

## Article I.— General Provisions

### § 98-1. Purpose.

There is hereby established a new comprehensive zoning plan for the Town of Chester, which plan is set forth in the text and map that constitute this chapter. Said plan is adopted for the purposes set forth in Article 16, §§ 261 and 263, of the Town Law, which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

- A. The facilitation of the efficient and adequate provision of public facilities and services.
- B. To assure adequate sites for residences, industry and commerce.
- C. The prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.
- D. The gradual elimination of nonconforming uses.
- E. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.
- F. The preservation and protection of viable agricultural land, streams, ponding areas, floodplains, reservoirs and watersheds.
- G. To assure adequate separation between uses and buildings so as to promote safety, comfort, privacy and the preservation of property values.

### § 98-2. Definitions and word usage.

- A. General interpretation. All words used in this chapter in the present tense include the future tense; all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise; the word "building" includes the word "structure"; the words "occupied or used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used"; the word "lot" includes the word "plot" or "parcel"; the term "erected" shall be deemed also to include "constructed, reconstructed, altered or moved." The word "may" is permissive; the word "shall" is mandatory and not directory. The word "Town" means the "Town of Chester" in the County of Orange, State of New York. The terms "Town Board," "Board of Appeals" and "Planning Board" mean the respective Boards of said Town.

- B. Words and terms. For the purpose of this chapter, certain words and terms herein are defined as follows:

#### ACCESSORY BUILDING, STRUCTURE OR USE

A permitted subordinate building, structure or use which is clearly incidental to, customarily in connection with and located on the same lot as the principal permitted

use. An accessory building attached to a principal building shall be deemed to be part of such ~~other~~ principal building in applying the bulk regulations to such building.

#### ADULT BOOKSTORE

An establishment having a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

#### ADULT ENTERTAINMENT CABARET

A public or private establishment which may or may not be licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

#### ADULT MINI-MOTION-PICTURE THEATER

An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

#### ADULT MOTION-PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

#### AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch, horse shows or similar operation, ~~or the construction of new structures associated with agricultural activities.~~

#### AGRICULTURE OPERATION, COMMERCIAL

Land and on-premises buildings, equipment, uses, activities, and practices which contribute to the production, preparation, and sale of crops, livestock and livestock products as a commercial enterprise. Slaughterhouses, concentrated animal feeding operations (e.g., factory farms for high density animal production), the raising of fur-

bearing and laboratory animals, timber operations are not permitted as an agricultural use. The production of compost, soil or other biomass products is not an agricultural use but is allowed solely where it is accessory to and a product of the operation of an agricultural use. The clearing of land for an agricultural use is permissible, provided an applicant has first obtained a clearing, filling and grading permit specifically for said purposes and any other permits and approvals from applicable agencies.

## AGRI-TOURISM

—Agri-tourism is defined as a set of activities that occurs when people link travel with the products, services and experiences of agriculture. Agri-tourism is conducted for the enjoyment or education of the public and primarily promotes the sale, marketing, production, harvesting or use of the products of the farm operation. Examples of agri-tourism include, but are not limited apple picking and the like, hayrides, wine trails, farm tours, farm to table dining experiences and farm festivals designed to support farm operations.

## ALTERATION

A change or rearrangement in the structural parts of a building or an enlargement, whether by extending on the front, rear or a side or by increasing in height, or the moving from one location or position to another.

## APPLICANT

A property owner or authorized agent of a property owner who has filed an application for a land development activity with the Town of Chester Planning Board or Building Inspector.

## AUTOMOTIVE REPAIR SHOP

An establishment used for the repair, servicing or equipping of automobiles and other vehicles intended for use on the public highways and which may include gasoline sales as an accessory use where permitted but which shall not include the storage, rental, sale or washing of motor vehicles unless otherwise expressly permitted in this chapter. The washing or cleaning of vehicles at an automotive repair shop shall only be permitted as incidental to vehicle repair work.

## BANNER

A rectangular piece of cloth, plastic or similar pliable material attached to a building for a limited period of time.

## BED-AND-BREAKFAST

A single-family dwelling with bedrooms converted or added to provide up to four guest rooms for transient residents and serving breakfasts for guests only.

#### BED-AND-BREAKFAST INN

Bed-and-breakfast facility with up to 20 bedrooms converted or added to provide guest rooms and serving meals. ~~HH~~

#### BUILDING

A structure wholly or partially enclosed within exterior walls and a roof, which is designed or intended for use as an enclosure, shelter, protection or support of persons, animals or property.

#### BUILDING COVERAGE

The percentage of the total area of a lot covered by all buildings, except for open porches, patios, steps and similar appurtenances.

#### BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM

A solar energy system that integrates photovoltaic modules and components into the building structure, such as the roof, facade or windows, and which does not alter the relief of the roof.

#### CELLAR or BASEMENT

A story, the floor of which is more than 1/2 of its story height below the average level of the adjoining ground.

#### CHANNEL

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

#### CLEARING

Any activity that removes the vegetative surface cover.

#### CLEAR-CUTTING

A method of harvesting where substantially all trees on a site or portion thereof are removed. Clear-cutting is prohibited except where it is associated with land disturbance activities within the limits of disturbance shown clearly on an approved site plan or subdivision plan.

## CLUSTER DEVELOPMENT

A residential development that modifies the lot dimensional and area requirements in the Town of Chester Zoning Code for the purpose of providing a benefit to the Town consistent with the Comprehensive Plan. Cluster developments shall in no case exceed the permitted number of building lots or dwelling units which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming with the minimum lot dimensional area and density requirements of the zoning law applicable to the land in question and conforming to all other applicable requirements. The phrase "all other applicable requirements" means not only all applicable zoning and land use laws and regulations but also any applicable county, state and federal laws, regulations and requirements.

## COMMERCIAL HORSE BOARDING OPERATION

An agricultural enterprise, consisting of at least seven acres and boarding at least 10 horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall a commercial horse boarding operation be construed to include operations whose primary on-site function is horse racing. A Commercial Horse Boarding Operation shall comply with the standards set forth for a Commercial Agricultural Operation except as otherwise provided for in the zoning code.

## COMMERCIAL INDOOR RECREATION

A business offering sporting or recreational uses such as field or court sports, fitness equipment, ice rink, swimming pool, martial arts, dance or gymnastics studio, bowling alley, billiards, movie theater, mini or virtual golf, go-carts, obstacle course, laser tag, shuffleboard, arcade and similar games all contained within an enclosed building or buildings.

## COMMERCIAL VEHICLE

A licensed or unlicensed vehicle of more than one-ton capacity that is issued for the transportation of persons or goods primarily for financial gain. This definition shall be interpreted to include all heavy construction equipment as a commercial vehicle.

## COMMUNITY-BASED SIGNAGE

A sign or signs that are placed to commemorate and/or attract attention to a community festival officially recognized by the Town Board.

## COURT

An open, unoccupied space, other than a required yard, on the same lot with a building. [2]

## CULTURAL FACILITY/CENTER

An establishment for display, performance, or enjoyment of heritage, history or the arts. This use includes but is not limited to museums, libraries and arts performance venues by a public or private entity.

## ~~DAY-CARE CENTER (FACILITY)~~

~~A place, person, association, corporation, institution or agency which is licensed by the New York State Department of Social Services to provide day care, as defined herein, and in which parents, guardians or others responsible for care place children. The name, description or form of the entity which operates a day-care center shall not affect its status as a day-care center.~~

## DAY CARE OF CHILDREN

Care provided for three or more children away from their own homes ~~in a day-care center, excluding those children receiving family day care as defined herein.~~ Such care shall be for more than three hours and less than 24 hours per day per child to any child accepted for care therein. The term "day care of children" includes services provided with or without compensation or payment. The following types of day-care facilities are permitted in the Town of Chester subject to the requirements of New York State Social Services Law, the applicable regulations thereto and the requirements of this Zoning Chapter.

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## DAY-CARE CENTER (FACILITY)

A place, person, association, corporation, institution or agency which is licensed by the New York State Department of Social Services to provide day care, as defined herein, and in which parents, guardians or others responsible for care place children. The name, description or form of the entity which operates a day-care center shall not affect its status as a day-care center.

## DAY CARE OF CHILDREN, FAMILY HOME

~~As used in Social Services Law § 390, IL~~ licensed day care provided for three ~~or more~~ six children away from their own homes for less than 24 hours per day, for compensation or otherwise, for more than five hours per week in a family

home in accordance with Social Services Law § 390 et. seq. The term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. The term is also not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles.

#### DAY CARE OF CHILDREN, GROUP FAMILY HOME

Care provided for not more than 14 children away from their own homes for more than three hours but less than 24 hours per day in a group family day-care home as licensed by the New York State Department of Social Services (NYSDSS), which is operated for such purposes for compensation or otherwise. A group family day care home shall comply with the requirements of NY Social Services Law § 390 et seq.

#### DAY CARE OF SCHOOL-AGE CHILDREN IN A GROUP FAMILY DAY-CARE HOME

Care provided to up to two children over the limits set forth in 8 NYCRR 416.1(b) who are of school age and who are receiving care during non-school hours, including school holidays, vacations and the summer, in accordance with the provisions of 8 NYCRR 416(e). "School-age children" are children under the age of 14 who are in attendance at a public or private school and are in kindergarten or a higher grade.

#### NURSERY SCHOOL

A program, whether licensed with the New York State Department of Education or not, provided in one or two sessions, each of less than three hours a day, away from a child's home; except family day-care home, group family day-care home or day-care center.

#### FAMILY DAY-CARE HOMES

Day care as licensed by the New York State Department of Social Services (NYSDSS) for not more than six children provided in an individual's own home.

#### DECK

An outdoor platform attached to the principal structure of a building and built above the natural grade. A deck does not have a roof and is exposed to the elements.

#### DEDICATION

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

## ~~DESIGN MANUAL~~

~~The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.~~

## ~~DEVELOPER~~

~~A person who undertakes land development activities.~~

## DEVELOPMENT COVERAGE

The percentage of ground area covered by impervious cover including but not limited to buildings, structures, roof tops, driveways, parking areas, patios, tennis and basketball courts. See also Impervious Cover

## DOG KENNEL

A structure used for the harboring of more than three dogs that are more than six months old or more than 12 dogs that are under six months old. Any dog owner whose dog(s) bear(s) more than one litter of puppies that are of registered pedigree and offered for sale or who provides kennel space for other owners for a fee shall, for the purposes of this chapter, be considered as maintaining a dog kennel and must adhere to all regulations governing the same.

## DOMESTIC ANIMAL

Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles and reptiles. Does not include domesticated farm animals such as fowl, cattle, calves, horses, mules, sheep, goats or other similar kinds of animals.

## DUMP

A parcel of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

## DWELLING

A building used by one or more families living independently of each other upon the premises. The term "dwelling" shall include mobile homes, provided that they meet all of

the requirements of this chapter, the Building Code and all other laws, regulations and ordinances applicable to dwellings.

#### DWELLING, ATTACHED

A one-family dwelling with two common or party walls separating it from adjacent dwellings on both sides, or one common wall in the case of a dwelling located at the end of a group of attached dwellings, but with no dwellings above or below each other.

#### DWELLING, MULTIPLE

A building or portion thereof containing more than two dwelling units either side by side or above and below each other.

#### DWELLING, ONE- OR SINGLE-FAMILY

A detached building containing one dwelling unit only.

#### DWELLING, TWO-FAMILY

A detached building containing two dwelling units only.

#### DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping facilities, including cooking and plumbing facilities, for only one family and having no enclosed space, other than vestibules, entrances or other hallways or porches, or cooking or sanitary facilities in common with any other family. A boardinghouse, dormitory, motel or other similar structure shall not be deemed to constitute a dwelling unit for the purposes of this chapter.

#### ~~EROSION CONTROL MANUAL~~

~~The most recent version of the New York Standards and Specifications for Erosion and Sediment Control manual, commonly known as the "Blue Book."~~

#### FAMILY

~~A single individual, or a group of two or more persons not necessarily related by blood, marriage, or adoption, living, sleeping, cooking and eating in and otherwise occupying one dwelling unit as a single unit and who function as a family with respect to those characteristics that are consistent with the purposes of zoning and use restrictions in residential neighborhoods. An individual or two or more persons related by blood or marriage, or a group of not more than four persons who are not related by blood or marriage living together as a single housekeeping unit in a dwelling unit.~~

## ~~FAMILY DAY-CARE HOMES~~

~~Day care as licensed by the New York State Department of Social Services (NYSDSS) for not more than six children provided in an individual's own home.~~

## FILL

Inert solid materials including soil (loam, sand and gravel), rock, stone, dredged sediments that comply with the New York State Department of Environmental Conservation (NYSDEC) restricted use soil cleanup objectives for the protection of public health. (NOTE: See NYSDEC, Regulation and Enforcement, Regulations, Chapter IV, Quality Services, Part 375: Environmental Remediation Programs, as may be amended from time to time)

## FILM PRODUCTION FACILITY

A building and/or complex of buildings and their improvements and associated back-lot facilities in which films and the like are or are intended to be regularly produced and which contain at least one sound stage.

## FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building or dwelling unit. All dimensions shall be measured between exterior faces or walls. In calculating floor area for off-street parking requirements, the floor areas of all principal buildings on a lot shall be considered.

FLOOR AREA RATIO (FAR) The gross floor area of a dwelling to be regulated herein, divided by the gross lot area. For purposes of this bulk requirement, "gross floor area" shall be the sum of the gross horizontal areas of the stories of a dwelling unit measured to the exterior of the outside faces or walls of buildings, including any livable floor area within any attic, basement or enclosed porches.

## FOUNDATION

The supporting structure of a building or structure, including, but not limited to, basements, cellars, basement garages, slabs, sills, posts or frost walls, inclusive of any windows.

## FOWL

Birds that are customarily kept and used in the production of meat or eggs and may include any hen, chicken, chick, rooster, cockerel, duck, turkey, pheasant or any of several other usually gallinaceous birds.

## GARAGE, PRIVATE

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

#### GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for the storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

#### GAS STATION

An establishment used for the retail sale of gasoline or other fuel for vehicles intended for use on the public highways and which may include a convenience retail store containing less than 1,000 square feet of customer floor area, but which shall not include the service or repair of motor vehicles.

#### GRADING

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

#### GROSS RESIDENTIAL FLOOR AREA

The sum of the gross floor area of all floors of a residence, measured to the exterior of the outside walls. In calculating the gross floor area of houses for the purpose of calculating floor area ratio (FAR), all floor areas of each floor of all principal and accessory structures on the lot shall be included, except for the portion which may be exempted as provided for in § 98-44. Any interior space with a floor-to-ceiling height in excess of 12 feet shall be counted twice.

#### GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure.

#### ~~GROUP FAMILY DAY-CARE HOME~~

~~The primary residence of a provider of group family day care wherein day care services, as defined herein, are provided to up to 10 children of all ages, including not more than four children under two years of age or up to 12 children where all of such children are over two years of age. Such home must be operated by a provider as defined in § NYCRR 416.1(d) and must have at least one assistant, as defined in Subdivision (e) of that same section, present during the hours that care is provided.~~

#### HEIGHT

The vertical distance measured from the average elevation of the finished grade, along the facade of the structure having the lowest average elevation, to the highest point of such structure.

### HEIGHT, FLOOR-TO-CEILING

The distance between the finished floor and the finished ceiling of an interior space. The distance shall be equal to the length of a theoretical line drawn from the floor to a point of the highest portion of the ceiling directly above it and is perpendicular to the horizontal plane of the floor.

### HOME OCCUPATION

Any gainful occupation customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee and shall not occupy more than 1/2 the ground floor area of the dwellings or its equivalent elsewhere in the dwelling if so used. Permissible home occupations include but are not limited to the following: art studio; dressmaking; offices of a clergyman, lawyer, physician, dentist, architect, engineer or accountant; teaching or tutoring, with musical, dancing and other instruction limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: restaurant, clinic or hospital, animal hospital, dog kennel, barbershop, beauty parlor or antique shop.

### HOTEL

A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an inn, bed-and-breakfast, boardinghouse or other such accommodations.

### IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

See also Development Coverage.

### ~~INDUSTRIAL STORMWATER PERMIT~~

~~A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.~~

### INFILTRATION

The process of percolating stormwater into the subsoil.

## INN

A building containing a single dwelling unit in which more than four and fewer than 15 sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

## JUNKYARD

Any area of land, including buildings thereon, which is used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collection, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. ~~Any lot on which two or more motor vehicles are stored outside without current license plates for a period of 60 days shall constitute a junkyard.~~

## JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation" and which is regulated by the New York State Department of Environmental Conservation, United States Army Corps of Engineers, or by local law.

## ~~LAND DEVELOPMENT ACTIVITY~~

~~Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre total in area that is part of a larger common plan of development or sale, even through multiple separate and distinct land development activities may take place at different times on different schedules.~~

## LAND DISTURBANCE ACTIVITIES

Any activity which may result in soil erosion from water or wind and the movement of sediments into waters, including, but not limited to, clearing, grading, excavating, transporting, and tilling of land, except that the term shall not include such minor land disturbance activities as: home gardens and individual home landscaping and maintenance work; individual service connections and construction or installation of public utility lines; septic tank lines or drainage fields unless included in an overall plan for land disturbance activity relating to construction of the building to be served; disturbed land areas for commercial or noncommercial uses less than 5,000 square feet in size; installation of fence and sign posts or telephone and electric poles and other kinds of posts and poles; or emergency work to protect life, limb or property. This

definition also includes any movement of soil, sand, rock, and other earth materials from one location to another, other than such movement incidental to grading on the same site, where such movement results in the destruction of the vegetative cover either by tracking or the installation or deposition of earth materials to the extent that erosion and sedimentation will result.

### LAND DISTURBANCE PERMIT

A permit issued by the Town of Chester for the clearing, filling, excavating, grading or transporting of soils, vegetation, or combination thereof.

### LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease land, or any other person holding proprietary rights in the land.

### LARGE-SCALE SOLAR ENERGY SYSTEM

A solar energy system that is capable of producing over 12 kilowatts (kw) per hour and which serves only building(s) and structure(s) on the lot upon which the system is located and may, in addition, serve building(s) and structure(s) on adjacent lots.

### LOT

A parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is or is to be occupied by a building and any of its accessory buildings, or by a group of buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by the regulations of the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of state law to be adequate as a condition of the issuance of a building permit for a building on such land. ~~One or more contiguous parcels of land united by common interest or use, considered as a unit, designed to be used by one use or structure or by a related group of uses or structures and the accessory uses or structures customarily incident thereto, including such open spaces as are required. A lot may be or may not be the land shown as a single lot on a duly recorded plat or other official record. The term "lot" includes the words plot or parcel.~~

### LOT AREA

The total horizontal area included within lot lines.

### LOT AREA, BUILDABLE

An area of a lot which does not contain slopes of 25% or greater for a contiguous area of 2,000 square feet, federal or state wetlands, water bodies, floodplains or restrictive easements which limit use.

#### LOT, CORNER

A lot abutting upon two or more streets at their point of intersection or a curved street. A lot abutting a curved street shall be deemed to be a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

#### LOT, FLAG OR REAR

A lot on which the buildable area is located generally to the rear of other lots having frontage on the same road as such lot and having access to the road via a strip of land no greater than 50 feet wide or no less than 25 feet wide for its full length.

#### LOT LINE

Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed to be a side lot line.

#### LOT LINE, FRONT

The street line at the front of a lot. A corner lot or lot abutting two or more streets shall be considered to front on the street on which it has the least frontage. When a corner lot or lot abutting two or more streets shall have equal frontage on both streets, the owner may elect the street upon which he desires to front.

#### LOT LINE, REAR

That lot line which is most distant from and is most nearly parallel to the front lot line.

#### LOT WIDTH

The distance between the side lot lines measured at the required minimum front yard depths, or in a case where a building setback line is established by the Planning Board at the time of subdivision approval, which line is farther removed from the front lot line than the minimum front yard depth, at such lines. The width shall be measured along a line, which line is generally parallel to the front lot line. In such case where a front lot line is curved, the dimension of lot width shall be measured along a line which is perpendicular to a line bisecting the lot from front to rear. Every point along a lot width line shall be at least the minimum required distance from the front lot line.

#### MAINTENANCE AGREEMENT

A legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices and/or other operational agreements for a parcel or multiple parcels of land.

## MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged in quantity.

## MEMBERSHIP CLUB

Premises used by a not-for-profit organization with annual membership dues catering exclusively to members and their guests for social, recreational, athletic, professional, cultural or similar purposes. The members of the organization shall have a financial interest in, and method of control of, the assets and management of the "membership club."

## MICRO LIVESTOCK

Animals kept for the production of food or fur which are inherently small. Micro livestock may include but are not limited to rabbits, fowl, bees, miniature varieties of goats and cows. The keeping of bees shall not be limited to numbers as set forth in the Schedule of Use and Area Regulations.

## MIXED USE

A building containing residential uses in addition to nonresidential uses permitted in the zone. Mixed uses will only be allowed in the LB-SL Zoning District and will allow for apartments above or to the rear of businesses within the same building.

## MOBILE HOME

Any vehicle mounted on wheels or fitted to be mounted on wheels, movable either by its own power or capable of being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking and which is in excess of 32 feet in length. The term "mobile home" shall include vehicles if mounted on temporary or permanent foundations with wheels removed.

## ~~MOBILE HOME PARK~~

~~A lot, parcel or site with appurtenant facilities and services, including designated mobile home spaces, to be used for single family dwelling units in accordance with § 98-24.~~

## MOTEL

A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins," or "roadside hotel."

#### NET-METERING

A billing arrangement that allows a solar energy system user to receive credit for excess electricity generated and deliver such excess electricity to the utility grid.

#### NONCONFORMING BUILDING, STRUCTURE OR USE

Any building, structure or use of any building, structure, lot or land or part thereof lawfully existing at the effective date of this chapter which does not conform to the regulations prescribed for the district in which it is situated.

#### NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

#### NURSERY SCHOOL

~~A nonpublic school organized for the purpose of educating six or more children less than seven years of age for less than three hours per day; two sessions may be held daily, as registered with and regulated by the New York State Education Department under 8 NYCRR Part 125.~~

#### OFFICE

A place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, storage, display or direct retail sale of goods. This may include, but is not limited to, offices of salesmen, sales representatives, insurance brokers, real estate brokers and persons with similar occupations. The term office may further include an office devoted to a professional service occupation, in which knowledge in some department of science or learning is applied to the affairs of others, either advising or guiding them, or otherwise serving their interest or welfare through the practice of a profession founded on such knowledge. A professional office may include but not be limited to the office of an accountant, architect, consultant, engineer, or attorney.

#### OPEN SPACE AREAS

Areas where structural development of any kind is permanently restricted by covenant or other device.

Commercial agriculture excludes the raising of fur-bearing and laboratory animals

### OUTDOOR RECREATION FACILITY

A commercial business offering field or court sports, swimming pools, fitness equipment or training facility, golf course, driving range, batting cages, obstacle course or go-carts located entirely or partially outside. Such use does not include the racing of automobiles, motorcycles or dirt-bikes, camp ground or RV Park.

### OUT-OF-SCALE

With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood (particularly, but not limited to, the buildings on contiguous tax lots) and/or relative to the size of the tax lot upon which the building is situated; also, with regard to any one part of a building (or an addition to a preexisting building), the condition of being or appearing to be disproportionately large, bulky, or massive relative to any other part of the same building (or, in the case of an addition, relative to the preexisting building); with regard to an accessory structure, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the principal structure, the other buildings in the surrounding neighborhood, and/or the size of the tax lot upon which the accessory structure is situated.

### PARCEL

Any tract of land united by common interest or use, whether or not divided by a public road and without reference to time of acquisition. Such land divided by a railroad or a divided or limited-access highway shall be deemed separate parcels.

### PERSON

Any individual, firm, company, association, society, corporation or group.

### PHASING

Clearing or development of a parcel of land in distinct pieces or parts, with the stabilization or development of each piece completed before the clearing of the next parcel for stormwater or erosion protection or for development of the next parcel.

## PLACE OF PUBLIC ASSEMBLY

~~Meeting hall, clubhouse, auditorium, place of worship or other structure or portion of a structure accommodating 25 or more persons and used at regular or periodic intervals as a gathering place for purposes of conference, deliberation, worship, entertainment, amusement, recreation, education or performance of social, athletic or cultural programs.~~

## PLANNED ADULT COMMUNITY (PAC)

A residential development which is designed with amenities and features to meet the needs of a specific age group, typically restricted for occupancy to those over the age of 55 years and their household members.

## POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

## PORCH, ENCLOSED

A structure attached to a building, with a floor, roof, and structural supports, and permanently, seasonally, or temporarily enclosed with solid materials, such as glass or lexan (a clear, durable, hard plastic material). Screens, curtains, or latticework made of wire mesh, cloth, paper, strips of wood or metal, or other similar material, shall not be considered "solid" for the purpose of this definition. A porch does not need to be heated or insulated to be considered enclosed.

## PORCH, UNENCLOSED

A structure attached to a building, which has a floor, a roof and structural supports, but not permanently, seasonally or temporarily enclosed with solid materials such as glass or lexan (a clear, durable, hard plastic material).

## PRINCIPAL BUILDING OR USE

The primary purpose for which a lot or building is designed or used or in which the principal use is conducted. In certain cases, more than two principal uses may be located in a single building or on a single lot.

## PROJECT

~~Land development activity.~~

## QUALIFIED SOLAR INSTALLER

A person who possesses skills and knowledge related to the construction and operation of solar energy systems, equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible solar installers maintained by the New York Energy Research and Development Authority (NYSERDA), or are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purpose of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar energy installers if the Town Building Inspector, or such other Town officer or employee as the Town Board designates, determines such persons have had adequate training to determine the degree and extent of the hazard, the personal protective equipment and job planning necessary to safely perform the installation. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

## RECHARGE

The replenishment of underground water reserves.

## RELIGIOUS INSTITUTION

A church, synagogue, temple, mosque, or other similar facility that is used for worship by persons of similar beliefs and that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis together with customary accessory uses as set forth in § 98-29 (F) of the Town of Chester Code.- Also known as "Place of Worship".

## RESIDENCE

Any building, the principal use of which is for dwelling purposes and not including dwelling units above business uses in the same structure.

## RESTAURANT, FAST-FOOD

An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confines of the building.

## RESTAURANT, STANDARD

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

#### RIDGELINE

The highest elevation of the ground along a hill or series of hills. For the purpose of the Ridge Preservation Overlay District (RPOD), the ridgeline is the highest elevation of the ground along a hill or series of hills visible from viewpoints along the roads or highways specified in the RPOD regulations in § 98-26 (C)(1).

#### ROOFLINE

That line formed by the facade of a building at the point at which it meets the roof of the building.

#### SCHOOL, ART, DANCING, MUSIC, THEATER

An institution operated for instruction of art, dancing, music, or theater only.

#### ~~SCHOOL, PRIVATE~~

~~An institution not public which offers its students regularly scheduled curriculum and formal education in arts, sciences or humanities, and is registered and/or certified under regulations of the Commissioner of the New York State Department of Education or chartered by the Board of Regents of the University of the State of New York.~~

#### ~~SCHOOL, PUBLIC~~

~~An institution under the jurisdiction of a public school district and legally constituted by the State of New York to offer free formal education to residents of the district in accordance with the Education Law of New York State and chartered by the Board of Regents of the University of the State of New York.~~

#### SCHOOL OF GENERAL INSTRUCTION

Any public or nonpublic school that offers instruction at least five days per week and seven months per year, which include pre-K, kindergarten, elementary, junior high, or high schools subject to 8 NYCRR Part 100 regulations: or, other schools of religious or specialized training. Dormitories are not included as part of this definition.

## SCHOOL, VOCATIONAL

An institution conducting a regularly scheduled curriculum of special study of a trade, commercial or vocational nature with all instruction and curriculum occurring entirely within an enclosed structure.

## ~~SEDIMENT CONTROL~~

~~Measures that prevent eroded sediment from leaving the site.~~

## SELF-SERVICE STORAGE FACILITY

A facility containing a structure or structures containing separate, individually leasable or rentable storage spaces of varying sizes.

## SENSITIVE AREAS

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

## SIGN

Any letter, word, model, banner, pennant, insignia, trade flag, device or representation used as or which is in the nature of an advertisement, attraction or directive.

## SIGN AREA or SIGN SURFACE AREA

Includes all faces of a sign measured as follows:

- (1) When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outlined shall be included.
- (2) When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

## SIGN, BILLBOARD

A billboard shall constitute an accessory use of property in designated commercial, industrial and planned zoning districts. A billboard is also referenced as an off-premises sign, which advertises or depicts an establishment, service, merchandise, use, entertainment, activity, or product that is not conducted, sold, produced, or furnished upon the lot where the sign is located. A billboard may incorporate the technology identified herein for a "digital sign." "Digital billboard" shall mean a billboard which incorporates, in whole or in part, a digital sign.

## SIGN, BUSINESS

A sign which directs attention to a business or profession conducted upon the property.

## SIGN, DIGITAL

A sign that has or appears to contain movement or that appears to change, caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign. A digital sign often incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign may include a rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays.

## SIGN, FREESTANDING

A sign not attached to a building or wall, which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.

## SIGN, WALL

A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

## SLAUGHTERHOUSE

A [United States Department of Agriculture \(USDA\)](#)-regulated facility where the primary activity is the killing, butchering, or packaging of animals for human consumption.

## SMALL-SCALE SOLAR ENERGY SYSTEM

A solar energy system that does not produce more than 12 kilowatts (kw) per hour of energy or a solar thermal system, either of which serves only the building(s) or structure(s) on the lot upon which the system is located.

## SOLAR ACCESS

Space open to the sun and clear of overhangs or shade so as to permit the use of a solar energy system.

## SOLAR COLLECTOR

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

## SOLAR ENERGY SYSTEM

Solar collectors, module controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware and equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed including the solar access necessary for the system to operate as designed and any areas of land that are disturbed or cleared to maintain that solar access, and any accessory or appurtenant structures. Solar energy systems may include solar panel, solar thermal, building integrated photovoltaic and concentrated solar energy systems. For the purpose of this chapter, a solar energy system does not include a solar energy system of four square feet or less.

## SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

## SOLAR THERMAL SYSTEM

A solar energy system that directly heats water or other liquid using sunlight for such purposes as space heating and cooling, domestic hot water and pool water.

## ~~SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01~~

~~A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.~~

## ~~SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02~~

~~A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.~~

## SPECIFIED ANATOMICAL AREAS

For purposes of this chapter, "specified anatomical areas" shall be defined as follows: less than completely and opaquely covered human genitals, pubic region or female

breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES

For purposes of this chapter, "specified sexual activities" shall be defined as follows: human genitals in a state of sexual stimulation or arousal, or acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### STABILIZATION

The use of practices that prevent exposed soil from eroding.

#### STOP-WORK ORDER

An order issued by a municipal official or agency which requires that all construction activity on a site be stopped. [See also Chapter 50, Fire Prevention and Building Construction](#)

#### STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

#### STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

#### STORMWATER MANAGEMENT

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

#### STORMWATER MANAGEMENT FACILITY

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

#### STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

## STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

## STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

## STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

## STORY

A space between the surface of any floor and the surface of the next higher floor or, if no floor above it, the space between the surface of any floor and the ceiling immediately above it.

## STORY, HALF

A space under a sloping roof which has the line of intersection of the interior faces of the roof structure and main building wall not more than three feet above the top floor level and in which space the floor area with a headroom of five feet or more occupies at least 60% of the total area of the story directly beneath.

## STREET

A publicly dedicated right-of-way or a private right-of-way improved to meet Town street specifications for vehicular and pedestrian traffic, which affords the principal means of access to abutting properties.

## STREET LINE

The dividing line between a lot and the right-of-way of a street.

## STRUCTURE

Any combination of materials forming any construction, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.

## SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, bodies of surface water, natural or artificial, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

### TIMBER HARVESTING

The felling of trees, including activities related thereto, for lumber, firewood, or clearing of a parcel or a portion of a parcel. Timber harvesting shall not include: (1) the harvesting of trees grown in connection with an Agricultural activity or Commercial Agricultural Operation as defined herein; and (2) the removal of trees pursuant to a final subdivision or site plan approval granted by the Town Planning Board.

### TOWNHOUSE or ROW HOUSE

One of a series of attached dwellings containing two- to three-story noncommunicating one-family dwelling units having a common wall between each two adjacent sections. Each dwelling unit is in separate ownership on a separate tax lot fronting on a street.

### TRAILER, HOUSE OR CAMPING

Any vehicle, house car, recreation or camping vehicle or other type of portable or mobile vehicle to be used for living or sleeping purposes which is not in excess of 32 feet in length.

### TRAVEL TRAILER COURT

Any premises on which are parked three or more trailers or any premises used or held out for the purpose of supplying to the public a parking space for three or more such trailers.

### USABLE OPEN SPACE

An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free from structures of any kind and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Said usable open space may include buffer strips and fenced or screen-planted children's play areas.

### USE

The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

#### UTILITY-SCALE SOLAR ENERGY SYSTEM

A solar energy system that produces energy primarily for the purpose of off-site sale and consumption.

#### WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

#### WATERWAY

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

#### YARD

The area of a lot generally unoccupied by any building and extending along the lot lines and in towards the interior of the lot. Such open space is unoccupied and unobstructed from the ground upward.

#### YARD, FRONT

An open, unoccupied space within and extending the full width of the lot between the front property line and the building.

#### YARD, REAR

An open, unoccupied space within and extending the full width of the lot between the building and the rear line of the lot.

#### YARD, REQUIRED

That portion of a yard regulated by this chapter and as set forth in the Schedule of Use and Area Requirements which shall be left open and unoccupied by any part of a building ~~other than a fence or retaining wall~~ except as provided herein. The minimum required yard may also be referred to as the minimum setback.

#### YARD, SIDE

An open, unoccupied space within a lot between the side lot line and the parts of a building nearest to such lot line. Such side yard shall extend from the front yard to the rear yard.

#### YIELD PLAN

A conventional subdivision plan for the purpose of establishing the maximum number of dwellings or lots to be permitted as part of a cluster subdivision.