# § 270-3. Definitions.

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

ABANDON — To voluntarily cease the use and maintenance of land, buildings or structures which have been a nonconforming use, or to change from one nonconforming use to another, or to a conforming use.

ABOVEGROUND STORAGE FACILITY — Any tank, pipe or vessel, used singularly or in combination, at least 90% of which is above the surface of the ground and is used for the purpose of material holding, storage or containment.

ABOVEGROUND STORAGE TANK — Any stationary tank which is not entirely covered with earth or other material, or any tank which can be inspected in a subterranean vault.

ACCESSORY APARTMENT — A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping.**1**

ACCESSORY BUILDING OR STRUCTURE — A building or structure devoted to an accessory use that is located at least 10 feet from the principal building and on the same parcel as the principal building. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered part of the principal structure.**[Added 4-5-2006 by L.L. No. 3-2006; amended 9-3-2008 by L.L. No. 4-2008]**

ACCESSORY USE — A use which is:**[Amended 9-3-2008 by L.L. No. 4-2008]**

1. Conducted or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter; and is
2. Clearly incidental to, subordinate to, and serves the principal use; and is
3. Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
4. **Editor's Note: The former definition of "accessory building, detached," which immediately followed this definition, was repealed 9-3-2008 by L.L. No. 4-2008.**

ACCESS ROAD — A paved surface, other than a publicly owned street, which provides vehicular access from a street or private road to a lot.

ACT OF NATURE — An extraordinary and unexpected natural event, such as a hurricane, tornado, earthquake, blizzard, flood, mudslide, lightning strike, etc.**[Added 9-3-2008 by L.L. No. 4-2008]**

ADULT BOOKSTORE — An establishment or business, whether retail or wholesale, having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes for sale or viewing on premises, and which establishment is customarily not open to the public generally, but excludes any minor by reason of age due to the presence of sexually explicit materials.

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainers, and which establishment customarily excludes any minor by reason of age.

ADULT THEATER — A theater that customarily presents motion pictures, films, videotapes or slide shows, and which establishment customarily excludes any minor by reason of age due to the sexually explicit nature of the pictures, shows, etc.

ADULT USE — Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult bookstores, adult theaters, and adult entertainment cabarets.

ADVERTISING SIGN — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.**[Added 4-5-2006 by L.L. No. 3-2006]**

AFFORDABLE HOUSING — One or more residential dwelling units made available for sale or rent at a price established in conformance with §§ 270-87E and 270-87F.

AGGREGATE INCOME — The gross annual income of all members of a household from any source whatsoever for the last full calendar year, excluding the earnings of working minors attending school full- time.

AGRICULTURAL ACTIVITIES/FARMS — The employment of land for the primary purpose of obtaining a profit in money by raising,

harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur- bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural (wine- grape orchard) use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.**[Added 8-19-2020 by L.L. No. 10-2020]**

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

AIRCRAFT FUELING OPERATIONS — Any lot or parcel of land or portion thereof used partly or entirely for, dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of aircraft.**[Added 8-19-2020 by L.L. No. 10-2020]**

AIRPORT — Any area of land which is used for or intended for the landing or taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or taxiways, aircraft facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDED SOIL — Soil brought to a development site to enhance plant growth. Exact composition may vary but typically contains approximately 33% clay, 33% silt, and 33% sand.

APARTMENT — A building or portion of a building providing complete housekeeping facilities for one family, in which the occupants do not own the building.

ARCADE — A repetition of arches lined up for a porch or roof over a portico, side aisle, or structural system.

ARCHEOLOGICAL INVESTIGATION — The investigation of cultural resources is divided into three phases varying in intensity and detail. The phases are as follows:

1. Phase I: Reconnaissance.
   1. Phase IA: Literature Search and Sensitivity Study.
   2. Phase IB: Field Investigation.
2. Phase II: Site Evaluation.
3. Phase III: Data Recovery.

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

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

ASSISTED-LIVING FACILITY — A nonmedical institution occupied primarily by senior citizens in which room, board, laundry, some forms of personal care, and often recreational services are provided. Assisted-living facilities are licensed by the New York State Department of Health. Assisted-living facilities exist under several names, including independent living facilities, assistive-living facilities, domiciliary care facility, care home, community-based care facility, residential care facility, etc. Nursing homes and convalescent homes are not considered assisted-living facilities.

AUCTIONS BUSINESSES — A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes therefrom an auction, the principal purpose of which is the sale of livestock or motor vehicles.**[Added 8-19-2020 by L.L. No. 10-2020]**

AUTOMOBILE DEALERSHIP — Establishments primarily engaged in the retail sale of new vehicles where service and repairs are incidental to the use. Sale of used vehicles is permitted but can consist of no more than 20% of the total number of vehicles for sale.

AUTOMOBILE RENTAL OPERATIONS — Leasing or renting of automobiles, motorcycles, and light load vehicles.**[Added 12-4-2019 by L.L. No. 7-2019]**

AUTOMOBILE REPAIR SHOP — Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the general repair of motor vehicles. This shall include mechanical and electrical repair, body and fender work, body alignment, welding repairs and painting of vehicles.

AUTOMOBILE TOWING OPERATION — A business licensed by New York State and engaged primarily in the towing and temporary storage of motor vehicles for the purposes set forth in § 255-9 of the Code of the Town of Glenville.**[Added 12-4-2019 by L.L. No. 7-2019]**

AUTOMOBILE TOWING OPERATION STORAGE YARD — A lot or

parcel of land used by a licensed automobile towing operation, approved by the Chief of Police, for the temporary storage of motor vehicles for the purposes set forth in § 255-9 of the Code of the Town of Glenville. This use is distinguished from a junkyard or salvage yard in that it permits the storage of motor vehicles only and no vehicle may be stored for more than 30 days; no salvage or junkyard operations are permitted. This storage yard use is designed to permit a convenient location for motor vehicle owners to redeem a vehicle which has been towed for the reasons set forth in § 255-9. Abandoned vehicles must be expeditiously processed for disposition and removal from the site.**[Added 12-4-2019 by L.L. No. 7-2019]**

AVERAGE LIVABLE FLOOR AREA — The area, in square feet, of all floor levels of any dwelling unit, measured from the inside of all walls. In calculating this figure, all porches, patios, garages, breezeways, terraces and other attached and detached accessory buildings or structures shall be excluded.

AVIATION AND SPACE-RELATED MUSEUMS — A building for

exhibiting, or an institution in charge of, a collection of historical, or scientific objects related to space and flight.**[Added 8-19-2020 by L.L. No. 10-2020]**

BALUSTER — A small bulging column, supporting a parapet.

BANKS — A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.**[Added 8-19-2020 by L.L. No. 10-2020]**

BARBERSHOP — An establishment for the cutting of hair, and the shaving or trimming of beards.**[Added 5-27-2015 by L.L. No. 2-2015]**

BASEMENT — A story partly underground but having at least 1/

2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes. For the purposes of this chapter, a basement is not the same as a "cellar" (see "cellar" definition).

BEAUTY SALON — An establishment for the hairdressing, manicuring, or other cosmetic treatment of customers, typically women and girls.**[Added 5-27-2015 by L.L. No. 2-2015]**

BED-AND-BREAKFAST ESTABLISHMENT — A transient lodging establishment, generally in a single-family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.**[Amended 8-19-2020 by L.L. No. 10-2020]**

BIKE PATHS — Any road, street, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether the facility is designed for the exclusive use of bicycles or is to be shared with other transportation modes.**[Added 8-19-2020 by L.L. No. 10-2020]**

BILLBOARD — A structure used for display or which directs attention to a business, commodity, service or entertainment generally conducted, sold or offered elsewhere than upon the same lot where the billboard is located.**[Added 8-19-2020 by L.L. No. 10-2020]**

BIRD SANCTUARIES, WILDLIFE REFUGES — A parcel burdened by a land conservation easement dedicated to protecting species and/ or ecologies.**[Added 8-19-2020 by L.L. No. 10-2020]**

BOARDING HOUSES — A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.**[Added 8-19-2020 by L.L. No. 10-2020]**

BOARDING STABLES AND RIDING ACADEMIES — Any structure or

land used, designed, or arranged for the maintenance or rental of horses, mules, ponies, or donkeys either with or without a bridle path or riding area, but excluding structures or land used, designed, or arranged for the maintenance of horses or mules used exclusively for agricultural purposes. Instructional riding activities permitted on site.**[Added 8-19-2020 by L.L. No. 10-2020]**

BONUS/INCENTIVE ZONING — A system by which explicit incentives or bonuses are granted on condition that specific physical, social, or cultural benefits or amenities would be offered to the community.

BUFFER AREA — A strip of land established to protect one type of land use from another land use that is incompatible in use and/or scale.

BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, COMPLETELY ENCLOSED — A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or common walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED — A building surrounded by an open space on the same lot.

BUILDING ENVELOPE — The area within the required setbacks upon which buildings can be erected.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Rooftop HVAC units, refrigeration units, and similar features, if they are the highest point of the building, are to be measured in determining building height.

BUILDING PERMIT — A written authorization from the Building Inspector or Deputy Building Inspector allowing the construction, alteration, extension, or relocation of the building or structure.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

BULK — The combined effect of the arrangement, volume and shape of a building or group of buildings; also called “massing.”

BULK STORAGE — The holding or containment of dry, semi-dry or liquid materials in large quantities as defined in Environmental Conservation Law or in related sections of this chapter, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.**[Amended 4-5-2006 by L.L. No. 3-2006]**

CALIPER — The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

CAMPGROUND — An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and cabins. A campground is to be used for recreational purposes, and it is designed to foster an open air or natural character. Recreational equipment, rest rooms, camping equipment sales, and

other facilities commonly associated with camping are permitted, but they must be clearly incidental to the primary use.

CANOPIES — A permanent protrusion from a building facade, other than an awning (moveable or otherwise) made of fabric, metal, or other material, that is connected to a building and that may or may not be supported by columns or posts affixed to the ground. It is typically used for the shelter of pedestrians at a building access point or for a walk-up window and for vehicles utilizing a drive- through.**[Added 2-19-2020 by L.L. No. 3-2020]**

CARE HOMES — Facilities offering any of the following types of care:

1. Skilled nursing care: includes, in addition to room and board, those nursing services and procedures employed in caring for the sick which require specialized training, judgment, technical knowledge and skills.
2. Personal care: includes, in addition to room and board, personal assistance such as help in walking and getting in and out of bed; assistance in bathing, dressing and feeding; preparation of a special diet; and similar personal care.

CARGO/FREIGHT MOVEMENT OPERATIONS — Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.**[Added 8-19-2020 by L.L. No. 10-2020]**

CAR WASH — A building, or portion thereof, containing facilities for washing automobiles, using production-line methods or other mechanical devices; or providing space, water equipment, or soap for the complete or partial hand washing of automobiles, whether by operator or by customer.

CBD PRODUCTS – Cannibidiol products, including oils, edibles, topicals, tinctures, plant parts, vaping products, other CBD smoking products and any paraphernalia for using CBD products.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. For the purposes of this chapter, a cellar is not the same as a "basement" (see "basement" definition).

CEMETERIES — Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.**[Added 8-19-2020 by L.L. No. 10-2020]**

CERTIFICATE OF OCCUPANCY — A written certificate issued by the Building Inspector or Deputy Building Inspector following an inspection which verifies that the provisions of this chapter have been met, that the plan, drawings, and specifications submitted with the building permit have been complied with, and that the requirements of the New York State Uniform Fire Prevention and Building Code have been met.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water.

CHARTER OPERATIONS — A building or portion thereof dedicated to the scheduling or advertising of airline flights.**[Added 8-19-2020 by L.L. No. 10-2020]**

CEILING RATE — Prices for ownership and rental housing which, if exceeded, would not qualify a housing unit as affordable housing.

CHIP FAB PLANTS — The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials specific to fabricating chips.**[Added 8-19-2020 by L.L. No. 10-2020]**

CHLORIDE SALT — Any bulk quantities of chloride compounds and other deicing compounds, excluding liquid chlorides, intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. If any portion of a bulk quantity of chloride compounds or chloride-and-sand mixture is intended for application to roadways, then the entire bulk quantity is road salt. A bulk quantity of chloride means a quantity of 1,000 pounds or more, but does not include any chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

CHURCHES, SYNAGOGUES, RECTORIES AND OTHER RELIGIOUS

USES AND INSTITUTIONS — Structures used for worship, prayer, confession, and/or religious rites, as well as ancillary uses of parochial schooling or housing for religious leaders that is owned and occupied by a charitable nonprofit church, operated by an ecclesiastical government.**[Added 8-19-2020 by L.L. No. 10-2020]**

CLEAR CUT — The indiscriminate removal of trees, shrubs or undergrowth, usually for the purpose of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species

when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

CLUB, PRIVATE — An organization catering exclusively to members and their guests, or premises and building for social, recreational, or athletic purposes, which are not conducted primarily for gain, provided there are no vending stands, merchandising or commercial activities except as required generally for the purpose of such club.

CLUSTERING — Refers to the efficient utilization of land by concentrating development in higher densities, while preserving large areas as open space. In subdivisions, this technique refers to reducing the average lot size of a subdivision while keeping portions of the subdivision undeveloped.

COMMERCIAL — An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL LOGGING — Areas to which wood is hauled by skidder or other extraction equipment for temporary storage before transfer to trucks.**[Added 8-19-2020 by L.L. No. 10-2020]**

COMMERCIAL SOLID WASTE FACILITY — A facility that receives any solid waste from off-site, except for municipally operated facilities.

COMMERCIAL VEHICLE — Every type of motor driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, including trailers and semitrailers, and tractors when used in combination with trailers and semitrailers, except where such vehicle is used as a recreational vehicle or is used on a day-to-day basis by a family.

COMMUNITY BENEFITS/AMENITIES — As used in Article XII of this chapter, community benefits/amenities refer to affordable housing. While the state's zoning statutes provide for cash payments in lieu of incentives such as affordable housing, developers should be aware that this option is not available in the Town of Glenville.

COMPREHENSIVE PLAN — A comprehensive statement, or part thereof, in words, maps, illustrations or other permanent media of communication setting forth the community objectives, policies and standards to guide and regulate public and private use of land, public facilities, housing and transportation.

CONDITIONAL USE PERMIT — An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning

ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

CONDOMINIUM — An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

CONSTRUCTION — Clearing, dredging, excavating, and grading of land and other activity associated with the erection or expansion of buildings, structures, or other types of real property such as bridges, dams and roads.**[Added 9-3-2008 by L.L. No. 4-2008]**

CONSTRUCTION AND DEMOLITION DEBRIS — Solid waste

resulting from the construction, remodeling, repair and demolition of structures and roads and solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes but is not limited to bricks, concrete and other masonry materials, wood, wall coverings, plaster, drywall, plumbing fixtures, insulation, roofing shingles, asphalt pavement, glass, electrical wiring and metals that are incidental to any of the above.

CONTRACTOR SHOP — A building or portion thereof used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.**[Added 8-19-2020 by L.L. No. 10-2020]**

CONTRACTOR'S OFFICE — A building or portion of a building used for conducting the administrative, clerical, and general office affairs of a contractor, but not including showrooms or any on-site storage, indoors or outdoors, of contractor's vehicles, equipment, and materials. Off-street parking for contractor's vehicles which do not exceed one-ton rated capacity or more than two axles are permitted. The number of such vehicles will not exceed the number of parking spaces designated for their use, as determined through the site plan review process.**[Added 5-27-2015 by L.L. No. 2-2015]**

CONTRACTOR'S SIGN — A sign identifying the architect, engineer or contractor placed upon the property when work is being performed during the course of construction only.**[Added 4-5-2006 by L.L. No. 3-2006]**

CONTRACTOR'S YARD — A property or portion of a property, with or without support structures and buildings, where the storage and loading/unloading of materials and/or equipment used in the construction and property maintenance/improvement industries can

be found. Equipment commonly found in contractor's yards include, but are not necessarily limited to, dump trucks, bucket loaders, excavators, backhoes, bulldozers, mowers, equipment hauling trailers, and the like. A contractor's yard may also be used for the stockpiling of construction material acquired in anticipation of use at remote locations.**[Amended 8-21-2013 by L.L. No. 5-2013]**

CONTROL TOWERS, WEATHER MONITORING STATIONS — A

building or portion thereof for monitoring weather conditions, obstacles and flight patterns for the purpose of communicating safety plans to pilots in real time.**[Added 8-19-2020 by L.L. No. 10-2020]**

CORNER LOT — See "lot, corner."

CORNICE — The roof overhang; generally the edge.

COVERAGE — That percentage of the land area covered by the combined footprint of all buildings and structures, on that portion of the lot within the same zoning district as the main building.

CRAFT PRODUCTION — The process of manufacturing by hand (with or without the use of tools) which may be displayed and sold on the premises.**[Added 2-19-2020 by L.L. No. 3-2020]**

CRITICAL ROOT ZONE — Includes the area within a radius equal to one foot for every one inch of diameter of the tree trunk (measured at breast height). The radius is measured outward from the trunk at ground level. The critical root zone is not the same as the dripline.

CULTIVAR — Plants that have been specifically propagated, either through cloning or from seed, to exhibit certain distinguishing characteristics such as fruitlessness, form, and pest/disease resistance.

CURB CUT PERMIT — Required approval from the New York State Department of Transportation for work conducted within the right-of- way of a state road.

DAY-CARE CENTER — A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to at least seven children, including children of the adult provider. For the purposes of this chapter, day-care centers are permitted within the following zoning districts by site plan review only: Suburban Residential, Multi-Family Residential, Professional/ Residential, Community Business, and General Business.

dB(A) — The sound pressure level in decibels measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency component

of sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

DBH (diameter at breast height) — Tree trunk diameter as measured in inches at a height of 4 1/2 feet above the ground or, in the case of a tree that is divided into multiple trunks below 4 1/2 feet, as measured at the most narrow point beneath the point of division.

DENSITY — The number of dwelling units per acre of land area.

DENSITY BONUS — The amount of additional density allowed in a development by the Town Board pursuant to Article XII of this chapter.

DIRECTIONAL SIGN — Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed. Such a sign contains no advertising copy.**[Added 4-5-2006 by L.L. No. 3-2006]**

DISTRIBUTION FACILITIES — A use where goods are received and/ or stored for delivery to the ultimate customer at remote locations.**[Added 8-19-2020 by L.L. No. 10-2020]**

DOCK — A structure built over or floating upon the water (pictured below**2**) and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.**[Added 8-19-2020 by L.L. No. 10-2020]**

DRIPLINE — A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DRIVE-IN ESTABLISHMENT — A place of business being operated for the sale and purchase at retail of food and other goods, services, or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of any food or beverage in automobiles on the premises, or elsewhere on the premises, but outside any completely enclosed structure.

DRIVE-THROUGH — A customarily incidental operation provided at a place of business being operated for the sale and purchase at retail of food and other goods, or execution of services such as financial transactions at a bank, which is laid out and equipped so as to allow its patrons to be served food, other goods, and services to-go while remaining in their automobiles.**[Added 2-19-2020 by L.L. No. 3-2020]**

DUPLEX — See "dwelling, two-family.”

1. **Editor's Note: Said picture is on file in the Town offices.**

DWELLING — A building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings and multiple-family dwellings, but not including hotels and motels.

DWELLING, ATTACHED — A dwelling which is joined to another dwelling at one or more sides by a common wall.

DWELLING, DETACHED — A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIFAMILY — A building, or portion thereof, containing three or more dwelling units.

DWELLING, SINGLE-FAMILY — A building designed or used exclusively for occupancy by one family. Such dwelling may contain two dwelling units, if, and only if, it is constructed and operated as an accessory apartment, pursuant to § 270-51 of this chapter.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EASEMENT — A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

EAVES — The beam ends creating a cornice; the lower portion of a sloping roof, near the wall but projecting beyond as an overhang to drip water away from the walls.

ELECTRIC VEHICLE CHARGING STATION — A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with charging equipment is permitted as an accessory use to any principal use.**[Added 2-19-2020 by L.L. No. 4-2020]**

ELECTRIC VEHICLE PARKING SPACE — Any marked parking space that is dedicated exclusively for use by an electric vehicle.**[Added 2-19-2020 by L.L. No. 4-2020]**

EMPLOYEES — The maximum number of employees on duty at any one time, including shift changes, where the parking demand of overlapping shifts typically exceeds the demand of any one shift.

ENCLOSED MANUFACTURING — Any industrial process contained entirely within an enclosed building whereby the nature, size or shape of articles or raw materials is changed into a product which generally could be stockpiled and/or shipped by rail or truck.

EP TOXICITY — Extraction procedure toxicity, which is a federally specified test that is designed to identify wastes likely to leach hazardous concentrations of particular toxic constituents into the groundwater as a result of improper management.

FACADE — The outside face of a building.

FAMILY — One or more persons related by blood, marriage or adoption; also, up to 10 unrelated minors living in a group care facility run by a New York State approved public social agency, or mental hygiene agency or private nonprofit agency, occupying the premises and living as a single housekeeping unit. This term shall not be deemed to include a group occupying a boardinghouse, lodging house, club, fraternity, hotel or similar premises.

FAMILY CHILD-CARE HOME — A private residence where care, protection and supervision are provided, for a fee, at least twice a week to no more than six children at a time. For the purposes of this chapter, family child-care homes are not subject to the provisions herein; family child-care homes are to be treated as single-family homes.

FARM — Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Commercial horse-boarding operations and commercial equine activities including, but not limited to, riding lessons, trail-riding activities, or training of horses on parcels containing five or more acres also qualify as a "farm," as does the production and/or sale of trees and tree products on parcels of five acres or greater. The term "farm" also includes necessary farm structures within the prescribed limits and the storage of agricultural equipment. Excluded from this definition are the raising of fur- bearing animals and the operation of dog kennels.**[Amended 1-22-2014 by L.L. No. 1-2014]**

FARM DISTILLERY — Any place or premises located on a farm in New York State in which liquor is manufactured and sold, or any other place or premises in New York State in which liquor is manufactured primarily from farm and farm food products and sold as liquor. For the purposes of this chapter, a farm distillery is a type of microdistillery and is regulated herein as such.**[Added 2-15-2017 by L.L. No. 3-2017]**

FASCIA — The end of a cornice on a house.

FAST-FOOD RESTAURANT — See "restaurant, fast-food."

FENCE — A structure forming a barrier at finished lot grade between lots, between a lot and a street or alley, or between portions of a lot or lots.

FERTILIZER — Any commercially produced mixture generally containing phosphorus, nitrogen and/or potassium, which is applied to the ground to provide nutrients to plants.

FIRST FLUSH — The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants.

FIXED-BASE OPERATOR FACILITIES — Commercial businesses allowed to operate on airport grounds to provide services to the airport.**[Added 8-19-2020 by L.L. No. 10-2020]**

FLOATING ZONE — A zoning district that is established in this chapter but does not appear on the Zoning Map until it is actually in place. Until that particular district is established, in accordance with standards set forth in this chapter, it "floats" without actually regulating the use of any specific land.

FLOOD — A temporary rise in stream flow or stage that results in significant adverse effects in the immediate vicinity.

FLOODPLAIN — The land adjacent to a body of water that has been or may be hereafter covered by floodwater; often referred to as the “hundred-year floodplain," which denotes a one-percent chance of a flood occurring in any given calendar year.

FLOODPROOFING — A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOOR AREA — See "gross floor area."

FLOOR AREA RATIO — Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FOOD AND BEVERAGE PROCESSING AND DISTRIBUTION

FACILITY — An establishment engaged in the production, packaging, warehousing and/or distribution of foods and beverages, or food and beverage supplements and enhancements.**[Added 7-18-2018 by**

# L.L. No. 2-2018]

FOOD VENDING BUSINESS — The sale of prepared food products for immediate consumption from a motor vehicle, trailer, platform,

stand or tent on any highway or other place within the Town other than within a fully enclosed building ancillary to a food vending business maintained in an adjoining fully enclosed building. The foregoing definition shall not include a food vending business operated on commercially zoned property outside of a fully enclosed building in which there is not a food vending business. Notwithstanding the foregoing, however, the owner must secure site plan approval for the food vending business from the Planning Board pursuant to the procedure set forth in Chapter 270, Zoning, of the Code of the Town of Glenville.**[Added 8-19-2020 by L.L. No. 10-2020]**

FREIGHT/TRUCKING TERMINALS — Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.**[Added 8-19-2020 by L.L. No. 10-2020]**

FRONTAGE — An area of a lot between a building facade and a right- of-way line of a public street or road.**[Added 2-19-2020 by L.L. No. 3-2020]**

FUNGICIDE — Any substance used to destroy or inhibit fungus growth.

GARAGE, PRIVATE — Any structure at least 14 feet in width and

20 feet in length that is configured and situated such that it can accommodate an automobile.

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

GARAGE SALES — Every type of sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time. The term “garage sale” shall include all sales in residential areas entitled “garage sale,” “yard sale,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” “basement sale,” “rummage sale,” “flea market,” or any similar casual sale of tangible property which is advertised by any means whereby the public is or can be made aware of the sale.

GARDEN APARTMENT — A building, not over three stories in height, used principally for apartment dwelling units.

GASOLINE SERVICE STATION — Any lot, including structures thereon, that is used for the sale of gasoline, and any other motor vehicle fuel together with oil and other lubricating substances, the

sale of motor vehicle accessories, and may include facilities for lubricating, washing or other servicing and minor repair of motor vehicles, but shall not include painting, body work, storage, rental or sales of vehicles of any type.

GATEWAY — Major vehicular Town entranceway.

GENERAL AQUIFER RECHARGE ZONE — The land outside the primary recharge zone through which runoff and precipitation flow directly and rapidly into the ground, also to be known as “Zone III.” (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February 1990.)**3**

GLENVILLE BUSINESS AND TECHNOLOGY PARK — For the

purpose of this chapter, the Glenville Business and Technology Park is that geographic area comprised of mostly warehousing, distribution and industrial uses formerly referred to as Corporations Park, the Scotia-Glenville Industrial Park, and Navy Depot. The Park is that area zoned Research/Development/ Technology, generally bound by Amsterdam Road on the south/southwest, the rail line now or formerly owned by Pan Am Southern on the north, and Preddice Parkway and Access Boulevard on the east.**[Added 2-20-2013 by**

# L.L. No. 2-2013]

GRADING AND LAND DISTURBANCE PERMIT — Required Town

approval for all land alterations including grading, cutting, filling, vegetation removal, and building construction in which one acre or more of land is to be altered.

GREENSPACE — That portion of land shown on a development plan, Master Plan or Official Map the purpose of which is intended for open space preservation, recreation (active or passive), landscaping or parkland. Unless otherwise required by the Planning or Town Board, said lands shall be undisturbed and seeded and planted with appropriate materials or left in their natural state.

GROSS FLOOR AREA — The sum of the area enclosed by the outside faces of exterior walls surrounding each floor used for dwelling purposes, excluding any areas used for a garage, cellars, attics, porches (either open or enclosed), patios and breezeways. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted

1. **Editor’s Note: The former definition of “general service,” added 9-3-2008 by L.L. No. 4-2008, was repealed 2-19-2020 by L.L. No. 3-2020.**

to retailing activities, to the production of processing of goods, or to business or professional offices.

GROUNDWATER — Any water beneath the land surface in the saturated zone of soil.

HANGING SIGN — Any sign suspended from a ceiling or overhang.**[Added 4-5-2006 by L.L. No. 3-2006]**

HAZARDOUS MATERIAL — Any substance listed in either 6 NYCRR Part 371, or 6 NYCRR Part 597, alone or in combination, including but not limited to petroleum products, organic chemical solvents, heavy metal sludge, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathogenic or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity or EP toxicity.

HAZARDOUS WASTE FACILITY — A facility that receives any hazardous materials from off-site.

HEIGHT OF BUILDING — See "building height."

HERBICIDE — Any man-made substance used to destroy or inhibit plant growth.

HOME OCCUPATION — An occupation or profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes. See § 270-45, Home occupations, for requirements.

HOOKAH, PUFF, STEAM STONES, or HOOKAH PEN – paraphernalia for smoking plant solids or liquids, the traditional device contains head, hose, body, water bowl and mouthpiece for heating or vaporizing materials. Newer versions are electronic, battery-operated devices that convert liquid to vapor.

HOOKAH BAR or CAFE – an establishment opened for the incidental or main purpose of communally smoking from hookahs.

HOSPITAL — Unless otherwise specified, the term "hospital" shall be deemed to include a sanitarium, preventorium, clinic, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOSPITAL, ANIMAL or VETERINARY CLINIC — An establishment for the temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment.

HOTEL or MOTEL — An establishment which is open to transient guests, in contrast to a boarding-, rooming, or lodging house, and is commonly known as a hotel or motel in the community in which it is located, and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, on-site restaurant, recreational facilities, and the use and upkeep of furniture.

HUMAN EXCRETA — Human feces and urine.

HUMAN SERVICES, INSTRUCTIONAL SERVICES — A facility

operated by an organization which provides services such as training,

counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center.**[Added 8-19-2020 by L.L. No. 10-2020]**

INDOOR RECREATION FACILITY — A facility, the principal use of which is the conducting of recreation, sports, and games inside a building or structure. Examples of indoor recreation facilities include, but are not limited to, swimming pools, racket courts, bowling alleys, sports arenas, community recreation centers, fitness centers, and soccer fields.**[Added 12-20-2017 by L.L. No. 13-2017]**

INTERMUNICIPAL WATERSHED RULES AND REGULATIONS

BOARD — This Board is comprised of the chief elected official of each of the municipal jurisdictions in Schenectady County served by the Schenectady Aquifer and established to enforce and administer the Intermunicipal Watershed Rules and Regulations and to conduct the central review function of actions taking place within the designated protection zones. The Board was established by adoption of "An Agreement for Intermunicipal Cooperation for an Aquifer Protection Program," and was previously known as the “Watershed Committee.”

INTERNAL BUFFERING — Landscaping or similar features intended to lessen the visual and environmental effect of large expanses of parking lots.

JUICE BAR — A public or private establishment which presents totally nude dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainers, but does not serve alcoholic beverages of any kind, and which establishment customarily excludes any minor by reason of age.

JUNKYARD — The use of more than 20,000 square feet of any lot, or portion of a lot, outside of a building, for the storage, keeping, or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL — Any premises on which dogs or cats are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

KEYHOLE/FLAG LOT — A lot or parcel with less frontage on a public street than is required by the restrictions of the zoning district in which it is located.

LANDFILL — A disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure of the facility.

LARGE COMMERCIAL ESTABLISHMENT — A commercial building of 20,000 square feet or more of gross floor area.

LAUNDROMATS — Provision of fabric cleaning and repairs as a paid service.**[Amended 2-19-2020 by L.L. No. 3-2020]**

* 1. DROP-OFF FACILITY — Includes storefronts that accept laundry for off-site cleaning services.
  2. DRY CLEANING — Involves the specialized cleaning of clothing and fabrics using chemicals.
  3. FABRIC RESTORATION — The act of weaving or sewing for the purpose of restoring damaged cloth articles such as clothes, furniture upholstery and/or linens.
  4. LAUNDRY SERVICE — Provides stain removal, tailoring, washing, and pressing of clothing articles.
  5. ON-SITE CLEANING — Requires on-site facilities for fabric care, including business premises equipped with individual clothes washing and/or drying machines for use by retail customers, exclusive of any laundry facilities provided as an accessory use in an apartment.

LED SIGN — An electronic variable message sign made up of thousands of tiny lights called L.E.D.s (light emitting diodes). L.E.D. signs can vary considerably in size, have full color, and allow for images that appear to move with video-like quality.**[Added 2-20-2013 by L.L. No. 2-2013]**

LIBRARY — A public facility in which literary, musical, artistic, or reference materials, such as but not limited to books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.**[Added 8-19-2020 by L.L. No. 10-2020]**

LIGHT ASSEMBLY — Any plant for the making, processing, assembly or handling of materials or products, which does not involve the reduction, conversion or manufacturing of primary raw materials; which is confined to the making of finished products or parts thereof from component parts and semi-finished products and which is conducted entirely within an enclosed building and does not include any open-storage use or outdoor manufactory operation.

LINEAR DISTANCE — The shortest horizontal distance from the nearest point of a structure or object to the boundary of any aquifer protection zone, or to the edge, margin or steep bank forming the

ordinary high water line of a water body. In reference to Article VII of this chapter, it is the shortest horizontal distance between two points.

LODGING FACILITIES — A privately owned building or group of buildings used primarily for providing sleeping accommodations for automobile travelers. Motels, hotels, motor inns, suites, bed-and- breakfasts and similar for-gain operations constitute "lodging." For the purposes of this chapter, boardinghouses, rooming houses, and charity-sponsored sleeping accommodations do not constitute "lodging."

LOGO — Any picture, shape or drawing, with or without letters or words used to identify a product, service, business or organization.**[Added 4-5-2006 by L.L. No. 3-2006]**

LOT — A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot may or may not be the land shown as a lot of a duly recorded plat.

LOT AREA, GROSS — The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

LOT, CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135°. Each street line shall be considered a front lot line. The interior lot line most nearly parallel to the rear of the principal structure shall be deemed to be the rear line, and the rear and side yard requirements shall be calculated accordingly.

LOT COVERAGE — Determined by dividing that area of a lot which is covered by buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT, INTERIOR — A lot, other than a corner lot or through lot, wherein frontage is provided on only one street.

LOT LINE — A line dividing one lot from another lot or from a street or alley.

LOT OF RECORD — Any lot which has been established as such by plat, survey, record, or deed prior to the effective date of this chapter, as shown in the records of the Office of the Assessor, Town of Glenville.

LOT, THROUGH — A lot that has a pair of opposite lot lines, both with street frontage, but not a corner lot. On a through lot, both street lot lines shall be deemed front lot lines.

LOT WIDTH — The horizontal distance between side lot lines, measured at the front property line.

MANUFACTURING — The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.**[Added 8-19-2020 by L.L. No. 10-2020]**

MARINAS — Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, sanitary pump-out service and food, drink and transient lodging accommodations.**[Amended 8-19-2020 by L.L. No. 10-2020]**

MASSAGE — The treating of superficial parts of a patron for medical, hygienic, exercise or relaxation purposes, by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatsoever.**[Added 12-20-2017 by L.L. No. 13-2017]**

MASSAGE PARLOR — An establishment in which individuals pay for massage treatments. Alternatively, and illegally, a place that advertises as a massage parlor, but in fact is a front for prostitution and other illicit sexual activities.**[Added 12-20-2017 by L.L. No. 13-2017]**

MARIJUANA DISPENSARY – **An establishment for selling marijuana and associated products, both medical (CBD) or recreational concentrations (higher concentration of THC), in any form: topical, edible, or inhalant.**

MEDICAL RESEARCH FACILITIES AND INSTITUTIONS — A use

engaged in research and development, testing, assembly, repair, and manufacturing in the medical industries: biotechnology, pharmaceuticals, medical instrumentation or supplies. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.**[Added 8-19-2020 by L.L. No. 10-2020]**

MICROBREWERY — A small brewery that produces beer and ale for sale on and/or off site. For the purposes of this chapter, a microbrewery is limited to a production of no more than 10,000 barrels per year. On-site consumption is not allowed, other than sample tasting by customers shopping on site.**[Added 7-18-2012 by**

# L.L. No. 3-2012]

MICRODISTILLERY — A small, often boutique-style facility for the production, packaging and sampling of beverages with alcoholic and/ or nonalcoholic content, usually produced in single batches, for retail or wholesale distribution. For the purposes of this chapter, a farm distillery is a type of microdistillery, and is regulated herein as such.**[Added 2-15-2017 by L.L. No. 3-2017]**

MICROWINERY — A small wine producer that does not have its own vineyard, and instead sources its grape production from outside suppliers. Microwineries produce wine for sale on and/or off site. For the purposes of this chapter, a microwinery is limited to a production of no more than 2,000 barrels per year. On-site consumption is not allowed, other than sample tasting by customers shopping on site.**[Added 7-18-2012 by L.L. No. 3-2012]**

MIXED-USE BUILDING — A building that contains residential and nonresidential uses.**[Added 2-19-2020 by L.L. No. 3-2020]**

MIXED-USE DEVELOPMENT — A development site with multiple buildings containing both residential and nonresidential uses.**[Added 2-19-2020 by L.L. No. 3-2020]**

MOBILE HOME — Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for permanent dwelling or sleeping purposes.

MONUMENT SIGN — A permanent sign of solid construction with architecturally complimentary pillars or posts supporting a sign/ advertisement area between said posts or pillars.**[Added 4-5-2006 by L.L. No. 3-2006]**

MOTEL — See "hotel or motel."

MOTOR VEHICLE — Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by an engine that uses fossil fuels or electricity.

MULTIPLE DEVELOPMENT SITE — A property containing four or more offices, commercial establishments or industrial establishments, or combinations thereof, which are located in a single building or in two or more buildings developed as part of a single integrated development.

MULTIPLE-FAMILY DWELLING — See "dwelling, multifamily."

MUNICIPAL WATER PURVEYOR — The local official responsible for the operation, maintenance and provision of the public water supply in each of the communities served by the Schenectady Aquifer also to be known as the “Superintendent of Water” in the City of Schenectady, the Superintendent of Public Works in the Village of Scotia, the Commissioner of Public Works in the Town of Glenville,

the Commissioner of Public Works in the Town of Niskayuna and the Commissioner of Public Works in the Town of Rotterdam.

NIGHTCLUB — A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.**[Added 8-19-2020 by L.L. No. 10-2020]**

NONCONFORMING BUILDING OR STRUCTURE — Any building or

structure which:

1. Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk, area, and similar dimensional requirements for the zoning district in which such building or structure is located; or
2. Is used, designed, or intended for a nonconforming use.

NONCONFORMING LOT — Any lot that does not meet the minimum lot size requirements of the zoning district in which it is located.

NONCONFORMING USE — Any use of a building, or structure, or tract of land, otherwise lawfully established but which does not conform to the regulations for the district in which such is located, either at the effective date of this chapter or as a result of subsequent amendment(s) thereto.

NOT-FOR-PROFIT — An entity organized and existing under the Not- for-Profit Corporation Law of the State of New York, established for charitable, education, or humanitarian purposes and not for making money.**[Added 2-21-2007 by L.L. No. 1-2007]**

NOT-FOR-PROFIT RECREATION FACILITY — A building(s) and/or

property, owned or operated by a not-for-profit group, whose principal use is recreation. Recreation uses typical of such a facility include but are not necessarily limited to tennis, swimming, basketball, racquetball, soccer, baseball, hockey, and fitness. Activities may occur indoors or outdoors, but there shall be no motorized sports or discharge of firearms on the property, either indoors or outdoors. YMCAs, YWCAs, and youth sports organizations are typical examples of not-for-profit recreation providers.**[Added 2-21-2007 by L.L. No. 1-2007]**

NURSERY — A tract of land used to grow landscaping and house plants that are sold on the same parcel.**[Added 8-19-2020 by L.L. No. 10-2020]**

NURSING OR CONVALESCENT HOME — See "care homes."

OFFICE — A building wherein services are performed involving predominantly administrative or clerical operations.

OFFICIAL ZONING MAP — The map(s) included with this chapter showing the boundaries of the various zoning districts, including the map(s) illustrating separately the boundaries of the aquifer protection overlay district(s). The Zoning Map may also be in digital format via the Town of Glenville Geographic Information Systems database.

ON-SITE DISPOSAL SYSTEM — Any system used for the disposal of sewage on a site or parcel of land.

OPEN SPACE — An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON — Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

OPEN STORAGE — The holding of a material in a way that the material is exposed to the elements of nature.

OUTDOOR RECREATION FACILITIES — Any number of amenities or uses of land that permit or encourage ball playing, bicycle riding, skateboarding, in-line skating, jogging, cross-country skiing, ice skating, and other out-of-doors activities that one typically finds in a park-type setting. For the purposes of this chapter, facilities that promote the use of motorized vehicles meant to propel riders or passengers for recreational purposes (i.e., go-karts, motorcycles, snowmobiles, all-terrain vehicles, etc.) are not permitted within the Riverfront Recreation/Commercial District.**[Amended 12-20-2017 by L.L. No. 13-2017]**

OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

OWNER — The titleholder of record of real property, or if he/she is deceased, then his/her estate.

PARCEL — A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person, persons, corporation, business, governmental entity, etc.

PARK — A public park or recreational area, owned or operated by the Town, county, state, federal government, nonprofit or public agency.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 9 1/2 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

PAWN SHOP — An establishment primarily engaged in the business of lending money on the deposit or pledge of personal property, often jewelry, and/or in the purchase of personal property with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.**[Added 5-27-2015 by L.L. No. 2-2015]**

PEEP SHOWS — A theater which presents material in the form of live shows, films or videotapes presented by coin- or token-operated, or electronically or mechanically controlled, still or motion-picture machines, projection viewed from an individual enclosure, for which a fee is charged, and which establishment customarily excludes any minor by reason of age due to the sexually explicit nature of the shows, films, or videotapes.

PERMITTED BY RIGHT — Those uses permitted in a zone that are allowed without obtaining site plan review approval or a conditional use permit.**4**

PERSONAL WIRELESS SERVICE FACILITY — Structures and

facilities for the provision of personal wireless services, including, but not limited to any freestanding tower greater than 35 feet in height, and any accessory structures thereto.

PERSONAL WIRELESS SERVICES — Cellular telephone, personal communications services, other mobile radio services, and any other FCC-licensed wireless common carriers.

PESTICIDE — Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law § 33-0101 et seq.

1. **Editor’s Note: The former definition of “personal service,” as amended, was repealed 2-19-2020 by L.L. No. 3-2020.**

PILASTER — A rectangular support projecting slightly from a wall, treated architecturally as a column, and used primarily for ornamental purposes.

PLANNED DEVELOPMENT DISTRICT — A tract of land which contains or will contain one or more principal buildings, developed under single ownership or control, the development of which is reasonably compatible with adjacent parcels, and with the intent of this chapter. After the prescribed review, permission may be granted to develop the tract under modified land use regulations and design standards according to the requirements of Article VI of this chapter.

PLAN (PLOT or SITE) — The design of a development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities.

POLE SIGN — A sign supported above the ground by one or more poles, as distinguished from a billboard or ground sign.**[Added 4-5-2006 by L.L. No. 3-2006]**

POLITICAL SIGN — A sign which directs attention to a candidate, issue, cause or political party prior to a primary, special or general election.**[Added 4-5-2006 by L.L. No. 3-2006]**

PORTABLE STORAGE CONTAINER — A container designed and commonly used for the temporary storage of commercial or industrial goods, equipment or supplies or for the storage of residential household goods or personal property. Examples include piggyback containers that can be transported by mounting on a truck chassis and PODS®-type boxes that can be transported on a flatbed or other truck. Prefabricated storage sheds that are owned by the property owner and which are intended for permanent placement on the property are not considered "portable' and would not come under this definition.**[Added 8-18-2010 by L.L. No. 5-2010]**

PORTICO — A porch or vestibule, roofed but partly open on at least one side.

PRIMARY RECHARGE ZONE — Those land areas of general aquifer recharge that contribute groundwater to the public wells, including and encompassing the wellhead protection zone, also to be known as Zone II (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

PRINCIPAL BUILDING — See "building, principal."

PRINTING AND PUBLISHING OFFICES AND SHOPS — A facility for

the custom reproduction of written or graphic materials on a custom- order basis for individuals or businesses. Typical processes include,

but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.**[Added 8-19-2020 by L.L. No. 10-2020]**

PRIVATE PARKS, PRESERVES — A tract of land presently owned or controlled and used by private or semipublic persons, entities, groups, etc., for active and/or passive recreational purposes.**[Added 8-19-2020 by L.L. No. 10-2020]**

PRIVATE STREET — A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent property owners. This definition shall not apply to driveways.

PROFESSIONAL OFFICE — An office maintained by an individual or firm for the practice of one or more of the following professions only: physician, dentist, lawyer, engineer, architect, teacher or accountant.

PROPERTY LINES — The lines bounding a lot of record.

PROTECTION ZONES — Specific areas, also known as Zones I through IV, that define a hierarchy of aquifer sensitive land as designated and described herein and delineated on the Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990.

PUBLIC CLUBS, FRATERNITIES, LODGES — A nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.**[Added 8-19-2020 by L.L. No. 10-2020]**

PUBLIC HEARING — An open forum that affords citizens the opportunity to voice opinions on actions being taken by the local governing body.

1. For example, public hearings may be required for the following activities:
   1. The adoption of local laws and ordinances;
   2. The adoption of zoning regulations;
   3. Various planning and zoning applications such as area variances, subdivisions, conditional use permits, site plan review, etc.;
   4. The adoption of a municipal budget.
2. Local governing bodies may also conduct a hearing at any time on any subject on which they wish to obtain the views of the public.

PUBLIC STREET — All public property reserved or dedicated for motor vehicle traffic, with or without accommodations for pedestrians and bicyclists.

QUALIFYING INCOME — Pursuant to Article XII, the income needed to pay the principal and interest payments on a fixed-rate, thirty- year mortgage for 70% of the sales price of affordable housing, at current mortgage rates. In calculating the qualifying income, the yearly mortgage payments (including insurance and property taxes), must not exceed 30% of the applicant's/household's yearly gross income.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING — A lot

or land or part thereof used for the purpose of extracting stone, minerals, gravel, or topsoil for sale, as a business operation, and exclusive of the process of grading a lot preparatory to the construction of a building.

RADIATION — Ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared or ultraviolet light.

RADIOACTIVE MATERIAL — Any material in any form that emits radiation spontaneously.

RECHARGE AREAS — An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

RECREATIONAL VEHICLE — Every type of motor-driven vehicle used primarily for recreational purposes and including living and/or sleeping facilities.

RESEARCH AND DEVELOPMENT FACILITIES — A use engaged in

research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.**[Added 8-19-2020 by L.L. No. 10-2020]**

RESIDENTIAL — Pertaining to the use of a one-, two- or multiple- family dwelling as a place of residence.

RESTAURANT — An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes,

tearooms, outdoor cafes, fast-food restaurants, coffee shops and banquet/reception halls.

RESTAURANT, FAST-FOOD — Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready- to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or the establishment includes a drive-up or drive-through service facility or offers curb service.

RETAIL — The sale of goods, articles or consumer services individually or in small quantities directly to the consumer, typically department stores, food markets and similar establishments, but also including on-premises manufacturing, processing, servicing, preparation and wholesale business transactions customarily associated therewith, but clearly incidental thereto. This term shall not include restaurants, pawn shops, thrift stores, secondhand dealers, vapor shops, marijuana dispensaries (including CBD products), adult businesses, massage parlors, motor vehicle businesses, places of public assembly, medical centers or services listed separately under services.**[Added 2-19-2020 by L.L. No. 3-20205]**

RIGHT-OF-WAY — An area or strip or land, either public or private, on which an irrevocable right-of-passage has been recorded.

ROADSIDE PRODUCE STAND — A structure not exceeding a footprint of 600 square feet for the display and sale of agricultural products, including Christmas trees, flowers, soil, loam, mulch, etc., but not including chemicals such as herbicides, fertilizers, pesticides, etc.

RV PARKS — Any lot of land upon which two or more designated sites are located for occupancy by recreational vehicles owned by the general public as temporary living quarters for recreation or vacation purposes. Recreational equipment, rest rooms, and other facilities commonly associated with RV parks are permitted, but they must be clearly incidental to the primary use.

SALVAGE YARDS — A lot or portion of a lot where four or more unregistered, old or secondhand motor vehicles are being accumulated for disposal, resale of used parts or reclaiming certain materials such as metal, gas, fabric and the like.

1. **Editor’s Note: This local law also repealed the former definition of “retail business,” as amended, which immediately followed this definition.**

SANDWICH BOARD/SIDEWALK SIGN — A pair of connected boards or sign faces, typically hinged or fastened at one end for A-frame-type display, placed next to a commercial establishment to advertise its products, sales or specials.**[Added 2-20-2013 by L.L. No. 2-2013]**

SCHENECTADY AQUIFER — Also known as the “Great Flats Aquifer,” the saturated and overlying unsaturated geologic formations generally existing in the Mohawk Valley lowland areas within the municipal boundaries of the City of Schenectady, Village of Scotia and the Towns of Glenville, Rotterdam, and Niskayuna.

SCHOOL — A facility that provides a curriculum of elementary and secondary academic instruction, is licensed by New York State, and contains structures in which to conduct instruction.

SECONDHAND DEALER — A person or business, for monetary gain, or as an agent of another, including partnerships, associations, and corporations, who conducts the business of buying, selling, or otherwise dealing in secondhand or used goods or merchandise. Excluded from this definition are used motor vehicle dealers.**[Added 12-20-2017 by L.L. No. 13-2017]**

SELF-STORAGE — A building consisting of individual, self-contained units for the purpose of storing personal property. No outdoor storage is permitted with a self-storage use.**[Added 12-4-2019 by L.L. No. 7-2019]**

SEPTAGE — The contents of a septic tank, cesspool or other individual wastewater treatment work that receives domestic sewage wastes.

SERVICE USES — Uses which provide skilled professional labor to consumers, including personal and general services, but excluding fabric care, public utility, incarceration, and logistic services.**[Added 2-19-2020 by L.L. No. 3-2020]**

1. PERSONAL SERVICES — Includes insurance offices, financial services, business-to-business consulting, business functions, financial services, foodservice industry, health care, hospitality industry, information services, grooming, risk management, and social services.
2. GENERAL SERVICES — Includes commercial establishments, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to watch, clock, radio, television, computer, home appliances, and bicycle repair.

SETBACK — The minimum horizontal distance between the line of a building or structure and the front, side, or rear property line.

SEWAGE — Any liquid, semiliquid or solid human or animal waste matter from a domestic, commercial, private or industrial establishment or other place with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law.

SHOPPING CENTER — A grouping of retail business and service uses on a single site with common parking facilities.

SIDEPATH — A paved (or potentially hard-packed dirt surface in more rural/undeveloped areas) section of the public frontage, typically no less than 10 feet in width, dedicated to pedestrian and bicycle activity.**[Added 2-19-2020 by L.L. No. 3-2020]**

SIDEWALK — The paved section of the public frontage, typically made of cement, dedicated exclusively to pedestrian activity.**[Added 2-19-2020 by L.L. No. 3-2020]**

SIGN — Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixture, colors, illumination or projected images. "Sign" does not include the flag of any nation, organization nations, state or city, or fraternal, religious or civic organizations. "Sign" does not include merchandise, pictures or models of products or services incorporated in a window display, works of arts which in no way identify a product or scoreboard located on an athletic field.**[Added 4-6-2006 by L.L. No. 3-2006]**

SITE PLAN — A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

SITE PLAN REVIEW — The formal review process outlined in Article XVI of this chapter in which a site plan is reviewed and evaluated by the Glenville Environmental Conservation Commission and ultimately, the Planning and Zoning Commission.

SLUDGE — Any solid, semisolid or liquid waste generated from a wastewater treatment plant, water supply treatment plant or air pollution control facility but does not include the treated effluent from a wastewater treatment plant.

SOLID WASTE — All putrescible and nonputrescible materials or substances that are discarded or rejected, including but not limited to garbage, refuse, industrial and commercial waste, sludge, rubbish, tires, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal; but not including those exclusions contained in 6 NYCRR 360-1.2(a)(4), and any amendments thereto.

SOLID WASTE MANAGEMENT FACILITY — Any facility employed beyond the initial solid waste collection process, including, but not limited to, transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities, as defined in Environmental Conservation Law

§ 27-0701 et seq.

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal; acts of human masturbation; sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

SPILL — Any unpermitted releasing, spilling, discharging, leaking, pumping, pouring, emitting, emptying or dumping of a petroleum product, or any other hazardous material so that such substance, products or materials may enter the environment, regardless of whether such entry was the result of intentional or unintentional action or omission.

STABLE, PRIVATE — Any accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STATE ENVIRONMENTAL QUALITY REVIEW ACT or SEQR — The

implementing regulations of the State Environmental Quality Review Act (New York State Environmental Conservation Law § 8-0113) as set forth under Title 6 of the New York Compilation of Rules and Regulations (6 NYCRR 617) which provide for incorporating environmental review within the decision making of any agency of any governmental unit in the State of New York. The terms "action," "agency," "applicants," "approval," "environmental assessment form"

or "EAF," "environmental impact statement" or "EIS," "involved agency," "lead agency," "Type I action" and "unlisted action" shall have the meanings set forth in Section 617.2 of SEQR.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEMS (SPDES)

PERMIT — The SPDES program was created to maintain New York's waters with reasonable standards of purity. New York State law requires a permit for the following activities:

* 1. Constructing or using an outlet or discharge pipe (referred to as a "point source") that discharges wastewater into the surface waters or ground waters of the state.
  2. Constructing or operating a disposal system such as a sewage treatment plant.
  3. Discharge of stormwater.

STORAGE — The relatively permanent keeping of merchandise, personal property, building material, unregistered vehicles, vehicle parts, junk or garbage at a premises.

STORMWATER MANAGEMENT AND EROSION CONTROL PLAN —

A plan which fully indicates the necessary land protection and structural measures, including a schedule of the timing of their installation, which will effectively describe how post development runoff will not exceed predevelopment runoff and minimize soil erosion and sediment yields.

STORY — That portion of a building between the surface of any floor and the surface of 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.

STREAM CORRIDOR — Those areas where surface waters flow sufficiently to produce a defined channel or bed. The channel or bed may be intermittent and need not contain water year-round.

STREET — A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designed as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designed, but does not include driveways to buildings. A street may or may not include accommodations for pedestrians and bicyclists.

STRUCTURAL SOIL — Soil mix that is a load-bearing matrix of coarse stone aggregate, topsoil, and binding polymer that can be extended out under impervious pavement from landscape areas to increase rootable soil volume.

STRUCTURE — That which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having permanent location on the ground.

SUBDIVISION — The division of any parcel of land into two or more buildable lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SUBDIVISION, MAJOR — Any division of land not classified as a minor subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR — Any division of land containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities.

SWIMMING FACILITIES — Indoor or outdoor facilities that offer swimming and related water recreation, whether pool-based, lake-

/pond-based, or river-based. For the purposes of this chapter, the facility must be available to the public either at no charge, or by a nominal daily fee. Private swim clubs that limit use to members do not constitute a swimming facility unless public access is guaranteed via a nominal daily fee.

TARGET RATES — Pursuant to Article XII, prices for ownership and rental of affordable housing which are to be used to guide the Town Board in determining the extent of density bonuses to be granted.

TAVERN — An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.**[Added 8-19-2020 by L.L. No. 10-2020]**

TEMPORARY SIGN — A sign that is not permanently affixed to the ground or to a structure and that, by the nature of the event or product it is advertising, need not be on display year-round.**[Added 4-6-2006 by L.L. No. 3-2006; amended 2-20-2013 by L.L. No.**

# 2-2013]

TOE OF FILL — The line where the taper of the fill meets the existing grade.

TOP OF THE RIVERBANK — A linear feature that defines the boundary between the sloping channel of a river or stream and the usually less sloping adjacent land that is only impacted by the river or

stream during times of flooding. The top of the riverbank is usually in a state of flux as stream channels change due to erosion and siltation.

TOURIST HOMES — A room in a single-family home rented to tourists or travelers.**[Added 8-19-2020 by L.L. No. 10-2020]**

TOWN OF GLENVILLE FLOOD DAMAGE PREVENTION

ORDINANCE**6** — Town of Glenville local law intended to minimize public and private losses due to flood conditions in specific areas.

TOWN SEPTIC SYSTEM PERMIT — A permit issued by the Town Engineering Department to install or repair a septic system.

TOWNHOUSE (ROWHOUSE) — A building containing two or more dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by common walls without openings. A standalone townhouse is considered a two-family dwelling, provided there are no more than two dwelling units within the structure. Two or more townhouse structures per lot, or any townhouse containing three or more dwelling units, is considered a multifamily use.

TOXIC SUBSTANCE — Any compound or material which is, or may be, harmful to human health, as defined by § 4801, Subdivision 2, of the New York State Public Health Law.

TRANSITIONAL USE — A permitted use or structure that by nature or level or scale of activity acts as a transition or buffer between two or more incompatible uses.

TRANSITIONAL YARD — See "yard, transitional."

TRIBUTARY WATERSHED ZONE — Land outside the aquifer area that contributes runoff over land and/or through surface streams for groundwater recharge, also known as Zone IV (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

UNDERGROUND INJECTION — The subsurface emplacement of fluids through a bored, drilled or driven well, or through a dug well, where the depth of the dug well is greater than the surface dimensions, including, but not limited to, the use of this procedure for the production of oil or gas or the excavation of minerals.

UNDERGROUND STORAGE FACILITY — Any tank, pipe or other vessel at least 10% of which is beneath the surface of the ground and is used for the purpose of material holding, storage or containment, except those used for public water and sewer.

1. **Editor's Note: See Ch. 151, Flood Damage Prevention.**

UNDERGROUND STORAGE TANK — Any tank completely covered with earth or other material such as concrete, pavement or other material which visually restricts the identification of leaks. Tanks in subterranean vaults accessible for inspections are considered aboveground tanks.

USE OF PROPERTY — The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, PERMITTED — A use which may be lawfully established.

USE, PRINCIPAL — The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a use or building permitted by right, by site plan approval, or by conditional use permit. **7**

UTILITY STRUCTURES — Any aboveground structure, except an antenna or utility pole and associated appurtenances, which a provider constructs, erects, or places on a site, and is attached or affixed to something having a permanent location on or under the ground which is used to provide its services to customers and which

(1) exceeds 32 cubic feet total volume or minimum height of four feet above grade; or (2) contains any power generating equipment, regardless of size of the structure; or (3) has the potential for creating environmental impacts.**[Added 8-19-2020 by L.L. No. 10-2020]**

VAPOR SHOP — A retail operation or lounge whose primary purpose is the sale and/or sampling of electronic cigarettes, vaping devices and other products associated with vaping, whose sale of other products is incidental, and whose gross revenues are over 50% from the sale of vaping devices and product associated with vaping.**[Added 12-20-2017 by L.L. No. 13-2017]**

VARIANCE, AREA — A mechanism which allows an individual to build on his/her property in a way that is otherwise prohibited by this chapter.

VARIANCE, USE — A mechanism which allows for the establishment of a land use which is not permitted within a particular zoning district.

VIEW SHED — The geographic region within which visibility of a particular object or area begins.

1. **Editor's Note: The former definition of "use variance," which immediately followed this definition, was repealed 4-5-2006 by L.L. No. 3-2006. See now the definition of "variance use."**

WALK-UP WINDOW — A service window such as for restaurants in which customers can access goods and services by walking or bicycling.**[Added 2-19-2020 by L.L. No. 3-2020]**

WALL SIGN — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure.**[Added 4-5-2006 by L.L. No. 3-2006]**

WAREHOUSING — An use engaged in storage and wholesale of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WASTE TREATMENT FACILITY — Any facility used for treating, neutralizing, stabilizing or disposing of sewage, but excluding small- scale septic systems and leach fields serving fewer than five residential units.

WATER BODY — Any river, stream, spring, pond, lake, reservoir or channel of water or any man-made culvert which flows directly into one of the aforementioned.

WATERSHED — The geographic region within which water drains to a particular river, stream, or body of water.

WELLHEAD PROTECTION ZONE — The surface extent of the cone of depression, immediately adjacent to the public wells, also known as Zone I (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

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

WETLANDS DISTURBANCE PERMIT — A permit issued by either the NYS Department of Environmental Conservation (state wetlands) or the Army Corps of Engineers (federal wetlands) authorizing the disturbance of a wetland.

YARD — A space unoccupied by structures on the same lot with a building or structure.

YARD, CORNER SIDE — A side yard line which adjoins a public street.

YARD, FRONT — A yard situated between the principal building and the front line of the lot and extending the full width of the lot.

YARD, INTERIOR SIDE — A side yard line which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, REAR — A yard situated between the principal building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE — A yard situated between the principal building and the side line of the lot and extending from the front yard line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line.

YARD, TRANSITIONAL — That yard which must be provided on the more permissively or intensively zoned lot in instances where said lot abuts a less intensively zone lot (i.e., where a General Business lot abuts a Suburban Residential lot).

ZONING DISTRICT — A portion of the territory of the Town within which certain uniform zoning regulations and requirements, or various combination thereof, apply under the passing of this chapter.

ZONING OFFICER — The Building Inspector and Deputy Building Inspector of the Town of Glenville or a duly appointed representative thereof.