

### **Section 3 - Glossary of Definitions**

Below are some of the more common definitions that are encountered during the site plan approval process. Please note that these definitions are general in nature and can have differing meanings based upon each individual Town's code(s). It is important to check the code for the Town in which the application will be submitted.

**Accessory Use, Building or Structure** shall mean a subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term accessory building may include a private garage, garden shed, a private playhouse and a private greenhouse. *(T/O Claverack Zoning Ordinance)*

**Area Variance** shall mean 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 ordinance. *(Town Law Section 267)*

**Non-nuisance industry** shall mean an industry that is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light beyond the limits of its lot, or by reason of generating excessive traffic with the attendant hazards, and which does not include any outdoor processing of materials or open accessory storage yard unless enclosed by a solid wall or fence.... *(T/O Claverack Zoning Ordinance)*

**Permitted Use** shall mean a specific main use of a building, structure, lot or land, or part thereof, allowed by this chapter in a particular district as a matter of right. Any use which is not listed as a permitted use, special permit or accessory use shall be considered a prohibited use. *(T/O Ghent Zoning Ordinance)*

**Site Plan** shall mean a rendering, drawing or sketch prepared to specifications and containing necessary elements, as set forth in the applicable zoning ordinance or local law. *(Town Law Section 274-a)*

**Special Use Permit** shall mean 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 the zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met. *(Town Law Section 274-b)*

**State Environmental Quality Review Act (SEQRA)** shall mean the New York State law that mandates every planning board (among other municipal bodies) in New York State to review the environmental impacts of all proposed projects that come before it for review and approval. If during this review,

adverse environmental impacts or potential impacts are identified, the applicant may be asked to modify the proposed project to mitigate or eliminate the impacts, or provide technical opinions demonstrating that the impacts would not, or could not, occur. The SEQRA review includes the holding of public hearings to solicit comments from the general public on the proposed project. The review board then weighs each comment and determines if it must be addressed by the applicant.

**Subdivision** shall mean the division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership or development. *(Town Law Section 276)*

**Substantially Complete Application** shall mean an application that meets all the requirements for submission by a particular board. Typically applications for projects do not move forward in the approval process until they are deemed complete. Oftentimes incomplete applications are the cause for delays in the process.

**Use** shall mean any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same. *(T/O Claverack Zoning Ordinance)*

**Use Variance** shall mean the authorization by the Zoning Board of Appeals for a use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. *(Town Law Section 267)*

It should be noted that Zoning Boards are not required to grant use variances, and typically only do so after hardship has been clearly demonstrated by the applicant.