

§93-4. Definitions.

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

For the purpose of this chapter, certain terms and key words are herewith defined as follows:

ABANDONMENT - Abandonment of a commercial solar energy facility occurs when deconstruction has not been completed within twelve (12) months after the commercial solar energy facility reaches the end of its useful life, or upon the failure of the facility to function in accordance with its stated purposes for a period of twelve (12) months. For purposes of this definition, a commercial solar energy facility shall be presumed to have reached the end of its useful life if the commercial solar energy facility owner fails, for a period of six (6) consecutive months, to pay the landowner amounts owed in accordance with the underlying agreement or produces less than 50% of the energy in accordance with the terms set forth in the application for its use over a period of more than twelve (12) months. Solar company is to provide their annual output documentation from the Power Company as a part of their annual permit review process.

ACCESSORY STRUCTURE - A detached subordinate structure, the use of which is customarily incidental to that of a principal building or use and located on the same lot with such principal building.

ACCESSORY USE – A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADAPTATION – A change in structure that produces better adjustment to the environment.

ADDITION – An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE OFFICER – The designated governmental official charged with administering land development regulations. *See Code Enforcement Officer*

ADULT CARE/ADULT CARE HOME

ADULT ENTERTAINMENT USE – An establishment consisting of, including or having the characteristics of any of the following:

- A. ADULT BOOKSTORE – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- B. ADULT CABARET – An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- C. ADULT THEATER – An enclosed building such as a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities..

AGRARIAN – Relating to land, particularly agriculture.

AGRICULTURE - The use of non-residential lands, buildings or structures or any part thereof used, designed or intended solely for traditional farming practices, apiaries, fish farming, animal husbandry, apiculture, maple production or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants, or similar agrarian activity, including at least 1-acre in area, and may include barns,

implement sheds, seasonal roadside stands and silos but does not include commercial processing or year-round wholesale or retail facilities.

AGRICULTURAL SERVICES – Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

AGRICULTURAL SOLAR - For purposes of this law, the term "Agricultural solar" refers to solar photovoltaic systems that produce up to 100 kilowatts (kW) power and are installed on a working farm as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law to serve the electrical requirements of the farm on which they are installed.

AIRPORT – Any place designated for the purpose of aircraft landing and takeoff. Airfields may include hangars, facilities for refueling and repair and various accommodations for passengers. This definition shall include airfields dedicated to drone flights and training, helipads and heliports along with private air strips.

ALTERNATIVE ACCESS – The ability to enter a highway indirectly through another improved roadway instead of from a direct driveway entrance from the principal highway frontage.

ALTERNATIVE ENERGY GENERATION, RESIDENTIAL – Including solar, wind, hydro-electric and other non- nuisance energy systems to be used for residential use.

ALTERNATIVE ENERGY GENERATION, COMMERCIAL – Including the production of solar, wind, or hydro-electric power, alternative fuel production such as bio-diesel or ethanol and the drilling and processing of natural gas.

ALTERNATIVE ENERGY SYSTEMS - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and which may be attached to or separate from the principal structure.

AMUSEMENT PARK – A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL - A living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli.

- A. EXOTIC ANIMAL - A pet which is relatively rare or unusual to keep, or is generally thought of as a wild species rather than as a domesticated pet.
- B. FARM ANIMAL – Any animal kept for agricultural purposes. This includes such domesticated animals as cattle, hogs, horses, sheep, goats and chickens or other fowl, and wild animals that are raised in confinement, including mink and fish.
- C. HOUSEHOLD ANIMAL - A fully domesticated animal owned or kept for personal companionship, such as a dog, a cat, a reptile, a bird or a rodent. Household Pet does not include any type of horse, cow, pig, sheep, goat, chicken, turkey, or captive fur-bearing animal, or any animal commonly kept for food or profit.

ANIMAL HOSPITAL – A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to medical care. This definition includes veterinary hospitals.

ANIMAL HUSBANDRY – The care and breeding of domestic animals, including, but not limited to cattle, hogs, horses, poultry and sheep. For purposes of this law, the operation of a kennel shall not be considered animal husbandry, Animals for educational or cultural projects are exempted..

ANIMAL SHELTER - An establishment, maintained by local government or supported by charitable contributions, that provides a temporary home for dogs, cats, and other domesticated animals.

ANTENNA(S) – A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

APPLICANT – A person, company, corporation, LLC or other like entity, submitting an application for development.

ASSISTED LIVING - housing for elderly or disabled people that provides nursing care, housekeeping, and prepared meals as needed.

AUTOMOBILE – A self-propelled, free moving vehicle with four wheels, usually used to transport passengers and goods and licensed by the appropriate state agency.

AUTOMOBILE REPAIR SERVICES AND GARAGES – Establishments primarily engaged in furnishing automobile repair, rental, leasing and parking services to the general public.

AUTOMOBILE SALES – The use of any building, land area, or other premise for the display and sale of new or used passenger automobiles generally, but many include light trucks, vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AUTOMATED TELLER MACHINE (ATM) – A device linked to a financial institution’s account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquires and mortgage and loan payments.

BANK/FINANCIAL INSTITUTION – A financial institution licensed to receive deposits and make loans. Definition shall include retail, commercial, and investment banks as well as credit unions and trust companies.

BAR – Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASAL AREA - The average amount of an area occupied by tree stems. Defined as the total cross-sectional area of all stems in a stand measured at breast height, and expressed as per unit of land area.

BASE FLOOD ELEVATION (BFE) - The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

BED AND BREAKFAST -Owner-occupied overnight accommodations and a morning meal in a dwelling un it provided for transients for compensation and offers eight (8) or fewer rooms for guests.

BED ROOM – Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BOARDING OR ROOMING HOUSE – A residential dwelling in which lodgers rent one or more rooms on a temporary basis, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. No facility shall offer more than eight (8) rooms for rent.

BOARDING STABLE – A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner of the premises received compensation.

BOND – A fixed-income instrument that represents a loan made by an investor to a borrower (typically corporate or governmental).

BROWNFIELDS - A former industrial or commercial site where future use is affected by real or perceived environmental contamination.

BUILDABLE AREA – The area of a lot remaining after the minimum yard and open space requirements of the zoning district have been met.

BUILDING - A structure having a roof supported by columns or walls.

BUILDING, ACCESSORY – A subordinate structure on the same lot as the principal building.

BUILDING COVERAGE – The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of the principal and all accessory buildings on a lot to the total lot area.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof, which are over fifty (50) square feet in area.

BUILDING, HEIGHT OF - The vertical distance from the mean finished grade to the highest point of the building measured at the front wall of the building.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM - A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

BUILDING, PRINCIPAL - A building in which the principal use of the lot on which it is located is conducted. In an "A" Agriculture District the "principal building" shall be the dwelling unit.

BUILDING, PUBLIC - A structure owned or leased by a municipal government, i.e., town, village, county, state, federal.

BULK STORAGE – The storage of chemicals, petroleum products, grains and other materials in structures for subsequent resale to distributors retail dealers or other outlets.

CAMPGROUND – Any parcel or tract of land including buildings or other structures, under the control of any person, corporation, LLC or like entity, where five or more campsites are available for rent, lease or temporary or seasonal overnight occupancy.

CAMPSITE - A portion of a campground, with or without connections to water supply, electrical service or sewage systems, used by one camping unit.

CAMPING UNIT - A tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed or used for temporary human occupancy.

CARPOR – A roofed structure providing space for the parking of motor vehicles and enclosing not more than three (3) sides.

CAR WASH – Any building or premises or portions thereof used for washing automobiles.

CEMETERY – Property used for the interring of the dead.

CERTIFICATE OF OCCUPANCY (CO) – A document used by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes, ordinances, local laws and regulations.

CHANGE OF USE – Any use that substantially differs from the previous use of the building or land.

CHURCH – 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.

CIVIC CENTER – A building or complex of buildings that house municipal offices and services and that may include cultural, recreational, athletic, convention and entertainment facilities.

CLINIC – An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, counselors or social workers and where patients are not usually housed overnight.

CLUB, PRIVATE – A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership, qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

CLUSTER SUBDIVISION – A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas.

CODE ENFORCEMENT OFFICER – An individual appointed by the Town Board and given responsibility to administer and enforce the laws and codes adopted by the Town.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.

CO-LOCATION - The mounting of antenna(s) or other telecommunications equipment used by two or more providers, persons, firms or corporations on the same antenna support structure, monopole, or antenna tower.

COMMERCIAL USE – Activity involving the sale of goods or services carried out for profit.

COMMERCIAL RECREATION - A parcel of land which may include facilities for recreation purposes, utilized by the public for a fee. Activities may include, but are not limited to, bowling alleys, ski slopes, tennis courts and golf courses.

COMMUNITY CENTER – A building used for recreational, social, educational, and cultural activities, open to the public, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY CHARACTER – The image of a community or area as defined by such factors as its built environment, natural features, and open space elements, type of housing, architectural style, infrastructure and the type and quality of public facilities and services.

COMPLETE APPLICATION – An application form completed as specified by ordinance or local law and the rules and regulations of the governmental agency and all accompanying documents required by ordinance or local law for approval of the application.

COMMERCIAL RECREATION – A parcel of land which may include facilities for recreation purposes, utilized by the public for a fee. Activities include, but are not limited to, bowling alleys, ski slopes, tennis courts, golf courses, swimming pools, and drive-in theaters, and cooperative hunting preserves where a fee to hunt is required.

COMMERCIAL RECREATIONAL ESTABLISHMENTS- Any area of land or water, including any building or group of buildings, open to use by or catering to the general public, where recreational, athletic or amusement facilities are provided, and operated primarily for profit, including controlled-access facilities accessory to commercial uses, but not including any outdoor or drive-in theaters or facilities for automobile or animal racing.

COMMERCIAL SELF-STORAGE- a commercial land use consisting of the rental of space for the storage of personal property in an enclosed structure not visible from the exterior such as a mini-warehouse, or the storage of recreational vehicles such as boats, motor homes, camping trailers, and other recreational vehicles. An industrial warehouse is not considered commercial self-storage. *See definition for Self-Storage in this Local Law.*

COMMUNICATION TOWERS AND FACILITIES – A site development including a structure on which antennas or other telecommunications devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of such facility.

CONDITIONAL USE – A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning and authorized by the approving agency.

CONVENIENCE STORE – A retail establishment up to 5,000 square feet selling food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

CRAFT BREWERY, WINERY, DISTILLERY, CIDERY, MEADERY, AND/OR FOOD MANUFACTURING FACILITY- An establishment which produces on the premises beer, wine, cider, vinous beverages, spirits or edible goods for off- and/or on-site consumption in accordance with New York State Liquor Authority, Department of Health and other applicable agency regulations. Such an establishment may include a public component, such as a tasting room, restaurant and/or a retail establishment.

CROSS ACCESS DRIVE – A service drive providing vehicular access between two or more contiguous sites so that the driver need not reenter the public street system

DANCE, ART, OR MUSIC STUDIO – A place of work for an artisan, artist, craftsman, or performer, including persons engaged in the application, teaching, or performance of fine arts, such as, but not limited to drawing, vocal or instrumental music, painting sculpture, dance, and writing.

DAY-CARE, ADULT – An establishment for group care of non-resident adults such as adult day health centers or social day care as defined by the New York State Department of Social and Health Services.

DAY CARE CENTER – Any program or facility caring for children under the age of 18 for more than three hours per day.

DAY CARE, FAMILY- A program or facility caring for children for more than three hours per day in which child day care is provided in a family home for three to six children. A family day care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the New York State Social Services Law.

DECIBEL – a unit used to measure the intensity of a sound or the power level of an electrical signal by comparing it with a given level on a logarithmic scale.

DECOMMISSIONING – The process for removing an abandoned solar panel system and remediating the land.

DETENTION BASIN – Usually dry basins that fill with water during a storm event. They work by delaying the storm water so that it is released at a rate the mics the pre-development (or natural) flow.

DIAMETER AT BREAST HEIGHT (DBH) – Tree diameter measured at 4.5 feet from the ground.

DWELLING, MULTIPLE – A building or portion thereof consisting of self-contained residential units for three (3) or more families and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

DWELLING, ONE FAMILY – A complete self-contained residential unit for permanent habitation by only one family, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

DWELLING, SEASONAL – A complete self-contained residential unit which was not originally intended, situated, designed, or constructed for year-round occupancy and is only occupied or used for less than 120 days per year. Such dwellings may be located in places that are not served by some governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services based on the location of the dwelling. A Town issued certificate of occupancy shall state the dwelling is seasonal and therefore may be exempt from services.

DWELLING, TWO-FAMILY – A complete self-contained residential unit for permanent habitation by two separate families, and each unit containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

DWELLING UNITS – A building or portion thereof providing complete housekeeping facilities.

EATING AND DRINKING ESTABLISHMENT – Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared food and drinks for on-site consumption.

EDUCATIONAL INSTITUTION – An institution, either public or private, providing full-time day instruction and a course of study which meets the requirements of the New York State Education Law and/or the New York State Health Code.

ELECTRICAL DISTRIBUTION SUBSTATIONS – A voltage regulation point that delivers electric energy from transmission systems to residential and industrial consumers. Power is transported from the distribution substation via distribution feeders to the premises of the end consumer.

EXCAVATION (QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING) – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale or use, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved building permit.

FAMILY – One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit.

FARM – Any parcel of land used to produce, prepare and market crops, livestock and livestock products including the keeping of poultry, fowl, cattle, horses or other domestic animals, including necessary farm structures and the storage of farm equipment. A farm shall include enterprises such as apiary and meadery as well as maple sap products and Christmas trees. A farm may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM BREWERY – A facility, for the brewing and bottling of beer that produces less than 15,000 barrels of product per year and grows hops and agricultural products necessary for making the beverage.

FARM OR FOOD PRODUCT - Any agricultural, horticultural, forest, or other product of the soil or water that has been grown, harvested, or produced wholly within the state of New York. Such products shall include but not be limited to: fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap

products, apple cider, fruit juice, ornamental or vegetable plants, nursery products, flowers, firewood, fermented agricultural products, and Christmas trees.

FARMERS MARKET – Any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, used or intended to be used by two or more producers for the direct sale of farm and food products from producers to consumers and food buyers. Such market may also include facilities for the packing, shipping, first-instance processing or storage of farm and food products, and shall include all equipment used or intended to be used in connection with such facilities. Such market may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking, and non-food retailing.

FARMLAND OF STATEWIDE IMPORTANCE – Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

FARM STAND – A seasonal road-side stand where plants, flowers, produce and other food products grown or made on the property are sold to the general public.

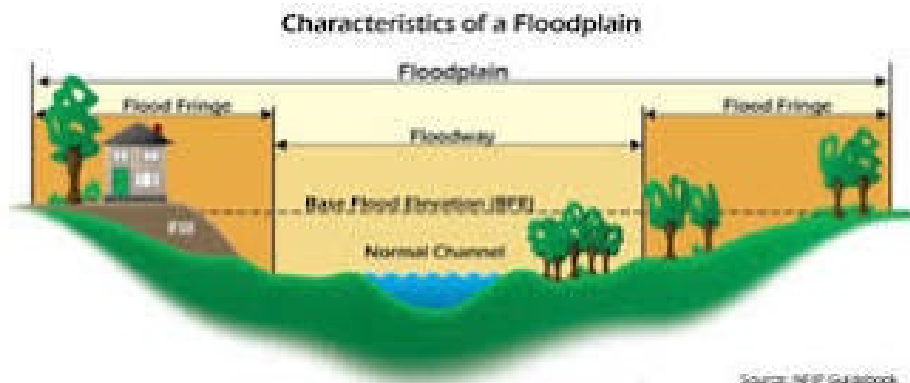
FINANCAIL GUARANTEE – A financial security in an amount sufficient to guarantee the installation of basic public improvement. Such improvements may include, but are not limited to, public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings, traffic signs and signals and sidewalks. Acceptable financial securities must be approved by the Town Attorney and the Town Board and may be in one of several forms, including, but not limited to, a performance bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor of the Town.

FLAG LOT – A lot not meeting the required frontage along a public road and where access is by a narrow strip of land.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE – Lands outside the floodway, at or below the base flood elevation, that store but do not effectively convey floodwaters.



FLOOD HAZARD BOUNDARY MAP – The official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated. Also referred to as Flood Insurance Rate Maps (FIRMs).-“”FLOODPLAIN – an area of low-lying ground adjacent to a river, formed mainly of river sediments and subject to flooding.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies.

FLUSH-MOUNTED SOLAR PANEL - A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM – A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems for purposes of this law.

FOREST MANAGEMENT PRACTICES – Management of natural vegetation for timber harvesting, firewood, wildlife habitat improvement, and water quality.

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.

GAS AND FILLING STATIONS an establishment beside a road selling fuel for motor vehicles, which may or may not include a convenience store, bathroom facilities for public use and prepared food for off-site consumption.

GARAGE, PRIVATE – An accessory building or part of a building used for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GREENHOUSE – A business where plants, trees and items related to growing are sold. Often one or more structures, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants are grouped on site.

GRID (POWER): A network of synchronized electrical power providers and consumers that are connected by transmission and distribution lines and operated by one or more control centers

GROUP HOME – A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service, such as adult daycare facilities, homes for the aged, rest homes and other like uses.

HABITABLE FLOOR AREA – The total number of square feet of floor space within a building, which is enclosed and useable for human occupancy or the conduct of business. Unheated basements and attached garages are excluded.

HEIGHT – The vertical distance measured from the average elevation of the finished grade to the high pint of the structure.

HOME OCCUPATION – Any use conducted entirely within a dwelling or accessory structure on the same lot, which use is clearly incidental and secondary to the use of the dwelling or dwelling purpose and does not change the character thereof. Home occupations may consist of, but are not limited to, professional occupations such as doctors, lawyers, dentists, teachers, insurance officers, real estate offices, computer repair, hair dressers or other personal service professionals.

- A. HOME OCCUPATION (MAJOR) – A profession or vocation, full or part-time, conducted within a building or structure accessory to the inhabitant’s dwelling, which use is secondary to the use of the dwelling for dwelling purposes. Major home occupations may have up to two (2) non-owner employees and shall comply with the standards of the is local law.
- B. HOME OCCUPATION (MINOR) – A profession or vocation, full or part-time, conducted wholly within a dwelling, which use is secondary to the use of the dwelling for dwelling purposes and uses 25% or less of the total habitable living space. Minor home occupation may not employ any non-resident employees and shall comply with the standards of the is local law.

JOINT ACCESS DRIVEWAY – A common driveway connecting two or more contiguous sites to the public street system.

JUNK – Any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded,

JUNKYARD – A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrape metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. [Amended 5-2-1990 by L.L. No. 1-1990]

KENNE – A place for the care and/or breeding of dogs as defined in the Agricultural and Markest Law, Section 107.

LAND USE ACTIVITY - Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. “Land use activity” shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, and driveways.

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that is ground mounted and produces energy primarily for the purpose of offsite sale or consumption.

LIBRARY - A public space housing references, books and other forms of media and provides a public space.

LIGHT MANUFACTURING – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LOCAL MANAGER – The person specifically named on any application and permit that is deemed responsible for the day-to-day operation of a Transient Rental Unit (as defined by this Local Law), Hotel, Motel, Manufactured Home Park, Campground, Resort, Religious Retreat or any other use that may allow for use by the public and/or overnight stays. The local manager must be able to be contacted, day or night, if there is a problem. The local manager may be either the owner or an agent of the owner. The local manager shall reside within forty-five (45) minutes of the use.

LOT - A parcel of land occupied or capable of being occupied by a building or buildings and accessory buildings and/or uses, including such open spaces as are required by this chapter.

LOT AREA - The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of the area.

LOT, CORNER - A lot situated at the intersection of two (2) or more streets or highways.

LOT COVERAGE - The proportion of a lot area covered by impervious surface including buildings and off-street parking areas.

LOT FRONTAGE - The minimum lot frontage of any lot shall be measured along the street line as required pursuant to this Law.

LOT LINE, FRONT - The lot line which abuts upon a street.(Amended 5-3-2000)

LOT WIDTH - The mean horizontal distance measured at right angles to its depth along the front lot line.

MANUFACTURED HOME – A transportable single-family dwelling unit intended for permanent occupancy which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed on a chassis so that it might be towed, not including a modular or sectional dwelling, recreational vehicle or travel trailer.

MANUFACTURED HOME LOT – A designated site of specific total land area which is located within a manufactured home park for the accommodation of one manufactured home and its occupants.

MANUFACTURED HOME PARK – A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing three (3) or more manufactured homes for occupancy as single-family dwellings.

MANUFACTURED HOME BASE – A permanent base located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home. Such base shall consist of concrete pad.

MASSAGE ESTABLISHMENT- Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

MEAN FINISHED GRADE - The average grade level of the ground measured at the front wall of the building.

MILLWORK- is any type of woodwork or building product that is produced in a mill. This could include anything from doors, molding, trim, flooring, wall paneling, crown moldings, etc.

MINING - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other processing at the mine location that makes a mineral suitable for commercial, industrial, or construction use.

NACELLE - The portion of the wind turbine that connects the rotor to the support tower, and houses the generator, gearbox, drive train, and braking system.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NET-METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

NEW YORK INDEPENDENT SYSTEM OPERATOR (NYISO) - NYISO is a not-for-profit organization formed in 1998 as part of the restructuring of New York State's electric power industry. Its mission is to ensure the reliable, safe and efficient operation of the State's major transmission system and to administer an open, competitive and nondiscriminatory wholesale market for electricity in New York State.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure or portion thereof, lawfully existing on the effective date of this chapter or subsequent amendment thereto, which does not completely conform to the regulations applicable in the district in which it is located.

NONCONFORMING USE - A land use or structure that was legal when established but does not conform to the standards of the current zoning law.

NON-RESIDENT OWNERS – Owners whose primary residence is further than twenty (20) miles from a Transient Rental Unit (as defined by this Local Law), Hotel, Motel, Manufactured Home Park, Campground, Resort, Religious Retreat or any other use that may allow for use by the public and/or overnight stays.

NURSING AND CONVALESCENT HOME – Any establishment where three or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually housed for remuneration, other than municipal or incorporated hospitals and establishments licensed by the New York State Health Commissioner.

ONE-HUNDRED-YEAR FLOOD – See Base Flood Elevation (BFE).

OUTDOOR WOOD BOILER- Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. An outdoor wood boiler may also be referred to as an outdoor wood furnace, or an outdoor furnace, or an outdoor wood-burning boiler.

PARKING SPACE, OFF-STREET - An off-street space, area or berth, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles. All parking spaces shall be a minimum of 10 feet by 20 feet and handicap spaces may include a loading area of equal or greater size.

PERMITTED USE (or USE OF RIGHT) - A land use allowed under the regulations of this chapter.

PERSONAL STORAGE-means a private, residential land use consisting of space for the storage of personal property that is neat and orderly and does not create a sight blemish on the neighborhood. Personal storage in an enclosed structure not visible from the exterior. All storage shall be in compliance with the New York State Uniform Code and other applicable laws, regulations and standards.

PERVIOUS SURFACE - A surface that allows stormwater to be absorbed by the land.

PHOTOVOLTALIC (PV) SYSTEM - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever sunlight strikes them.

PLANNING BOARD- Proposes and recommends modifications to the town's Comprehensive Plan to provide for the improvement of the town, future growth, protection of natural resources, and to provide adequate facilities for housing, transportation, distribution, comfort, convenience, public health, safety, and general welfare of the residents; provides advisory reports on proposed zoning changes; reviews specific matters which have been referred by the Town Board; and issues Fresh Water Wetlands permits pursuant to subdivision review.

POLLINATOR - bees, birds, bats, and other insects or wildlife that pollinates flowering plants, and includes

both wild and managed insects.

PRIME FARMLAND - Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PUBLIC FACILITIES AND UTILITIES - All town, county, state and federal government owned buildings and land including, but not limited to, town halls and highway department garages. In addition are telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUBLIC PARKS AND RECREATIONAL FACILITIES - Land in public ownership set aside for public use, which may or may not have developed recreational facilities, such as playgrounds, tennis courts, baseball fields, picnic areas, bike and horse trails, swimming pool, and/or lavatories.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

RECEPTION HALL – A building or structure not to exceed 5,000 square feet commonly used for public or private events or activities such as meetings, social gatherings, entertainment and exhibitions.

REFLECTIVE - Any surface which bends, casts or throws back light in such a manner as to cause glare.

RELIGIOUS USE - Any building, structure or facility used for religious assembly, or directly affiliated with a religious group including, but not limited to churches, synagogues, temples and mosques. Definition shall also include all places of worship, cemeteries, mausoleums, burial grounds or similar uses which the Planning Board finds to be appropriate.

RESIDENCE - Any dwelling suitable for habitation existing in the Town of Windsor on the date an application is received. A residence may be part of a multi-family dwelling or multipurpose building, but shall not include buildings such as hotels or motels, hospitals, day care centers, dormitories, sanitariums, nursing homes, municipal buildings, schools or other educational buildings or correctional institutions.

RESTAURANT - Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public or community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL BUSINESS (SMALL) – Sales establishment in a freestanding building with floor areas equal to or less than 5,000 square feet. (Shall not include shopping plazas, centers, malls or markets).

RETAIL BUSINESS (LARGE) – Sales establishment in a freestanding building with floor areas greater than 5,000 square feet.

RLUIPA – Religious Land Use and Institutionalized Persons Act: A federal law that, among other things, protects religious institutions from unduly burdensome or discriminatory land use regulations.

ROAD USE AGREEMENT (RUA) – A legally binding agreement executed between the Town and any individual, business, corporation, LLC or like owner for extraordinary road use, road access points, approach or road crossings, public right-of-way setbacks, building rules, physical addressing, dust control measures, or road maintenance and any repair mitigation plans.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SELF STORAGE FACILITY – A Public facility for storage of personal, household or business property which is serviced by the owner of the stored property or an agent of the owner. The term “Self-Storage Facility” includes all similar uses and terms but shall not be construed to mean warehouse. The self-storage facility must be constructed on a permanent foundation. A self-storage facility is not to be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation.(Added 7-5-01, by L.L. #1-2001)

SETBACK - The distance from a lot line of a parcel within which a structure is installed.

SIGN - A structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, device, trademark or other representation used as an announcement, designation, direction or display to advertise or promote any person, firm, group, organization, commodity, service, profession or enterprise when said display is placed out of doors in view of the general public.

A. BUSINESS SIGN - A sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where the sign is located.

B. ADVERTISING SIGN - A sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold or offered upon the same premises where the sign is located.

C. DIRECTIONAL OR INFORMATIONAL SIGN - A sign which is non-illuminated which may be used for the purpose of stating the name or location of the town and its public buildings, hospital, community center, church, school, park or the name or place of meeting of an official or civic organization(e.g., Lions, Kiwanis). No advertising or business matter shall be contained on signs of this type.

D. BILLBOARDS - A large outdoor advertising structure, typically found in high-traffic areas such as alongside busy roads. Billboards are generally off-premise signage, but may include large structural signs advertising a business on the same premises as the business.

SHORT-TERM RENTAL – See Transient Rental Unit

SITE - The parcel(s) of land where a wind energy facility is to be placed. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a wind energy facility or has entered an agreement for said facility or a setback agreement shall not be considered off-site.

SITE PLAN – A plan of a lot on which is shown topography, location of all buildings,

SLEEPING ROOM – An interior room other than a bedroom having at least one operable window and furnishings that may serve to afford sleep to a person; however, sleep shall not be the primary function of the room. Examples include a living room, family room, den or great room furnished with a futon or convertible couch.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ARRAY - A collection of multiple solar panels that generate electricity as a system.

SOLAR COLLECTOR - A solar photovoltaic cell, panel, or array, or solar hot air or water collector/device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - An easement recorded pursuant to New York Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM - The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

- A. Tier 1 Solar Energy Systems include the following:
 - a. Roof-Mounted Solar Energy Systems
 - b. Building-Integrated Solar Energy Systems
- B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 20 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.
- C. Tier 3 Solar Energy Systems are system with a capacity above 20 kW AC and that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR ENERGY STORAGE - A method that stores energy from the sun and makes it available at a later time in the form of electrical, mechanical, thermal or chemical energy.

SOLAR FARM OR SOLAR POWER PLANT - Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

SOUND PRESSURE LEVEL - According to the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts, a measure of sound pressure in the atmosphere which can be determined according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedure. Also, the perceived loudness of a sound as expressed in decibels (dB) or A-weighted decibel scale dB(A). For example, an L₁₀ - 30 dBA indicates that in any hour of the day 30 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes.

SPECIAL FLOOD HAZARD AREAS (SFHA) - An area having special flood, mudflow or flood-related erosion

hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced.

SPECIAL PERMIT USE – A use which, because of unique characteristics, requires a Special Permit in accordance with this local law.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) -

STONE PROCESSING FACILITY – An industrial facility where bluestone, landscaping stone and wall stone products are sawed out of large blocks of raw stone material to be sold wholesale, but excluding facilities processing or finishing less than 5,000 tons per year of product and activities at quarry sites.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

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

STORY, HALF - A story under the gable, hip or gambrel roof, the wall plates of which on at least two(2) opposite interior walls are not more than two(2) feet above the floor of such stories.

STREET – A publicly owned and maintained road. (Amended 5-3-2000)

1. STREET, ARTERIAL -A roadway with signals at important intersections and stop signs on the side roads and that collects and distributes traffic to and from collector streets.
2. STREET, COLLECTOR – A road that collects traffic from local roads and connects with arterials.
3. STREET, CUL-DE-SAC – A road with a single common ingress and egress and with a turnaround at the end.
4. STREET, DEAD-END – A road with a single common ingress and egress.
5. STREET, EXPRESSWAY – A divided multilane major arterial road for through traffic control of access and with grade separations at major intersections.
6. STREET, LOCAL – A road designed to provide vehicular access to abutting property and to discourage through traffic.
7. STREET, PRIVATE – A road that has never been accepted by the municipality or other governmental entity.

STRUCTURE - Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

STRUCTURE, ACCESSORY - Any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free-standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

SUBSTANTIAL IMPROVEMENT – Any extension, repair, reconstruction, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the fair market value of the structure either before the improvement is started or, if the property had been damaged and is being restored, before the damage occurred, The term does not include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

SURETY - The purpose of obtaining a surety bond or a bank letter of credit is to ensure that the owner will have the financial ability to comply with the terms of this article, and to ensure that there will be

sufficient financial ability to deconstruct a facility and dispose of its parts. The amount of the surety bond or bank letter of credit will be determined by numerous factors that include but are not limited to environmental liabilities, decommissioning costs, and reclamation costs. The bank or bond company must be located within Delaware County or an immediately adjacent county and must be approved by the Town of Windsor Town Board. The amount of surety required will be revised annually, as a part of the annual permit renewal process.

TOTAL HEIGHT - The height of the tower and the furthest vertical extension of the wind turbine.

TOWNHOUSE - A one-family dwelling in a row of at least three such units in which each has its own front and rear access to the outside, is set on its own lot, is separated from adjoining units by one or more vertical common firewall, and in which no unit is located over another.

TRAILER - Any vehicle or structure, including but not limited to an automobile trailer and trailer coach, mounted or capable of being mounted on wheels for use on highways and streets, and designed for use as a dwelling.

TRAILER PARK - Any site, lot, field or tract of ground upon which two(2) or more trailer coaches are placed, and shall include any building, structure, tent, vehicle or enclosure used or intended to be used as a part of the equipment of such park.

TRANSIENT RENTAL UNIT – Any dwelling unit that is rented or leased for a period of thirty (30) days or less shall be considered as a short-term rental unit and deemed a Transient Rental Unit. Motels, Hotels, Campgrounds, Resorts, Religious Retreats and Bed and Breakfasts are excluded from this definition.

TRANSMISSION OWNER - The owner of the electric distribution networks. Examples include New York State Electric & Gas, Niagara-Mohawk, and Con Edison.

TRIP-ENDS - Represent the total number of vehicular trips entering and leaving a specific land use or site for a designated period of time.

VACATION RENTAL CABIN (s) - A cabin or group of cabins on a single parcel in which temporary or seasonal recreational lodging is provided for compensation.

VARIANCE, AREA - The authorization by the Zoning Board of Appeals for the use of the land in a manner which is not allowed by the dimensional or physical requirements of the applicable regulations.

VARIANCE, USE – A discretionary action granted by the Zoning Board of Appeals that allows a property owner to use their land for purposes not permitted by the zoning law as an allowable use in the zoning district where the property exists.

VOLATILE MATERIALS- Gasoline or any substance more vaporizable or more inflammable than gasoline.

WIND ENERGY FACILITY - Any wind turbine, small wind turbine or wind measurement tower or combinations of these, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND ENERGY FACILITY PERMIT- A permit pursuant to this law granting the holder the right to construct, maintain and operate a wind energy facility.

WIND MEASUREMENT TOWER - A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WIND TURBINE - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to produce power for distribution on the utility grid.

WIND TURBINE (SMALL) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended primarily to reduce consumption of utility power at that location.

YARD - An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT - A yard extending across the full width of a lot and lying between the front lot line of the lot and the front line of the principal building.

YARD, REAR - A yard extending across the full width of a lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE - A yard between a side lot line of a lot and nearest line of the principal building and extending from the front yard to the rear yard.

ZBA/ZONING BOARD OF APPEALS- A Zoning Board of Appeals hears appeals, evaluates requests for interpretations and approves or denies dimensional and use variances.

ZONING DISTRICT – An area within the Town of Windsor for which the regulations and requirements governing land use and structures upon it are uniform.

ZERO LOT LINE – The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.