

Section 2.03 Definitions.

- A. The Purpose and Objective of this Section is to assist in providing clarity for this Zoning Local Law.
- B. Definitions will be used for this Local Law as defined in this Local Law. Any term in this Local Law which is not defined in this or other sections of this Local Law shall carry its customary meaning.

Accessory apartment - An accessory apartment is a short-term accessory use to a single family dwelling. It is a separate living space within a single family dwelling to be ~~occupies~~ occupied by family members or caregivers. An accessory apartment shall constitute a principal building however it does not need to comply with the density or minimum lot size requirements of the district. **[amended July 2011]**

Accessory Use - any use of a structure, lot or portion thereof, that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of a residential structure, professional, commercial and artisan activities ~~and other "home occupations"~~ carried on by the residents of such structures.

Accessory Use Structure - any structure or a portion of a building attached or detached ~~which is separate~~ from the principal building and customarily incidental and subordinate to a principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling, ~~or any moveable structure in excess of 100 square feet that is located within a required setback.~~

Addition – An extension or increase in floor area, number of stories, or height of a building or structure.

Adirondack Park - land lying within the area described in Subdivision 1 of Section 9.0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto. All lands in the Town of Chester are within the Adirondack Park.

Adirondack Park Agency or Agency - the Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

Adirondack Park Agency Act - Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

Agricultural Service Use - any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

Agricultural Use – any management of any land for agriculture; raising of cows, horses, pigs, poultry, and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds. ~~animal husbandry and/or cultivation, involving the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry~~

~~and poultry products: livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, berries and vegetables.~~

Agricultural Use Structure - any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

Airport/Heliport - a place on land designed for the take-off and landing of aircraft.

~~*Alteration* - any structural change, arrangement or addition to a building or structure, other than repairs, not exceeding 50% of the cost of the building; any modification in construction or in building equipment.~~ any construction or renovation to an existing structure other than repair or addition.

Amusement Center - any place, site structure or building or part thereof which provides more than three amusement devices or any ride, booth or game of chance operated for profit.

Amusement Device - any mechanical contrivance used to provide games of chance, skill, or pleasure and where a fee is charged.

Amusement Park - an outdoor facility, which includes permanent structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items and buildings for shows and entertainment.

Amusement Ride - any mechanical contrivance used to transport an occupant or occupants over a short defined distance or course for thrill or pleasure and where a fee is charged.

Antenna - a device used to collect and transmit to a receiver telecommunication signals that have been generated at a distant location.

Apartment – a dwelling unit in a building for rent or lease for tenants, excluding mobile homes.

Apartment building Building – a multiple dwelling in which units are leased to tenants, other than a boarding house, hotel, motel or bed-and-breakfast.

Applicant - a person, partnership, corporation or other entity applying for a permit, project approval, or variance having a legal interest in property the subject of the application.

Application Date - a date which is set by the Planning Board, Town Board or Zoning Board of Appeals as the deadline for submission of applications to the Board, which shall be clearly stated on all application forms.

Automobile Repair Center - any building, premises and/or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Automobile Service Station - any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or minor repairs.

Barn - a structure which is part of an agricultural use and which is used for the housing of animals, such as horses, chickens, cows, pigs, or their food and forage, such as hay, grains, straw, and equipment used to implement the agricultural use, such as a tractor, manure spreader, planter, etc.;

Barrier – A man made or natural obstruction which restricts vision and (or) access.

Bed and Breakfast - a tourist accommodation located within a single family dwelling or a multi-family dwelling ~~where the owner or manager resides.~~ However, ~~A~~ a bed and breakfast shall be considered an accessory use and not a tourist accommodation if the following criteria are met:

(1) The guest rooms are located within a structure that has been used as a single family dwelling for a period of five years or more prior to conversion to a bed and breakfast;

(2) the single family dwelling is the owner's primary residence and at least one bedroom is reserved for the owners exclusive personal use;

(3) no meals (except breakfast) are served to paying guests and no meals are served to the general public;

(4) in a structure containing more than three existing bedrooms, no more than 50 percent of the bedrooms and no more than five bedrooms total are available for paying lodgers;

(5) the use also meets all criteria of accessory use except that no accessory structure or guest cottage shall be used as a bed and breakfast. ~~does not change the character of the primary use;~~

(6) the sewage treatment system complies with ~~current~~ all applicable NYS Department of Health Standards and local standards;

(7) at least one off-street parking space is provided on premises for each room for rent;

Boat - a watercraft moved by sail, paddle, oar, or engine.

Boathouse – a covered structure with direct access to a navigable body of water which is used for the storage or docking of vessels and associated equipment. It shall not have bathroom or kitchen facilities or be used for lodging or residency. a single-story structure with a fixed roof which:

~~(1) A portion of which is located in a body of navigable water for all or part of each year.~~

~~(2) Is used for the storage or docking of vessels and associated equipment.~~

~~(3) Does not have bathroom or kitchen facilities and is not designed or used for lodging or residency.~~

Any other structure, even though at or near the shoreline, is not a boathouse.

Boat Lift – a mechanical device which lifts and holds a boat out of the water.

Boat Maintenance Facility - any building, land area or other premises, or portion thereof used or designed to be used for the commercial care, maintenance and/or repair of boats and/or sale of marine products and accessories.

Boat Slip - a space along a dock intended for berthing or mooring a vessel. For the purposes of this Zoning Local Law, a slip shall be deemed to extend ten feet (10') in width from the adjacent edge of the dock. **(Changed wording from “Slip” to “Boat Slip”, same existing definition for “Slip”)**

Boat Storage Facility - a place, site or structure used to store a watercraft for thirty (30) consecutive days or more. (See "Commercial Boat Storage")

Boundary Line Adjustment - The transfer of a small amount of land which consists of less than the minimum lot size required in the zoning district in which it is located and which does not create an additional parcel of land or cause a lot size deficiency in either the granting or receiving parcel. ~~A boundary line adjustment is subject to the provisions of Section 7.22.~~ **[amended July 2011]**

Buffer - an area of planted or natural vegetation, berms, fences or structures intended to separate and / or partially obscure the view from off-site at eye level.

Building – any roofed structure intended for the shelter, housing or enclosure of persons, animals or property.

Building, Detached - a building surrounded by open space on all sides on the same lot.

Building Envelope -The area of a lot within which a building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas, legal rights-of-way, or other areas defined in the zoning ordinance.

Building Height - the vertical distance measured from the lowest portion of the natural grade of the building site adjacent to the building or finished grade of cut required to accommodate the building to the highest point of the structure, not including chimneys, antennas or other small elements.

Building Line - the point from which all yard requirements are measured and which is determined by a line formed by the intersection of a horizontal plane of the lowest grade level and a vertical plane that extends from the most projected part of the building open to the sky.

Building Permit - written permission issued by the authorized municipal authority or authorities for the demolition, construction, repair, alteration or addition to a structure and certifying compliance with the New York State Building Code.

Campground - any area designated and used for transient occupancy by camping in tents, camp trailers motor homes, transient mobile homes, truck campers, or pickup campers or similar facilities designated for temporary shelter. ~~(See Section 7.12 for occupancy and unit regulations.)~~

Car-port - a shelter for vehicle storage consisting of a roof supported by posts and not fully enclosed on all sides. May be attached to a structure.

Change of Use - any use which substantially differs from the previous use requiring alteration to the building or site; for ~~example~~example, different parking spaces, service docks, ingress and egress standards, etc. Change of use may require a zoning permit or site plan review.

Church - a building for public worship including a synagogue or mosque.

Class A Regional Project - a land use or development which is classified and defined as such in Section 810 of the Adirondack Park Agency Act (see Appendix A).

Class B Regional Project - a land use or development which is classified and defined in Section 810 of the Adirondack Park Agency Act (See Appendix B of this Local Law).

Class A Regional Subdivision - a subdivision which is classified and defined as a Class A Regional Project.

Class B Regional Subdivision - a subdivision which is classified and defined as a Class B Regional Project.

Clear-Cutting –

(1) any cutting of all or substantially all trees over six inches in diameter at breast height on twenty-five (25) or more contiguous acres over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested.

(2) ~~Provided, however, that~~ where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, a clearcut will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured. ~~Provided further that the cutting of all or substantially all trees over six inches in diameter at breast height totaling less than 10 square feet per acre, similarly measured, is not a clearcut.~~

Club - an organization catering exclusively to members and their guests, or premises and buildings for recreational use or athletic purposes which are not conducted primarily for gain, providing they are not conducting any commercial activities except as required generally for the membership and purposes of such club.

Cluster Development - a form or pattern of land and buildings in a subdivision which reflects the varying suitability of a site by concentrating building and related facilities in one or more suitable areas of a site, while leaving other areas open to recreation or other open space activities.

Commercial Boat Storage - dry storage of more than three (3) boats on a lot for which a fee is charged or for which a fee is included in an overall commercial service or the dry storage of more than six boats on any lot, whether or not a fee is charged. For the purpose of determining "floor area" for storage facilities not directly adjacent to or associated with a "marina" or "quick launch," the area of berths or storage lofts above the ground floor shall be counted as floor area.

Commercial Recreation Use - any use involving the provision of recreation facilities or activities for a fee.

Commercial Sand and Gravel Extraction - any extraction from the land of more than fifty (50) cubic yards in any two-year period of sand, gravel or topsoil, (1) for the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by any municipality.

Commercial Use - any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically defined herein.

Community Facility - a building or structure owned and operated by a governmental agency or not-for-profit organization to provide a public or semi-public service, such as libraries, museums, governmental buildings, firehouses, and churches.

Computer-Related Facility - a commercial retail service business oriented to providing educational services, repair, communications, word processing or other services using computers where sales is clearly incidental to the services provided and not including assembly or manufacturing.

Condominium - a form of ownership of a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

Condominium Development, Detached Units - a condominium that involves the use of detached units, single family or multi-family.

Construction – the renovation, repair, extension, expansion, alteration, or relocation of a building or structure, or new construction.

Contractual Access - The right to use an access lot where said right is granted through membership in an organization or club or by legal contract or deed stipulation.

Contractual Access Lot - Any lot or parcel of land intended to serve as a waterfront access area for beach use, boating, and/or other recreational facilities granted through membership in an organization or club or by legal contract or deed stipulation.

Cooperative - a multi-unit project of one-family dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property. These dwelling units, offices, shops or spaces, common areas and facilities which are owned by an organization, independent corporation, partnership or other enterprise are in turn owned and operated for the benefit of those using or occupying the property.

Corner Lot - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner. Such lot shall require front yard setbacks on each street. Such lot shall require side yard setbacks on each side and no rear yard setbacks.

Day Care Center - a site, building, or place designed and/or operated to provide day care and/or instruction for four or more persons and operated on a regular basis for a fee.

Deck - a platform without roof, full weather enclosure, except for railings or railing height walls.

Dock - a structure not more than eight (8) ft in width extending from a shoreline into a navigable body of water which is used as a landing or berthing place for vessels, including piers, wharfs, crib docks, stake docks, floating docks and all such similar structures.

Dock and Mooring Rental - the berthing of vessels for a fee other than those registered to the owner of the property, a gratuitous guest, or those having deeded right to the shorefront, and, other than the berthing of vessels offered as a part of the rental of a residential unit, dock and mooring rentals are not allowed except at marinas.

Dock System – A method of docking intended to accommodate berthing of multiple vessels in a systematic arrangement to minimize space utilized.

Driveway – any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Dwelling, Attached - a one-family dwelling attached to two or more one-family dwelling by common vertical walls. An Attached Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling, Detached - one dwelling unit which is not attached to any other dwelling by any mean a single family dwelling.

Dwelling, Multi-Family - any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling, designed for occupancy ~~designed to be occupied in separate dwelling units therein by more than one family; any such building containing two or more separate dwelling units used on a time-sharing, leased time or other similar basis whereby more than one person, group of persons or family has legal right of occupancy at different times.~~

Dwelling, Single-Family - a detached building (not including a mobile home) of one or more stories in height above main grade level, which is designed or used exclusively as living quarters for one family or household.

Dwelling, Town House - a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. A Town House Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling, Two Family - a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. A Two Family Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling Unit - ~~one (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one (1) family or household for year-round or seasonal/temporary use.~~ A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement - a grant of the right to a person, government agency, public utility company or other legal entity to use public or private land owned by another for specific purposes, where ownership of the land is not transferred.

Erect - to build, construct, attach, hang, place, suspend, or affix, including the painting of wall signs.

Essential Services – the construction, alteration or maintenance by public utilities or governmental agencies of gas, electrical, steam, sewer system or water transmission or distribution systems.

Excavation -- any extraction from the land of more than twenty (20) cubic yards of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

Family - a group of persons, constituting the functional equivalent of a traditional family, occupying a single premises and living as a single housekeeping unit, as distinguished from a group of persons occupying a lodging house, club, fraternity or hotel.

Fence - a man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a freestanding wall, a structure designed to or which, in fact, does divide, enclose or screen a parcel of land or portion thereof.

Firing Range - a site or building used for the orderly discharge of firearms, including targets or skeet, which may function as a commercial use or part of a private club.

Food Store - a self-service retail operation offering a variety of food goods for sale to the general public.

Forestry Use - any management, including timber harvesting, of a forest, woodland or plantation and related research and educational activities, including the construction,

alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

Forestry Use Structure - any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

Fraternal Organization – is a type of social organization whose members freely associate for a mutually beneficial purpose such as for social, professional or honorary principals.

Frontage – the portion of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

Funeral Home - a building or parlor used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Game Preserve - a land area used for the protection of wildlife, usually because of its unique natural character, which provides habitat, food or shelter for wildlife.

Garage, Public - a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public. "Garage, Public" may include the storage of vehicles, motorcycles, recreational vehicles, snowmobiles, merchandise, furniture, files/records, machines and other miscellaneous items for personal or commercial storage also known as "self-storage" or "mini-storage".

Government Office or Agency - any department, commission, independent agency or instrumentality of the United States, of New York State, of Warren County, and/or the Town of Chester or other governmental entity.

Greenhouse - a structure whose roof and sides are made largely of glass or other transparent or translucent material and used for personal enjoyment.

Greenhouse, Commercial - a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the commercial cultivation of delicate or out-of-season plants for subsequent sale.

Group Camp - any land or facility for seasonal housing and recreational, educational or business-related use by private groups or semi-public groups, such as a boy or girl scout camp, fraternal lodge, university or college conference center, religious camp, or conference center.

Guest Cottage - not more than one residential structure which is associated with a single-family dwelling and which:

- (1) is used only on an occasional basis;
- (2) is used only by guests of the resident(s) of the single-family dwelling;

- (3) is not for rent for hire separately from the single-family dwelling;
- (4) contains one-half or less of the enclosed floor space of the associated single-family dwelling or 2,000 square feet, whichever is less; and
- (5) otherwise meets the definition of accessory structure.

Home Occupation - any use customarily conducted entirely within a dwelling or in an accessory structure and carried on by the inhabitant(s) thereof and up to two employees not residing at the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the exterior character thereof.

Homeowners Association - See "Landowners Association".

Hotel - a facility providing transient lodging rental units and where the customary uses such as restaurant facilities, meeting rooms, recreation facilities and leisure rooms are provided for use by the lodger and the general public. A Hotel is considered a tourist accommodation under the Adirondack Park Agency Act.

Hot Tub - See "Swimming Pool".

~~*Hunting and Fishing Cabin* - a cabin, camp or lean-to or other similar structure designed for occasional occupancy for hunting, fishing, or similar purposes, which may include a pit privy, chemical toilet or incinerating toilet and a kitchen sink, but may not include amenities such as mechanically pressurized water or individual on-site wastewater treatment systems.~~

Hunting and Fishing Cabin and other Private Club Structure - a cabin, camp or lean-to or other similar structure designed and used only for occasional occupancy and primarily for hunting, fishing, and similar purposes that:

- (1) is a one-story structure but may include a sleeping loft;
- (2) is built on posts or piers and does not have a permanent foundation;
- (3) is served by a sanitary pit privy or chemical toilet and does not have a conventional, onsite wastewater treatment system;
- (4) does not have pressurized or indoor plumbing (this prohibition does not preclude a kitchen sink with appropriate grey water leach pit); and
- (5) is not connected to any public utilities (such as electric, phone, cable, water or sewer systems).

Immediate Family - spouse, siblings, parents, grandparents, children and grandchildren. The term includes members of a family whether by adoption or blood relation and includes half-blood members.

Impervious surface - material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies,

decks, streets, parking areas, driveways, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surfaces.

Industrial Use - ~~the use of a parcel of land for~~ any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extraction, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities.

In Existence - with respect to any land use or development, including any structure, that such use or development has been substantially commenced and substantial expansion made or development completed.

In-ground Pool - See "Swimming Pool".

Inn - a tourist accommodation, resembling in character traditional residential construction with common access providing transient lodging and meals which is characterized by common dining facilities and leisure rooms available for use by lodgers and limited general public.

Junk – used and/or discarded materials, house furnishings, appliance, machinery, vehicles, or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of same. **[amended July 2011]**

Junk Automobile - any unregistered, ~~old or second hand~~ motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, motor vehicle shall mean all vehicles propelled or drawn by power, other than muscular power, originally intended for use on public highways or for use in agricultural or construction activity.

Junkyard - any open lot or area for the dismantling, storage or sale of ~~junk.~~ **[amended July 2011]** parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

Kennel - the business of harboring dogs, cats or other domesticated animals.

Landowners Association - an organization established by or for the owners of buildings, sites and/or facilities for the express purpose of managing, maintaining, operating, and/or developing common areas or interests related to those buildings, sites or other facilities.

Land Use Area - those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet", "Moderate Intensity Use", "Low Intensity Use", "Rural Use", "Resource Management", and "Industrial", that are delineated on the Adirondack Park Land Use and Development Plan Map incorporated in this Local Law by Section 3.03 hereof and amendments thereto.

Land Use or Development or Use - any construction or other activity which materially changes the use or appearance of land or a structure, or the intensity of the use of land or structure. Land use and development shall not include any landscaping or grading which is

not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

Laundry, Self Service - a business or use equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided for the benefit of tenants in an apartment house, hotel, or motel.

Logging Road - an access road usually created by removing trees and stumps in a confined space to facilitate the removal of logs during tree harvesting operations.

Lot - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

~~*Lot, Corner* - a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. See Corner Lot.~~

Lot Coverage - that portion of the lot that is covered by buildings and structures or other impervious surfaces.

Lot Depth - the minimum contiguous distance measured from the front lot line to the rear lot line.

~~*Lot width*~~ *Width* - the minimum contiguous distance between the side lines of a lot.

Mail Order Business - a general retail business which is transacted through a catalogue with use of a mail carrier and where on-site customer visitation and transaction are clearly incidental to the services and sales technique.

Major Public Utility Use –

(1) any electric power transmission or distribution line with associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structure; any telephone or other communication transmission tower, any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits including any water storage tanks designed to service fifty or more principal buildings.

(2) Any use which is subject to the jurisdiction of the Public Service Commission pursuant to article seven or eight of the Public Service Law or other prior approval by the Public Service Commission pursuant to the Public Service Law is not a major public utility use for the purpose of these regulations except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under these regulations.

~~*Marina* - any waterfront facility which provides accommodations or services for boats by engaging in any of the following: facility providing boats, docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services.~~

~~(1) the sale of marine products or services,~~

~~(2) the sale, lease, rental or charter of boats of any type,~~

~~(3) the sale, lease, rental or any other provisions of storage, wharf space, or mooring of boats not registered to the owners of said facility, members of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, or members of their immediate families, or an overnight guest on said property.~~

Marina/Quick Launch - a storage facility which provides out-of-water short-term storage for boats which are launched regularly, providing out-of-water storage as an alternative to in-water mooring or docking during the boating season when the boat(s) are in use.

Mean High Water Mark - the average annual high water level of a lake, pond, river, stream, creek or other body of water as established by Adirondack Park Agency regulation or by a licensed surveyor.

Medical Building - a facility that contains establishments dispensing health services.

Mining - the extraction or removal of minerals from the ground for sale or exchange, or for commercial, industrial use, as more fully defined in Section 23-2703 of the Environmental Conservation Law (Mined Land Reclamation Law), which definition is incorporated herein as if fully set forth. This definition shall not apply to:

- (1) The excavation or grading of an area necessary to prepare a site for construction in accordance with an approved building permit, site plan, or subdivision plan, providing the excavation takes place within the project site, does not involve the sale or exchange of mineral resources to off-site locations, and is an integral part of the involved project activities.
- (2) Excavations or grading undertaken to enhance the agricultural use of lands or to provide for structures or other improvements that benefit or are necessary for ongoing or imminent agricultural activities. This exemption applies only to excavations where the mineral removal and subsequent reclamation enhances the agricultural usability or productivity of the land.

Mineral - any naturally formed solid material of commercial value located on or below the surface of the earth. For the purposes of this Local Law, peat and topsoil shall be considered minerals.

Mineral Extraction - any excavation, other than specimens or samples from the land, of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel, or topsoil mining including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps, and mine drainage.

Mineral Extraction Structure - any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings, garages or other main buildings or structures.

Mobile Food Vendor - the operator of a mobile food unit who is licensed to dispense food.

Mobile Food Unit - any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, road, or waterway, on which food is prepared, processed or converted in selling and dispensing food to the ultimate consumer, and which remains on any one site for less than 24 continuous hours.

Mobile/Manufactured Home - any self-contained dwelling unit, but not including travel trailers, that is designed to be transported to its site on its own wheels or those of another vehicle, which may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric systems as immobile housing and is designed to be used exclusively for residential purposes; or any structure so marked as a mobile home or structure by New York State. (A modular home is not considered a mobile home.)

Mobile/Manufactured Home Park or Court - a parcel of land developed into two or more lots or sites, designed and improved for the placement of two or more mobile home units thereon.

Modular Home - any self-contained dwelling unit that is constructed in two or more main sections and transported to and permanently assembled on site. Modular homes must be placed on a permanent continuous foundation.

Mooring - floats, boats, seaplanes and other water vessels which are tied or anchored by rope, cable, or other suitable material.

Motel - a tourist accommodation providing transient lodging rental units with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and where customary uses such as but not limited to playgrounds, game rooms, recreation facilities, snack bars, and restaurants may be provided for use by the lodger and the general public. A Motel is considered a tourist accommodation under the Adirondack Park Agency Act.

Non-commercial Use - any use that is not a form of commercial or industrial use, as defined herein.

~~*Non-conforming*~~ *Nonconforming Lot* - any legally created lot of record existing on the effective date of this Local Law which does not meet the minimum lot area and/or lot width or depth requirements of this Local Law for the zoning district in which such lot is situated.

~~*Non-conforming*~~ *Nonconforming Structure* - any structure which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law or any amendment thereto which is not in conformance with the dimensional regulations for that zoning district.

~~*Non-conforming*~~ *Nonconforming Use* - any use which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law, or

any amendment thereto which is not an accessory use, permissible use, or use allowed by Site Plan Review for that zoning district.

Off-Street Parking Space - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open Space Recreation Use - any recreation use particularly oriented to and utilizing the outdoor character of an area which does not depend on amusement devices or rides. These recreational uses may include but not limited to a snowmobile trail, bike, jeep or all-terrain vehicle trail, cross-country ski trail, hiking and backpacking trail, bicycle trail and horse trail, as well as playground, picnic area, public park, and public beach for activities such as soccer, baseball, football, tennis and water-related activities.

Parcel of Property - any real property shown on the latest adopted County tax roll as a unit, or as contiguous units under common ownership. Parcels separated by public highway and owned by the same owner shall be deemed to be separate parcels of real property.

Person - any individual, corporation, partnership, association, organization, trustee, municipality or other legal entity, but shall not include the State or any State agency.

Principal Building - any one of the following:

- (1) a single family dwelling or mobile home constitutes one principal building;
- (2) a mobile home constitutes one principal building
- (3) each dwelling unit of a multiple family dwelling, including each separate dwelling unit used on a time-sharing, leased time or other similar basis whereby more than one person, group of persons or family has a legal right of occupancy at differing times, constitutes one principal building;
- (4)(2) a tourist cabin or similar structure for rent or hire involving 300 square feet or more of floor space constitutes one principal building; and any tourist cabin or similar structure involving less than 300 square feet of floor space constitutes one tenth of a principal building.
- (5)(4) each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than 300 square feet of floor space constitutes one-tenth of a principal building;
- (6)(5) each commercial use structure and each industrial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each 5,000 11,000 square feet of floor space or portion thereof of such commercial use structure constitutes one principal building;
- (7)(8) a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

(8) Each industrial use structure in excess of 300 square feet constitutes one principal building;

~~(9)(6)~~ all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as one principal building;

~~(10)(7)~~ any other structure which exceeds 1,250 square feet of floor space constitutes one principal building;

An accessory structure or use does not constitute a principal building.

Private Sand, Gravel or Topsoil Extraction - any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period.

Professional Office - an office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation including all members of the field of medicine, a lawyer, architect, landscape architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, or accountant.

Public or Semi-Public Building - any component building of a college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center, or similar facility or a municipal building.

Public Utility Use - any public utility use, equipment or structure which is not a major public utility use. A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article 7 or 8 of the Public Service Law.

Restaurant, Fast Food - an establishment whose principal business is the sale of pre-prepared or rapidly prepared food/meals directly to the customer in a ready-to-consume state for consumption either within the restaurant or off premises.

Restaurant, Full Service - an establishment where food and drink is prepared, served, and sold for on-premises consumption to patrons seated at tables.

Retail Business, General - the offering, for a fee, of goods or merchandise, excluding food products, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

Retail Services, Commercial - establishments providing, for a fee, services or entertainment, as opposed to products, to the general public, such as educational services, day care centers, repair shops, dry cleaners and laundromats, taverns, restaurants, theaters.

Retaining wall - permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports a mass of soil.

Rooming House - A multi-family dwelling used primarily for the purpose of furnishing lodging, with or without meals, to 15 or fewer transient occupants for compensation. A boarding house or lodging house shall be deemed a "Rooming House."

Riding Stables - a place, site or building used for the housing, care and riding of horses or other animals.

Right-Of-Way - a parcel of land under public or private ownership or easement open for public or private vehicular or pedestrian traffic.

Sawmill – ~~see Wood Product Mills. any building, site or place used commercially for the cutting or milling of raw timber into dimensional lumber.~~

School - any building or part thereof which is designed, constructed and used for the education or instruction in any branch of knowledge which includes public or private, elementary, secondary, vocational or religious education.

Seasonal Use - a use which occupies continually a building or site for less than seven months of the year. (April 1 through October 31)

Setback - the horizontal separation distance from the property line, ~~highway right-off-way~~ right-of-way line or, in the case of shoreline property, from the mean high water mark to the building line of the structure. (See "Building Line")

Shed – see Storage Shed.

Shopping Center - a building or buildings located on one lot containing numerous businesses, services and/or restaurants with a total gross square footage exceeding ten thousand (10,000) square feet.

Shoreline - the mean high water mark at which land adjoins the waters of lakes, ponds, rivers and streams within the Town.

Shoreline Building Structure Setback - the shortest distance, measured horizontally, between any point of a structure and the shore line of any lake, pond, or river within the Town and all streams which are navigable by boat, including canoe.

Shoreline Lot Width - the distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shoreline of any lake or pond and the shorelines of the Hudson and/or Schroon Rivers or any stream navigable by boat, including canoe.

Sign Definitions:

Building Sign – advertises a bona fide business or service conducted on the premises and / or advertise products and / or merchandise stocked and sold on the premises.

Directional Signs of a Quasi-Public Nature - identify or locating a town, hospital, public building, parking lot, church, college, service club or civic, educational, cultural or public recreational building, facility or use and similar signs, including informational

signs relating to the opening of an event of public interest. A sign limited to providing information of an activity, business or event.

Garage and Yard Sale Signs – advertising garage or yard sales.

Incidental Sign - a sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Interior Sign – one that is inside a building visible from a sidewalk, street or other public place.

Luminous Sign – a sign that has self-contained lighting which emits light out and away from the sign or external lighting directed at the sign.

Off Premise Sign – any sign that advertises a business or service that is not located on the premise of the business.

Political Sign – relating to a particular election.

Portable Sign – any sign on a trailer, wheels or otherwise, designed to be moveable and not structurally attached to the ground, a structure or another sign.

Real Estate Sign – advertising property for sale or lease.

Temporary Business Sign – advertising sales or other special events, including signs advertising a change of management or the “Grand Opening” of a new business.

Wayside / Farm Stand Sign – advertising the sale, location and / or hours of a farm stand.

Window Sign – one that is attached to a window.

Ski Center - any trail or slope for alpine and/or Nordic skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

~~*Slip* – a space along a dock intended for berthing or mooring a vessel. For the purposes of this Zoning Local Law, a slip shall be deemed to extend ten feet (10') in width from the adjacent edge of the dock.~~

Solar Definitions:

Abandonment – solar energy systems are considered abandoned after one year without energy generation and must be removed from property. An extension may be granted from the planning board.

Building Integrated Photovoltaic System - a solar energy system that consists of integrating photovoltaic modules into the building structure such as roof or façade and doesn't alter the relief of the roof.

Flush Mounted Solar Panel - a photovoltaic panel or tile that is installed flush to the surface of the roof and cannot be angled or raised.

Photo Voltaic Systems - a solar energy system that produces electricity by use of semi-conductor devices, called photovoltaic cells that generate electricity whenever lights strike them.

Pole Mounted or Ground Mounted Solar Energy System - a solar energy system that is directly installed in/on the ground and is not attached or affixed to an existing structure.

Rooftop or Building Mounted Solar System - a solar power system in which solar panels are mounted on to the structure of a roof either as a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Small Scale Solar Systems - refers to solar photovoltaic systems that produce up to ten kilowatts (KW) per hour of energy or solar thermal systems which serve the property they are located on.

Solar Energy Equipment – electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System - an electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

Solar Farms 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 energy system that directly heats 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.

Spa, Non-portable – See “Swimming Pool”.

Spa, Portable - a nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

Storage Shed - any accessory structure used to store equipment, supplies, tools, etc., which is subordinate to or supports the activities of the principal use or structure.

Structure - any building or object constructed, installed or placed on the land to facilitate land use and development or subdivision of land, such as buildings, sheds, single-family dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto.

Subdivision of Land or Subdivision - any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

Subdivision shall also be any development of a parcel of land, as a shopping center, mobile home court, industrial area, condominium, or a multiple dwelling project, which involves the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for the purpose of conveyance, transfer, or sale.

The term subdivision includes re-subdivision and, as appropriate in this Local Law, shall refer to the process of subdividing land or to the land subdivided.

Swimfloat - a floating platform not used for the berthing of vessels.

Swimming Pool - any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and, fixed-in-place wading pools.

Timber Harvesting - the cutting of trees over six inches in diameter measured at 4-1/2 feet above the ground.

Tourist Accommodation - any hotel, motel, resort, cabin colony, or inn designed to house the general public (excluding bed and breakfasts, travel trailers, travel vehicles or motor homes).

Tourist Attraction - any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people, and natural geological formations.

Travel Trailer - any portable vehicle, including a tent camper or motor home, which is designed to be transported on its own wheels and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes.

Travel Trailer Campground - a parcel of land under single ownership which is designed and improved for use by two or more travel trailers.

Veterinary Hospital - A commercial building used for the treatment of animals, including facilities for boarding animals receiving treatment.

Volatile Substances, Gas or Liquids - combustible solids, liquids or gases, including but not limited to butane, propane, gasoline, kerosene, alcohol or other combustible substance.

Waste Disposal Area - any area for the disposal of garbage refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

Waste Treatment Site - any building, structure or area where sewage is treated.

Water Bottling Plants - Any facility for the production, processing and bottling of Bottled Water as regulated by the New York Public Health Law Section 25(u) and the rules and regulations adopted pursuant to said Section. The production of bottled water may include bottled water in bulk and/or in containers sized primarily for retail sale, provided however, that the retail sale of bottled water on the premises is prohibited. Such a bottling plant shall include bottling facilities, accessory bottle manufacturing for on-site use, associated wells, springs, pumps, pipes and accessory structures, testing facilities as required, and on-site garages, loading platforms, etc. for the distribution of bottled water in bulk containers or in containers sized for retail consumption.

Watershed Management or Flood Control Project - any dam, impoundment, dike, rip-rap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds. Any such project for which a permit or approval is required prior to commencement from the New York State Department of Environmental Conservation is not considered a watershed management or flood control project.

Wayside Stand - Any temporary structure designed, arranged or used for the display or sale of agricultural or other products grown or produced only on the premises upon which such stand is located.

Wetlands - any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh which is either, (a) one acre or more in size, or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation. ~~Freshwater wetland maps and freshwater wetland determinations are provided by the Adirondack Park Agency to determine whether a Class A Regional Project permit is needed for activities in or affecting a wetland.~~

Wood Product Mills - any building, site or place used commercially for the cutting or milling of raw timber into ~~dimensional lumber~~ various wood-based products. (Definition moved from "Sawmills")

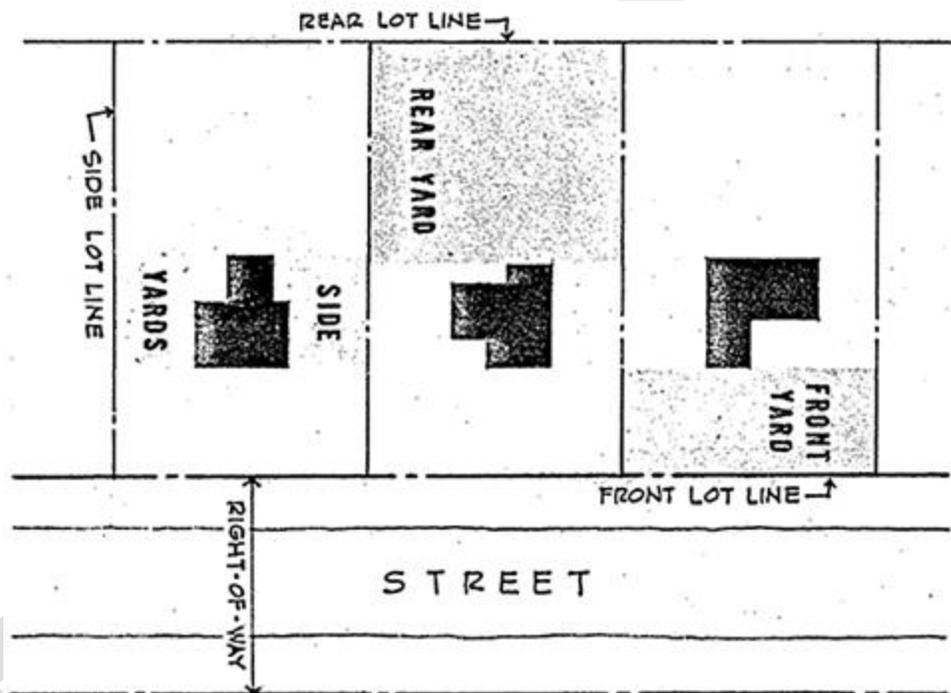
Yard(s) - ~~the space on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein. an unoccupied space open to the sky, on the same lot with a building or structure.~~

Yard, Front - ~~is the space a yard that extends the full width of the lot and is situated between the adjacent highway right-of-way, or the property line and building projected to the side lines of the lot. The depth of the front yard shall be measured between the adjacent highway right-of-way line and any part the closest point of the building structure, including any appurtenances attached thereto, whether or not enclosed. When a building is situated on a corner lot which abuts two streets, the lot will be determined to have two front yards, and two one side yards and one rear yard. When a building is situated on a corner lot which abuts three streets, the lot will be determined to have three front yards and one rear yard.~~

When a building is situated on a lot that extends through to another street, the lot shall be determined to have two front yards and two side yards.

Yard, Rear – is the space a yard that extends the full width of the lot and is situated between the rear line of the lot and the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the building, including any covered porches, whether or not enclosed.

Yard, Side – is the space a yard that is situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, including any covered porches, whether or not enclosed.



Zoning Administrator - that individual designated by the Town Board to administer zoning, subdivision and sanitary regulations adopted by the Town of Chester.

Zoning Enforcement Officer – That individual designated by the Town Board to enforce the zoning regulations adopted by the Town of Chester.

Zoning Compliance Certificate – a certificate issued by the Zoning Administrator to certify the proposed project complies with all Town of Chester zoning regulations.

Zoning Permit - a document issued by the zoning administrator, ~~or planning board for site plan review, which certifies compliance of~~ for a proposed new land use or development within the provisions of the Town of Chester zoning regulations, including any terms and conditions of these regulations for the proposed activity.

~~B. Any term in this Local Law which is not defined in this or other Sections of this Local Law shall carry its customary meaning. (Note: This sentence moved to Section 2.03(B).)~~

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