical care of sick or injured animals with or without accessory boarding accommodations for convalescence. The term "animal hospital" shall also include a veterinary clinic and associated kennel. **[Added 9-13-2021 by L.L. No. 6-2021]**

APPLIANCE/COMPUTER REPAIR FACILITY — An establishment for the repair and service of household items, including but not limited to washing machines, dryers, refrigerators, toasters, microwave ovens, and ovens. **[Added 9-13-2021 by L.L. No. 6-2021]**

AREA, LAND — The term "land area," when referring to the required area per dwelling unit, means "net land area," the area exclusive of street and other public open space.

AREA, TOTAL FLOOR — The area of all floors of a building, including finished attics, finished basements and covered porches.

ASSISTED-LIVING FACILITY — Residences for the elderly that provide rooms, means, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. **[Added 9-13-2021 by L.L. No. 6-2021]**

ATHLETIC FIELD — An outdoor open area dedicated to recreational sports; these fields may be under the ownership of public or private entities. **[Added 9-13-2021 by L.L. No. 6-2021]**

AUTOMOBILE REPAIR SHOP — See "motor vehicle repair facility." **[Added 9-13-2021 by L.L. No. 6-2021]**

BAR — See "tavern/nightclub." **[Added 9-13-2021 by L.L. No. 6-2021]**

BARBERSHOP/BEAUTY PARLOR or SALON — **[Added 9-13-2021 by L.L. No. 6-2021]**

A. An establishment (including those known as "barbershops" or "men's hair stylist shops") where people go to receive personal treatments, and/or purchase beauty products. These treatments primarily include one or more of the following:

- (1) Cutting, trimming, shampooing, weaving, coloring, waving, or styling hair;
- (2) Providing facials;
- (3) Applying makeup (except permanent makeup); and
- (4) Providing nail care services, such as manicures, pedicures, and nail extensions.

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- B. Spa services may be provided as additional and secondary services, including body art subject to the condition that said body art services shall be accessory to the primary use of the facility as a barbershop/beauty parlor/salon and that the area in which the body art services are provided shall not exceed 25% of the gross floor area of the establishment.

BASEMENT — Finished space below the first main floor of a building, having a ceiling not more than four feet above the average outside ground level.

BED-AND-BREAKFAST — Owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal and containing not more than 10 bedrooms for lodgers. The number of overnight guests housed in the facility (excluding the regular residential occupants) may not exceed the number of permitted sleeping units multiplied by three. **[Added 9-13-2021 by L.L. No. 6-2021]**

BLOCK — The length of a street between two street intersections. Where street intersections are at intervals greater than 1,200 feet, 1,200 feet shall be considered the length of block for purpose of this chapter.

BOARDINGHOUSE AND/OR ROOMING HOUSE — A dwelling, other than a hotel, wherein more than four people are sheltered and/or fed for profit.

BUILDING — A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, or property. A group of attached townhomes and/or a multifamily dwelling will constitute a single building. **[Added 9-13-2021 by L.L. No. 6-2021]**

BUILDING, ACCESSORY — A building the use of which is customarily incidental to that of a dwelling and which is located on the same lot as that occupied by the main building.¹

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING OR STRUCTURE, NONCONFORMING — An established building or structure lawfully existing prior to and at the time of the adoption of this chapter which, because of its inherent nature of construction, does not conform to and with the provisions of this chapter for the district in which it is located.

BUILDING OR STRUCTURE OF LAND, NONCONFORMING USE — An established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption of this chapter that does not conform to and with the permitted use provisions of this chapter for the district in which it is located.

¹ Editor's Note: The former definitions of "building, accessory use of" and "building, change of use," which immediately followed this definition, were repealed 9-13-2021 by L.L. No. 6-2021.

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BUILDING, PRINCIPAL — A building, including covered porches, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed the principal building on the lot on which the same is situated.

CAR WASH — Premises regularly used for washing, cleaning or polishing motor vehicles for compensation. **[Added 9-13-2021 by L.L. No. 6-2021]**

CEMETERY — Property used for the interring of the deceased. **[Added 9-13-2021 by L.L. No. 6-2021]**

CENTER LINE OF STREET OR ROAD — A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

CERTIFICATE OF COMPLIANCE — A certificate issued by the Code Enforcement Officer when the plans for a proposed use meet all applicable codes and regulations. **[Added 9-13-2021 by L.L. No. 6-2021]**

CHARITABLE ORGANIZATION — A not-for-profit corporation or association organized for charitable purposes, including but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment and the arts. **[Added 9-13-2021 by L.L. No. 6-2021]**

CHURCH/PARISH HOUSE — See "places of worship." **[Added 9-13-2021 by L.L. No. 6-2021]**

CLINIC, MEDICAL OR DENTAL — An independent facility for the provision of health services by licensed professional staff on an outpatient basis and without accommodations for overnight patient stays. A clinic that is an integral part of a hospital or nursing home shall be considered the same use as said hospital or nursing home for purposes of this Code. **[Added 9-13-2021 by L.L. No. 6-2021]**

CLUBHOUSE — A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.

CODE ENFORCEMENT OFFICIAL — The Code Enforcement Officer or the Assistant Code Enforcement Officer. **[Added 9-13-2021 by L.L. No. 6-2021]**

COIN-OPERATED LAUNDRY — Premises equipped with individual clothes-washing and -drying and/or -cleaning machines which are operated by the customers themselves. **[Added 9-13-2021 by L.L. No. 6-2021]**

COMMERCIAL GREENHOUSE — Any building or structure where fruits, vegetables, flowers, trees, shrubs, or plants are produced by controlled temperature and/or humidity for the purpose of selling such products, and which may include a garden center as a commercial accessory use. **[Added 9-13-2021 by L.L. No. 6-2021]**

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COMMERCIAL LAUNDRY or DRY CLEANER — Premises equipped with machines for washing and drying and/or chemically cleaning and pressing clothes left by customers and picked up after cleaning. Commercial laundry or dry cleaner also includes premises which serve only as customer drop-off and pickup locations and which send customer's clothes off the premises for cleaning and pressing. **[Added 9-13-2021 by L.L. No. 6-2021]**

COMMERCIAL RECREATION — Sports-oriented facilities used for a variety of health, recreational, or social activities for which a fee is charged. Activities are primarily by and for participants; spectators are incidental and present on a nonrecurring basis. Activities may be conducted within an enclosed building or in open facilities only when the property is suitably sized and positioned to reduce noise and traffic impacts to surrounding properties. Examples of outdoor commercial recreation uses include driving ranges, miniature golf facilities, disc parks, outdoor swimming pools or tracks, outdoor sport courts, athletic fields, batting cages, campgrounds. Examples of indoor commercial recreation uses include sports courts, bowling alleys, skating rinks, game arcades, pool halls, billiards halls, indoor firing ranges, clubs and gymnasiums with weight rooms, indoor pools or tracks, and similar facilities. Examples of accessory uses include caretaker's quarters, concessions or incidental retail sales, recreational vehicle sales and repairs, restaurants without drive-in facility, banquet facilities, conference rooms, child-care facilities, maintenance facilities, parking for customers and employees. **[Added 9-13-2021 by L.L. No. 6-2021]**

CONDOMINIUM — A multiunit building or buildings in which an owner has exclusive ownership rights to a given unit, but real estate and common elements are owned jointly by a group of owners or by a separate entity. Condominiums are governed by New York State Real Property Law Article 9-B Condominium Law § 339. **[Added 9-13-2021 by L.L. No. 6-2021]**

CONSERVATION — The protection or management of land in a natural state, including management practices such as clearing and replanting, stream channel maintenance and erosion control, among others. **[Added 9-13-2021 by L.L. No. 6-2021]**

CONSTRUCTION, FIRE-RESISTANT — That type of construction in which the walls, partitions, columns, floor and roof are noncombustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

CONVENIENCE STORE — Quick-stop retail sales outlet with no sale of gasoline and with no motor vehicle repair. **[Added 9-13-2021 by L.L. No. 6-2021]**

CONVENIENCE STORE WITH GASOLINE SALES — See "gas station." **[Added 9-13-2021 by L.L. No. 6-2021]**

CONVENT/MONASTERY — A multiple-occupancy structure used by an organized religious order to house members. **[Added 9-13-2021 by L.L. No. 6-2021]**

CONVERSION — A change in the use of a structure from a single-family unit to a two- or multifamily unit. **[Added 9-13-2021 by L.L. No. 6-2021]**

COURT — An unoccupied open space, other than a yard, in the same lot with a building which is bounded on two or more sides by the walls of such building.

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COURTYARD — An unoccupied open space, other than a yard, in the same lot with a building which is bounded on two or more sides by the walls of such building. **[Added 9-13-2021 by L.L. No. 6-2021]**

CREMATORIUM — A building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies or large animals (e.g., cattle, horses, sheep, goat, swine or similar species commonly kept as livestock). **[Added 9-13-2021 by L.L. No. 6-2021]**

CUL-DE-SAC — A minor street with only one outlet and having a turning loop at the closed end. **[Added 9-13-2021 by L.L. No. 6-2021]**

DRIVE-IN BUSINESS — An establishment constructed to cater to the motoring public, whether or not serving pedestrians as well as the automobile trade, and providing curb and/or window counter service. A drive-in facility does not include a restaurant with a drive-through. See "restaurant with drive-in facility." **[Added 9-13-2021 by L.L. No. 6-2021]**

DRIVE-IN FINANCIAL INSTITUTIONS — A banking establishment constructed to cater to the motoring public, whether or not serving pedestrians as well as the automobile trade, and providing curb and/or window counter service. **[Added 9-13-2021 by L.L. No. 6-2021]**

DRIVE-IN THEATER — An open lot, together with appurtenant facilities, where motion pictures are shown to paying customers seated in automobiles or on outdoor seats. **[Added 9-13-2021 by L.L. No. 6-2021]**

DUMP — A lot or part thereof used primarily for disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind. **[Added 9-13-2021 by L.L. No. 6-2021]**

DWELLING — A house, apartment building or other building designed or used primarily for human habitation. The word "dwelling" shall not include boardinghouses or rooming houses, tourist homes, motels, hotels, or other structures designed for transient residence.

DWELLING – MULTIFAMILY — A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both.

DWELLING – ONE-FAMILY — A detached building designed for the use of a single household, including one or more persons living as a family, and wherein, not more than tree people are sheltered and/or fed for profit.

DWELLING, ROW OR TOWN HOUSE — A dwelling accommodating or designed to accommodate but a single family in a single dwelling unit, the walls on two sides of which may be in common with the walls of adjoining dwellings and are party or lot line walls.

DWELLING – SEMIDETACHED — A detached building containing two dwelling units separated by a party wall, each having one side yard.

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DWELLING – TWO-FAMILY — A building having two side yards and accommodating but two families, with one family living over the other.

DWELLING UNIT — Any dwelling or portion thereof used or intended to be used by one family, and providing complete housekeeping facilities therefor. **[Amended 9-13-2021 by L.L. No. 6-2021]**

EDUCATIONAL FACILITY — A school or institutional use in varying densities in a building or buildings which can include such accessory uses as administrative or faculty offices, classrooms, laboratories, chapels, auditoriums, cafeterias, gymnasiums, theaters, lecture halls, libraries, and ancillary facilities for students, faculty and employees. **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE — Any motor vehicle that is registered with the New York State Department of Motor Vehicles and authorized to operate on public and private highways, roads, and streets, and uses electrical energy stored on board for motive purpose. Electric vehicle includes battery electric vehicles and plug-in hybrid electric vehicles. **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE CHARGING STATION — A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle. **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE CHARGING STATION - PUBLIC USE — An electric vehicle charging station that is publicly owned and publicly available (e.g., parking spaces on a public street or municipal parking lot) or privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots). **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE CHARGING STATION - RESTRICTED USE — An electric vehicle charging station that is privately owned and restricted access (e.g., single-family home, designated employee parking) or publicly owned and restricted (e.g., fleet parking with no access to the general public). **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE INFRASTRUCTURE — The structures, machinery, and equipment necessary and integral to support an electric vehicle, including the electrical conduit and premises wiring requirements for the installation of electric vehicle supply equipment, as well as battery exchange stations. **[Added 9-13-2021 by L.L. No. 6-2021]**

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) — The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle conductors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for purposes of delivering energy from the premises wiring to the electric vehicle, complying and conforming with National Electric Code Article 625 and Society of Automotive Engineers J1772 Standard. **[Added 9-13-2021 by L.L. No. 6-2021]**

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EXTERIOR ARCHITECTURAL FEATURES — The architectural style, architectural details and features, general design and general arrangement of the exterior of a building, including the kind and texture of building material and the type and style of doors and windows, light fixtures, signs and other appurtenant fixtures. **[Added 9-13-2021 by L.L. No. 6-2021]**

FACADE — A building face or wall. **[Added 9-13-2021 by L.L. No. 6-2021]**

FACADE BREAK — A change in setback or architectural style that may include such things as varying the size or height of architectural components of a building so that a building appears as separate structures. Windows and doors by themselves do not constitute facade breaks. **[Added 9-13-2021 by L.L. No. 6-2021]**

FAMILY — Any number of individuals related by blood, marriage, or adoption (or not more than five individuals who are not so related) living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home prepared and eaten together.

FARM IMPLEMENT SALES — Premises used for the display of new or used farm motor equipment (e.g., tractors) or related farm equipment for sale. **[Added 9-13-2021 by L.L. No. 6-2021]**

FARM LABOR HOUSING — Housing constructed for use by seasonal or full-time farm employees, excluding partners or owners of the farm operation. **[Added 3-10-2014 by L.L. No. 2-2014]**

FREESTANDING DRIVE-THROUGH BUSINESS — A freestanding structure with a footprint no larger than 10 feet by 10 feet that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. **[Added 9-13-2021 by L.L. No. 6-2021]**

FRONTAGE — The horizontal distance between the side lot lines measured along the street line. **[Added 9-13-2021 by L.L. No. 6-2021]**

FUEL OIL STORAGE — Premises used for the storage of fuel oil, kerosene or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold. **[Added 9-13-2021 by L.L. No. 6-2021]**

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. **[Added 9-13-2021 by L.L. No. 6-2021]**

GALLERY/MUSEUM — A structure used for the storage and display of cultural, scientific, environmental, historic, or other resources. **[Added 9-13-2021 by L.L. No. 6-2021]**

GAME PRESERVE — Establishments primarily engaged in commercial hunting and trapping, or in the operation of game/hunting preserves. Hunting preserves are typically fenced

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operations intended to hold domestically raised game intended for commercial hunting and trapping. This definition does not include hunting and fishing lodges/camps or any traditional hunting activities carried out in conformance with New York law. **[Added 9-13-2021 by L.L. No. 6-2021]**

GAMES ARCADE — A commercial establishment other than a bar or restaurant in which a substantial portion of the business is games and amusement devices, such as pool, video games, pinball machines and similar mechanical or electronic devices. **[Added 9-13-2021 by L.L. No. 6-2021]**

GARAGE – PRIVATE — A garage not conducted as a business or used for the storage space for more than one commercial vehicle which shall be owned by a person residing on the premises.

GARAGE – PUBLIC — A garage conducted as a business. The rental of storage space for more than two passenger cars or for one commercial vehicle not owned by a person residing on the premises shall be deemed a business use.

GAS STATION — A commercial establishment which includes the sale and delivery of gasoline or other fuel for the propulsion of motor vehicles. A gas station may include the accessory sale and installation of oil or other substances, tires, batteries and other motor vehicle accessories. A gas station may also conduct minor vehicle repairs. A gas station may also include a quick-stop retail store, provided that the store is an integral part of the gas station. **[Added 9-13-2021 by L.L. No. 6-2021]**

GLARE — Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness. **[Added 9-13-2021 by L.L. No. 6-2021]**

GOLF COURSE — A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include, but not limited to, a clubhouse, restaurant without drive-in facility, and shelter. **[Added 9-13-2021 by L.L. No. 6-2021]**

GRAPHICS, WINDOW — A sign, logo or other illustrative diagram or sketch attached to or painted on a window or displayed from the interior side of a window for outside viewing. **[Added 9-13-2021 by L.L. No. 6-2021]**

GROUP HOME — A dwelling which is occupied by unrelated persons who may be handicapped, developmentally disabled or emotionally disturbed and which is supervised by a paid or volunteer live-in counselor. A group home is considered a multiple-occupancy dwelling. **[Added 9-13-2021 by L.L. No. 6-2021]**

HABITABLE SPACE — Space occupied by one or more persons for living, sleeping, eating or cooking and contained wholly within a dwelling unit. Restaurants for employees and occupants, kitchens serving such people and kitchenettes shall not be deemed to be habitable space. See "nonhabitable space." **[Added 9-13-2021 by L.L. No. 6-2021]**

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HISTORICAL — Buildings of historic significance or containing items of historic significance (see "gallery/museum") open to the public for a fee and typically for educational purposes. **[Added 9-13-2021 by L.L. No. 6-2021]**

HOME OCCUPATION — A profession or occupation conducted within a dwelling or accessory structure thereto for profit by persons residing therein. **[Added 9-13-2021 by L.L. No. 6-2021]**

HOME – TOURIST — A private residence in which overnight accommodations are provided for not more than 10 transient paying quests.

HOSPITAL — An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitaria, and shall be limited or other care of humans.

HOTEL — A public inn, in which there are 12 or more rental rooms. **[Amended 9-13-2021 by L.L. No. 6-2021]**

ILLUMINATION, DIRECT — Illumination which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radio-activated or gaseous material or substance. **[Added 9-13-2021 by L.L. No. 6-2021]**

ILLUMINATION, INDIRECT — Illumination with an artificial light which is separated from or is not an intrinsic part of the sign itself. **[Added 9-13-2021 by L.L. No. 6-2021]**

ILLUMINATION, INTERNAL — Illumination with an artificial light which is an intrinsic part of the sign itself and is designed to light the features of the sign from within. Internal illumination is also direct illumination. **[Added 9-13-2021 by L.L. No. 6-2021]**

INDOOR THEATER/AUDITORIUM — A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. **[Added 9-13-2021 by L.L. No. 6-2021]**

INDUSTRIAL, COTTAGE — Artisan/craftsman production of goods, a substantial portion of which is sold on the premises. **[Added 9-13-2021 by L.L. No. 6-2021]**

INDUSTRIAL, HEAVY — Manufacturing or other enterprises with significant external effects, or which pose significant risks due to involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing process, or such that involves commonly recognized offensive conditions. **[Added 9-13-2021 by L.L. No. 6-2021]**

INDUSTRIAL, LIGHT — Manufacture, assembly, treatment, or packaging of products that does not result in a private or public nuisance (e.g., emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries). A commercial bakery is an example of light industry. **[Added 9-13-2021 by L.L. No. 6-2021]**

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JUNK AND/OR SALVAGE YARD — A lot, land or structure, or part thereof, used for collecting, storage, or sale of waste paper, rags, scrap metal, used or salvaged building or other discarded material, or for the collecting, dismantling, storage and deposit, whether in connection with another business or not, where two or more unlicensed, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purposes of resale of used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles. **[Added 6-10-2019 by L.L. No. 2-2019]**

JUNK VEHICLE — Any motor vehicle no longer intended or in condition for legal use on the public highways. **[Added 9-13-2021 by L.L. No. 6-2021]**

KENNEL — Premises used for the sale, harboring, breeding or care of dogs for compensation. **[Added 9-13-2021 by L.L. No. 6-2021]**

KITCHENETTE — Space less than 60 square feet in floor area used for cooking or preparation of food. **[Added 9-13-2021 by L.L. No. 6-2021]**

LANDSCAPE PLANTING — The functional and aesthetic planting and maintenance of trees, shrubbery and flowers in relationship to man-made structures and the existing natural landscape elements. **[Added 9-13-2021 by L.L. No. 6-2021]**

LAUNDROMAT — See "coin-operated laundry." **[Added 9-13-2021 by L.L. No. 6-2021]**

LIGHT FIXTURE, FULLY SHIELDED — The luminaire shall emit no direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire. **[Added 9-13-2021 by L.L. No. 6-2021]**

LIGHT TRESPASS — The shining of light produced by a luminaire beyond the boundaries of the property. **[Added 9-13-2021 by L.L. No. 6-2021]**

LIGHTED SIGN — Any sign designed to give forth or to reflect artificial light. **[Added 9-13-2021 by L.L. No. 6-2021]**

- A. Externally illuminated: a sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.
- B. Internally illuminated: a sign illuminated by use of an artificial light which is located within the sign structure and which depends for its illumination on transparent or translucent material.
- C. Neon sign: a sign created by glass tubing incorporating ionic or other discharge of gas. Considered to be an internally illuminated sign.

LIVERY/TAXI — A commercial establishment for the storage and dispatch of motor vehicles used for hire for the transport of people or goods. **[Added 9-13-2021 by L.L. No. 6-2021]**

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LIVESTOCK — Animals, including, but not limited to, domestic animals such as sheep, goats, cattle, swine and horses which are kept on a farm. **[Added 9-13-2021 by L.L. No. 6-2021]**

LIVING FENCE — Any fence or hedge composed of organic materials. **[Added 9-13-2021 by L.L. No. 6-2021]**

LOADING BERTH — An entrance to a structure for the purpose of loading and unloading delivered goods and supplies, at least 12 feet wide, 33 feet long and 14 feet high, with unobstructed access, at least 10 feet wide, to and from a street. Such access may be combined with access to a parking lot. **[Added 9-13-2021 by L.L. No. 6-2021]**

LOT — A piece, parcel or plot of land occupied or to be occupied by a principal building and its accessory building or buildings and including the yards and open spaces required by this chapter.

LOT – CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

LOT OF RECORD — Any lot which has been established as such by plat, survey, record or deed prior to the date of this enactment as shown on the records of Schoharie County Clerk's office.

LUMINAIRE — A complete lighting system, including a lamp or lamps and a fixture. **[Added 9-13-2021 by L.L. No. 6-2021]**

MANUFACTURED HOME SALES — An establishment for the sale of mobile, modular, or other manufactured dwellings. **[Added 9-13-2021 by L.L. No. 6-2021]**

MANUFACTURING — The fabrication, alteration, processing, finishing, handling or assembly of raw materials and packaging, warehousing and storage of articles in quantity. A bottling plant is an example of manufacturing. **[Added 9-13-2021 by L.L. No. 6-2021]**

MEDICAL/DENTAL CLINIC — Any structure or group of structures occupied by medical practitioners, including but not limited to doctors, dentists, chiropractors, opticians, optometrists, etc., and related services for the purpose of providing health services to people on an outpatient basis. **[Added 9-13-2021 by L.L. No. 6-2021]**

MEMBERSHIP CLUB — Premises used by a not-for-profit organization or unincorporated association catering exclusively to members and their guests for social, recreational, athletic or similar purposes. **[Added 9-13-2021 by L.L. No. 6-2021]**

MOBILE HOME PARK — Any lot on which two or more mobile homes are located regardless of whether or not a charge is made for such accommodations.²

² Editor's Note: The definition of "modular home," which immediately followed this definition, was deleted 6-20-2005 by L.L. No. 4-2005.

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MOTEL or MOTOR COURT — A public inn containing not less than eight rental units with provisions for but not limited to automobile parking space to accommodate not less than one car per unit, and separate toilet facilities and hot and cold running water for each rental unit.

MOTOR HOME SALES — Premises used for the display of new or used recreational vehicles or related recreational vehicle equipment for sale. **[Added 9-13-2021 by L.L. No. 6-2021]**

MOTOR VEHICLE REPAIR FACILITY — A commercial establishment which repairs or replaces motor vehicle engines, body parts or electrical or mechanical systems, including but not limited to: **[Added 9-13-2021 by L.L. No. 6-2021]**

- A. Body reconstruction or repair, welding, spray painting or interior alterations or repairs.
- B. Repair or replacement of all or part of a clutch, transmission, differential, axle, springs or frame.
- C. Repair or replacement of engines or radiators.

MOTOR VEHICLE SALES LOT — Premises used for the display of new or used automobiles or trucks or related automobile equipment for sale. **[Added 9-13-2021 by L.L. No. 6-2021]**

NURSING or CONVALESCENT HOME — Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire. **[Amended 9-13-2021 by L.L. No. 6-2021]**

OCCUPANT — The person in occupancy, in possession or in control of premises or using premises. **[Added 9-13-2021 by L.L. No. 6-2021]**

OFF-STREET PARKING — A temporary parking area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way. **[Added 9-13-2021 by L.L. No. 6-2021]**

OFFICE — A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. **[Added 9-13-2021 by L.L. No. 6-2021]**

OPEN SPACE — A portion of a lot or tract that is not covered by buildings, parking areas, streets or non-recreational improvements (except as may be permitted by this chapter) and is suitable for outdoor recreational use of either an active or passive nature, including agricultural or forestry use, and which may be owned in common, held by a public or nonprofit entity for these purposes or deed-restricted via a conservation easement that restricts development for other than these purposes. **[Added 3-10-2014 by L.L. No. 2-2014]**

OUTDOOR MARKET — An organized market at which participants sell goods. Flea markets and craft sales are examples of outdoor markets. **[Added 9-13-2021 by L.L. No. 6-2021]**

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OUTDOOR WOODBURNING FURNACE — An accessory structure designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises. **[Added 9-13-2021 by L.L. No. 6-2021]**

OWNER — Owner of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of such building or premises. **[Added 9-13-2021 by L.L. No. 6-2021]**

PARK — A development designed or reserved for active or passive recreation use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreation facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields (see "athletic field"). **[Added 9-13-2021 by L.L. No. 6-2021]**

PARKING LOT — Land which is open or semienclosed by structures and which is used to provide off-street parking spaces. **[Added 9-13-2021 by L.L. No. 6-2021]**

PARKING SPACE, OFF-STREET — A space which is out of the public right-of-way and is available and adequate for parking one motor vehicle. **[Added 9-13-2021 by L.L. No. 6-2021]**

PERFORMING ARTS STUDIO — A place where music and dance is performed and/or recorded. **[Added 9-13-2021 by L.L. No. 6-2021]**

PERSONAL SERVICE — Establishments to provide services related to personal care. A barbershop, beauty parlor/salon, masseur, shoe repair or tailor would be examples of personal service establishments. **[Added 9-13-2021 by L.L. No. 6-2021]**

PETS — Animals including customary household companions such as dogs, cats and birds. **[Added 9-13-2021 by L.L. No. 6-2021]**

PLACES OF WORSHIP — A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including church halls, parsonages, rectories. **[Added 9-13-2021 by L.L. No. 6-2021]**

PLAYGROUND — Any park or recreation area designated in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on public property. **[Added 9-13-2021 by L.L. No. 6-2021]**

PLOT PLAN — A map or drawing showing the boundaries of a parcel and all structures, easements, utilities, and important physical features on it, drawn to scale with accurate dimensions of such building or premises. **[Added 9-13-2021 by L.L. No. 6-2021]**

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PORCH, OPEN — A porch open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash. A structure having a driveway running to it, under it, or through it shall not be considered to be an open porch.³

PRINTING/PUBLISHING — Industrial printing, large-scale publishing and binding. A copy shop or a photo reproduction shop is not considered printing/publishing. **[Added 9-13-2021 by L.L. No. 6-2021]**

PRIVATE GARAGE — See "building, accessory." **[Added 9-13-2021 by L.L. No. 6-2021]**

PUBLIC UTILITY FACILITY — Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, cellular service, and public transit, to the public. **[Added 9-13-2021 by L.L. No. 6-2021]**

PUBLIC WATER/PUBLIC SEWER — Sewage disposal and water supply systems owned and maintained by a Town/Village Board for municipal operation. **[Added 9-13-2021 by L.L. No. 6-2021]**

QUARRY (SAND, GRAVEL AND STONE) — Any property from which stone, gravel, sand, soil, loam or any mineral or similar substance is removed or excavated with the use of power equipment, for the purpose of disposition away from the immediate premises at the present or any future time, with the exception of excavation for construction of a building or structure for which a building permit has been duly issued. **[Added 9-13-2021 by L.L. No. 6-2021]**

RADIO, TELEVISION TRANSMISSION FACILITY — Infrastructure, including but not limited to a tower or structure(s) utilized for the transmission, reception and relaying of radio and television services. **[Added 9-13-2021 by L.L. No. 6-2021]**

RECREATION — **[Added 9-13-2021 by L.L. No. 6-2021]**

A. ACTIVE RECREATION — Outdoor activities for an individual or a group. Active recreation includes such activities as baseball, football, skateboarding, ice skating, hockey, etc.

B. PASSIVE RECREATION — Outdoor activities for individual relaxation and enjoyment not requiring special playing surfaces or in-place equipment. Passive recreation includes such activities as hiking, cross-country skiing, fishing, picnicking, etc.

RECREATIONAL BUSINESS — A place designed and equipped for the conduct of sports and leisure-time activities that is operated as a business and open to the public for a fee. **[Added 9-13-2021 by L.L. No. 6-2021]**

RECREATIONAL VEHICLE (abbr. RV) — A vehicle that is inspected and registered for road travel, such as a camper, camping bus, motor home. Such vehicle is equipped for traveling and

³ Editor's Note: The definition of "portable residence," which immediately followed this definition, was deleted 6-20-2005 by L.L. No. 4-2005.

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recreational activities and may be towed or self powered. **[Added 6-20-2005 by L.L. No. 4-2005]**

RECYCLING — The process by which newspapers, magazines, books and other paper products, glass, metal cans, and other products are collected, separated, stored, or treated to return such products to a condition in which they may again be used in new products. **[Added 9-13-2021 by L.L. No. 6-2021]**

RESTAURANT WITH DRIVE-IN FACILITY — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile. **[Added 9-13-2021 by L.L. No. 6-2021]**

RESTAURANT WITHOUT DRIVE-IN FACILITY — Premises in which food is prepared and served to seated customers. There may be a bar facility and/or entertainment, but the primary business of the establishment is the preparation of meals. **[Added 9-13-2021 by L.L. No. 6-2021]**

RETAIL SHOPS/OFFICE/BUSINESS — Sale of goods, wares, or commodities to ultimate customers for direct consumption and not for resale. This includes incidental manufacturing or processing, related offices, and any accessory buildings with customary incidental uses. **[Added 9-13-2021 by L.L. No. 6-2021]**

RIDING ACADEMY/STABLE — Land and buildings used to house horses and for their exercise and training and may include a school, boarding stables, small tack shop and other related uses. **[Added 9-13-2021 by L.L. No. 6-2021]**

RIGHT-OF-WAY — The property of an easement permanently established for the passage of persons or vehicles. **[Added 9-13-2021 by L.L. No. 6-2021]**

ROADSIDE STAND — A light structure with a roof, either attached to the ground or movable, intended for the sale of local produce to the general public and to be used only in conjunction with an outdoor market. **[Added 9-13-2021 by L.L. No. 6-2021]**

ROW OR TOWN HOUSE — See "dwelling, row or town house." **[Added 9-13-2021 by L.L. No. 6-2021]**

SAFETY LIGHTING — Any luminaire placed to illuminate steps, entryways and walkways. **[Added 9-13-2021 by L.L. No. 6-2021]**

SCHOOL (public or private) — Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge which meets state requirements for elementary, secondary, or higher education. Private schools do not secure a major part of their funding from any governmental agency. **[Added 9-13-2021 by L.L. No. 6-2021]**

SCREEN/SCREENED/SCREENING — A properly maintained minimum of a five-foot-high, year-round, visually impervious screen through the use of or any combination of earthen

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mounds, trees, rows of trees, hedges, shrubbery, fences, and/or other means to prevent direct views (of parked vehicles), to avoid spillover light and glare onto adjacent properties and buffer noise generated by activities on a lot from other properties in the vicinity and from the street. Safety and visual access shall be maintained along any ingress or egress roads. **[Added 9-13-2021 by L.L. No. 6-2021]**

SETBACK — The distance between the building and any lot line. **[Added 9-13-2021 by L.L. No. 6-2021]**

SHIELDED LIGHT FIXTURE — A lighting fixture, appliance or device that is equipped with shields or hoods to confine illumination to within the property owner's boundaries. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIDEWALK CAFE — A commercial accessory use by a restaurant or bar/tavern/nightclub on public sidewalks where food and alcoholic beverages may be served to seated customers. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN — Any material (including paper, cloth and canvas), structure or device for visual communication composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed, which is used outside of or on the exterior of any building or which is contained on the inside of the window or door of that premises and is clearly intended to be so visible to persons who may pass the premises, for display of an advertisement, announcement, notice, banner, logo, flag, directional matter or name, and includes signs, billboards, signboards, illuminated signs, neon tube, string of lights or ground signs. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN AREA — The area of the surfaces within which are contained all the elements of the sign, including the advertising surface and any framing, trim or molding but excluding structural members used only for support. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, ARTISAN'S — A sign displayed by a trades-person at a premises where he/she is undertaking repairs, improvements or other specified labor. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, ATTACHED — A sign affixed in some manner to the exterior of a building. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, DIRECTLY ILLUMINATED — See "illumination, direct." **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, FREESTANDING — Any nonmovable sign not affixed to a building and attached only to the ground and surrounded by open space. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, GROUND-SUPPORTED — A freestanding sign supported by one or more poles or directly attached to a ground-level or raised structure where there is no greater than 12 inches of open area between the bottom of such sign and existing ground-level or raised-base structure level, whichever is appropriate. **[Added 9-13-2021 by L.L. No. 6-2021]**

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SIGN, INDIRECTLY ILLUMINATED — See "illumination, indirect." **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, PERMANENT WINDOW GRAPHIC — A sign, logo or other illustrative diagram or sketch attached to or painted on a window or displayed from the interior side of a window for outside viewing. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, POLE-MOUNTED — A freestanding sign supported by one or more poles where there is a minimum of 12 inches of open area between the bottom of such sign and existing ground-level or raised-base structure level, whichever is appropriate. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, PORTABLE — A device on wheels or a stand that is designed to be easily moved, the purpose of which is to display a message or announcement. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, REAL ESTATE OR CONSTRUCTION — A sign advertising land or improvements thereto or describing a construction activity or firm doing work related to construction on the premises where the sign is located. **[Added 9-13-2021 by L.L. No. 6-2021]**

SIGN, SANDWICH BOARD — Any nonilluminated sign or advertising device designed to be portable and intended for periodic or intermittent use on a public or private sidewalk, walkway or lawn. **[Added 9-13-2021 by L.L. No. 6-2021]**

SINGLE-WIDE MOBILE HOME — A transported residence generally less than 18 feet in width transported without its own power, equipped for or used for living purposes. Such unit is mounted on wheels and transported to site. It is a single entity in itself and needs no further installation of components except for onsite utility hookups or building code compliance. If the unit falls outside of the above guidelines a determination as to what the unit is shall be made by the Code Enforcement Officer and shall be binding. Existing single-wide mobile homes meeting the above definition shall be allowed to upgrade as specified in § 140-13H(1)(d) of the Zoning Chapter. **[Amended 2-8-1993 by L.L. No. 2-1993, 6-20-2005 by L.L. No. 4-2005, 12-12-2005 by L.L. No. 7-2005]**

SPECIAL EVENT — An activity or event sponsored by a business or organization as something above and beyond the normal daily activities of that business or organization. These events are commonly for a special promotion of that business or organization (for example, an open house, sidewalk sale, or community activity). **[Added 9-13-2021 by L.L. No. 6-2021]**

STORY — That part of a building included between any floor, other than a basement floor, and the floor or roof next above.

STREET — Any public way dedicated to public travel greater than 20 feet in width.

STREET FURNITURE — The functional elements of the streetscape, including but not limited to benches, trash receptacles, planters, telephone booths, kiosks, signposts, streetlights, bollards and removable enclosures. **[Added 9-13-2021 by L.L. No. 6-2021]**

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STREET LINE — The right-of-way line of a street as indicated by dedication or by deed of record.

STREETSCAPE — The visual interface and interaction of the street and sidewalks, the actual building site. **[Added 9-13-2021 by L.L. No. 6-2021]**

STRUCTURE — Any facility constructed or used for residence, business, industry, or public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs, satellite dishes and similar facilities, whether stationary or movable. **[Amended 1-8-1990 by L.L. No. 1-1990]**

SWIMMING POOLS — Any body of water (excluding natural bodies of water fed by rivers, streams or brooks) or receptacle for water having a depth at any point greater than two feet used or intended to be used for swimming or bathing, and constructed, installed or maintained in the ground outside any building. **[Amended 9-13-2021 by L.L. No. 6-2021]**

TAVERN/NIGHTCLUB — A premises licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises. Live entertainment may also be provided on a regular basis. The availability of food is incidental to the principal activity of selling alcoholic beverages. **[Added 9-13-2021 by L.L. No. 6-2021]**

THROUGH LOT — An interior lot having frontage on two approximately parallel or converging streets, other than a corner lot. **[Added 9-13-2021 by L.L. No. 6-2021]**

TRAVEL TRAILERS — See "recreational vehicles." **[Added 9-13-2021 by L.L. No. 6-2021]**

TRUCK TERMINAL — An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Storage facilities, such as warehouses, incidental to the principal use may also be part of a truck terminal. **[Added 9-13-2021 by L.L. No. 6-2021]**

TRUCKLOAD SALES — Retail sales occurring from vehicles designed to carry cargo and material. **[Added 9-13-2021 by L.L. No. 6-2021]**

USE, ACCESSORY — A use customarily incidental and supplemental and clearly subordinate and secondary to the principal use located on the same lot. **[Added 9-13-2021 by L.L. No. 6-2021]**

USE, PERMITTED — A use allowed as a matter of right in a district. **[Added 9-13-2021 by L.L. No. 6-2021]**

USE, PRINCIPAL — The main, primary use of a lot. **[Added 9-13-2021 by L.L. No. 6-2021]**

VARIANCE — A modification of the use and/or bulk regulations of this chapter in an individual case where, due to specific facts and conditions relating to a particular property, literal application and strict enforcement would result in unnecessary hardship or practical

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difficulty that would deprive the owner of the reasonable use of the land or structures. **[Added 9-13-2021 by L.L. No. 6-2021]**

VARIANCE, AREA — Authorizing the use of land in a manner that is not permitted by virtue of the dimensional or physical requirements of the Zoning Code. **[Added 9-13-2021 by L.L. No. 6-2021]**

VARIANCE, USE — Authorizing the use of land for a use that is not permitted or that is prohibited by the Zoning Code. **[Added 9-13-2021 by L.L. No. 6-2021]**

VEHICLE SALE, NEW OR USED — A structure or open area, other than a right-of-way or public parking area, used for the display, sale, or rental of new or used vehicles in operable condition and where no repair work is done. **[Added 9-13-2021 by L.L. No. 6-2021]**

VETERINARY CLINIC and KENNEL — See "animal hospital." **[Added 9-13-2021 by L.L. No. 6-2021]**

VISUAL ARTS STUDIO — The workshop of an artist, sculptor, photographer, or crafts person where artwork is produced. **[Added 9-13-2021 by L.L. No. 6-2021]**

VISUAL EAF — A visual environmental assessment form. **[Added 9-13-2021 by L.L. No. 6-2021]**

WAREHOUSE — See "truck terminal." **[Added 9-13-2021 by L.L. No. 6-2021]**

WHOLESALE — Sale of relatively large quantities of goods, wares, commodities or services to retailers for resale and not for direct consumption. **[Added 9-13-2021 by L.L. No. 6-2021]**

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES — Definitions, standards for wireless telecommunications towers and facilities: **[Added 9-13-2021 by L.L. No. 6-2021]**

- A. ACCESSORY STRUCTURE — The additional buildings and structures that are incidental or subordinate to the principal building or structure on the same lot. Such structures are customarily used in connection with the principal building or structure and may include base stations designed and used to shelter equipment and/or to support personal wireless services. The term "accessory structures" does not include offices, long-term storage of vehicles or other equipment storage, or broadcast studios.
- B. ACT — The Telecommunications Act of 1996.
- C. AFFILIATE — A person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.
- D. ANTENNA — A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but are not limited to, radio, television, cellular, paging, personal communications services (PCS), light waves, and microwave telecommunications.

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- E. ANTENNA SUPPORT STRUCTURE — Any building or structure, other than a tower, that can be used for locating telecommunications facilities.
- F. APPLICANT — Any person who applies for a tower development permit.
- G. APPLICATION — The process and appropriate documentation that an applicant submits in order to receive a permit to develop, construct, build, modify or erect a tower, antenna, antenna support structure, or telecommunications facility. The application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Town concerning such a request.
- H. COLOCATION — The use of the same telecommunications tower or structure to carry more than one antenna for the provision of wireless services by two or more persons or entities.
- I. COMPLETED APPLICATION — An application that contains all information and/or data necessary to enable the appropriate Town board to evaluate the merits of the application and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the Town in the context of the permitted land use for the particular location requested.
- J. ENGINEER — Any engineer licensed by the State of New York.
- K. FEDERAL COMMUNICATIONS COMMISSION (FCC) — The federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.
- L. FREESTANDING TOWER — A tower that is not supported by guy wires and ground anchors or other means of attached or external support.
- M. HEIGHT — When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if the highest point is an antenna.
- N. OWNER — Any person with fee title or a long-term (exceeding 10 years) leasehold to any parcel of land within the Town who desires to develop or construct, build, modify, or erect a tower, antenna, antenna support structure, or telecommunications facility upon such parcel of land.
- O. PERSON — Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.
- P. PERSONAL WIRELESS SERVICES — Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by § 704 of the Telecommunications Act of 1996.

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- Q. **STEALTH** — Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened, roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look like objects other than a tower, such as light poles, power poles, trees, flagpoles, and steeples. The term "stealth" does not necessarily exclude the use of lattice or monopole designs.
- R. **TELECOMMUNICATIONS** — The transmission and reception of audio, video, data, and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
- S. **TELECOMMUNICATIONS FACILITIES or WIRELESS TELECOMMUNICATIONS FACILITIES** — Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
- (1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- T. **TOWER** — A self-supporting lattice or monopole structure constructed from grade that supports telecommunications facilities. The term "tower" shall not include a tower or antenna that is under 50 feet in height and that is owned and operator.

VISUAL EAF — A visual environmental assessment form. **[Added 9-13-2021 by L.L. No. 6-2021]**

YARD, FRONT — An open space extending across the entire width of the lot between the building line or front main wall of a building and the front property line (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices, and similar fixtures.

YARD, REAR — An open space extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory buildings and open porches which in the aggregate shall occupy not more than 35% of the area.

YARD, SIDE — An open unobstructed space on the same lot with a principal building and the side line of the lot and extending through from the front yard and to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang of not more than two feet, rain water leaders, window sills, and other such fixtures and open steps for a distance not exceeding four feet.