

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**ARTICLE II - CHAPTER 190-2** (as last amended 8/28/08 by LL#8-08)

**Definitions and List of Abbreviations**

General usage:

- A. Wherever used in this Chapter, words in the singular number include the plural, and words in the plural number include the singular.
- B. The word "shall" is mandatory and not directory. Words used in the present tense include the future.
- C. Definitions: Certain words used herein are defined as follows

**ACCESSORY USE** — A use customarily incident and accessory to the principal use or building and located on the same lot therewith.

**ADULT BOOKSTORE** — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides, videotapes, video discs, or other audio and/or visual media, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT DRIVE-IN THEATER** — A drive-in theater that customarily presents motion pictures and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT ENTERTAINMENT CABARET** — A public or private establishment which presents topless dancers, strippers, male or female impersonators, lingerie and other private modeling, or exotic dancers or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age and which serves alcoholic beverages.

**ADULT ESTABLISHMENT** — Any establishment which designates all or a major part of its premises as for adults only and as such excludes minors from those portions of its premises because the services, entertainment or goods available on the premises or portion thereof designated for adults only are characterized or distinguished by depictions of sexual activity or are materials or activities designed to appeal to adult sexual interest.

**ADULT JUICE BAR** — A public or private establishment which presents nude or topless dancers, strippers, male or female impersonators, lingerie and other private modeling, or exotic dancers or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age and which does not serve alcoholic beverages.

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

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**ADULT PEEP SHOWS** — A theater or other establishment which presents material in a form of live shows, films, videotapes, video discs, or other visual media viewed from an individual enclosure or private room for which a fee is charged and which is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT THEATER** — A theater which customarily presents live shows, motion pictures, films, videotapes, slide shows, video discs, or other visual media and which is customarily not open to the public generally but excludes any minor by reason of age

**AIRPORT** — Landing fields, aircraft parking and service facilities, passenger and baggage terminals, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, operated by an airport authority or governmental entity.

**ALTERNATE MEMBER (Zoning Board of Appeals)** — An individual appointed by the Town Board to serve on the Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the Board, as provided herein.

**AMUSEMENT USE, INDOOR:** Any commercial activity, whether conducted intermittently or full-time, which is primarily used for physical recreation or entertainment, where such activities are entirely contained within a permanent building.

**AMUSEMENT USE, OUTDOOR (LARGE)** Any commercial activity, whether conducted intermittently or full-time, which is primarily used for physical recreation or entertainment, where such activities take place primarily out-of-doors on a tract of land of two (2) or more acres.

**AMUSEMENT USE, OUTDOOR (SMALL):** Any commercial activity, whether conducted intermittently or full-time, which is primarily used for physical recreation or entertainment, where such activities take place primarily out-of-doors on a tract of land of less than two (2) acres. Such uses do not include go-cart tracks and Paintball.

**ANIMAL SHELTER:** A lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

**APPLICANT** — Any person or entity who shall submit an application, plans or related information for approval pursuant to this Chapter.

**ARCHITECT** — A person licensed and registered as an architect by the State of New York, or who has been issued a limited permit to practice architecture in the State of New York.

**ARTERIAL ROADWAY, PRIMARY** — Any street or highway for which operation or maintenance falls under county, state or federal jurisdiction.

**ARTISAN STUDIO/SHOP** - A shop for making of articles to be displayed and sold at retail on the premises.

**ASSISTED LIVING FACILITY** - A residential facility that provides care to residents who cannot live independently, but who do not require around-the-clock nursing care or extensive medical supervision. Services may include medication supervision, personal care, meals and housekeeping. Common cooking and dining facilities may be provided, and residential units may or may not include individual cooking facilities. Includes residential care facility, board and care home, adult care home, and congregate care facility.

**AWNING** — A roof-like covering consisting of any pliable material attached to a rigid frame.

**BAKERY, COMMERCIAL** — An establishment where baked goods are produced for off-premises sale at wholesale or retail, or for on-premises sale at wholesale.

**BAKERY, RETAIL** —. An establishment where baked goods are produced for on-premises sale at retail.

**BANNER** — A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

caused by movement of the atmosphere.

**BANK** – An organization, chartered by a state or federal government, whose principal activities include most or all of the following: receives demand deposits and time deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; collects checks, drafts, and notes; certifies depositor's checks; and issues drafts and cashier's checks. The term "bank" shall include credit unions.

**BAR** — A place in which the principal income is derived from the sale of serving of alcoholic beverages for on-premises consumption, with or without live entertainment.

**BASE COMMERCIAL DENSITY** – The maximum building Gross Floor Area for commercial uses which may be permitted per acre on a Lot, as shown for each zoning district on the dimensional table.

**BASE RESIDENTIAL DENSITY** – The maximum number of dwelling units which may be permitted per acre on a Lot, as shown for each zoning district on the dimensional table.

**BED & BREAKFAST:** An owner-occupied residential structure providing rooms for temporary overnight lodging, with or without meals, for paying guests. Such use is secondary to the residential use of the dwelling by the owner.

**BILLBOARD (OFF-PREMISES ADVERTISING)** — Any outdoor advertising board, junior board advertising medium, structure or device, or anything which is painted, printed, pasted or affixed to any building, structure, wall, fence, pole, railing, natural object or structure of any kind or upon the ground itself, which advertises businesses, services, products or commodities not available on the premises on which the "billboard" is located.

**BILLBOARD, DIGITAL** – Any outdoor advertising board displaying static images controlled by electronic communication.

**BILLBOARD, DOUBLE-FACED, BACK-TO-BACK or V-TYPE**— Those configurations of multiple billboard structures as those terms are commonly understood and as further defined in state law, except that in no instance shall these terms include two or more billboards which are not physically contiguous. "Physically contiguous" shall mean of the same structure and, in the case of "V-type billboards," shall be in contact with one and another at the apex of the "V." Each face shall be considered a separate billboard.

**BILLBOARD, FRONT OR FACE OF**— The outer surface of a billboard which is visible from any private or public street or highway.

**BILLBOARD, ILLUMINATED**— Any billboard illuminated by electricity, gas or other artificial light.

**BOARD OF APPEALS** — The Zoning Board of Appeals of the Town of Colonie.

**BOARDER** - An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

**BOARDINGHOUSE** - A dwelling unit or part thereof in which lodging is provided by the owner or operator to more than three boarders.

**BRIDGE** — A structure designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way or any physical depression or obstacle.

**BUFFER AREA** – Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen a use or property from another so as to visually shield or block noise, lights or other nuisances.

**BUILDING** — Any structure having a roof supported by columns, piers, or walls and intended for shelter, housing or enclosure of persons, animals or property. Building

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

areas separated by a Fire Wall with no openings, as defined in the NY State Uniform Fire Prevention and Building Code, shall be considered separate buildings.

**BUILDING CONSTRUCTION** — The erection, structural alteration, demolition, extension, conversion, relocation or enlargement of a building.

**BUILDING DEPARTMENT** — The Town of Colonie Building Department.

**BUILDING FOOTPRINT** - The area of a building measured around the exterior surface of the exterior walls at grade level. Where a building is elevated above grade level, the building footprint is the area the building would cover if it were located at ground level.

**BUILDING LINE, FRONT** — A line including a segment formed by the building wall or walls facing the street (i.e., parallel to the street or at an angle of 45° or less to the street), together with segments extending from each end of that segment to the nearest adjacent side lot line, and drawn parallel to the front lot line. A building on a corner lot or through lot shall have a front building line with respect to each front lot line.

**BUILDING LINE, REAR** — A line parallel to the front lot line, passing through the point of the building furthest from the adjacent street, as measured perpendicular to the front lot line. A building on a corner lot shall have a rear building line with respect to each front lot line. A through lot shall have no rear building line.

**BUILDING SETBACK LINE, FRONT** — A line parallel to the front lot line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**BUILDING SUPPLIES:** A business specializing in building and construction materials and equipment for sale, either retail or wholesale. Such uses include lumberyards.

**CARWASH:** A service business where motor vehicles are cleaned and in which accessory products may be sold.

**CEMETERY:** A burial place or ground operated and maintained by a church, private entity or a governmental agency, which can include a chapel, office, maintenance facilities, crematory and aboveground storage vaults as accessory uses.

**CENTER LINE OF A WATERCOURSE** — A line passing through the low point in the watercourse bed at any given section of the channel. Where the watercourse bed is level, the center line shall pass through a point midway between the outside extremes of the level area.

**CHANGE IN USE** — Any change in an establishment's operations such that it now falls under a different definition, pursuant to this Chapter, or for undefined uses a different classification, as determined by the Town of Colonie Building Department, shall constitute a change in use.

**CHASSIS** — The entire transportation system of a mobile home comprising the following subsystems; drawbar and coupling mechanism, frame, running-gear assembly and lights.

**CLEAN FILL** — Material consisting of stone, gravel, sand, dirt or soil, or masonry debris.

**COMMERCIAL PARKING:** A privately-owned open area, garage, or building used for temporary parking of motor vehicles for a fee.

**COMMERCIAL USE** — Any business whose primary purpose is retail or wholesale trade, any nonprofessional customer service (such as shoe repair, tailoring, laundry, photography or hairstyling) or customer service office uses (such as bank loan offices, insurance agents, travel agents or tax return preparers). For purposes of Prohibited Use restrictions; Additional Use Standards, Restrictions, and Exceptions; Base Commercial Density; application of Incentive Zoning standards; and application of design standards, Commercial Use shall refer to any use other than the herein variously defined types of Dwelling.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

COMMUNITY BENEFIT OR AMENITY – open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community.

COMMUNITY CARE FACILITY: An establishment licensed by New York State to maintain and operate continuous day and night facilities providing skilled nursing care, room and board, and personal services. Such use includes nursing homes, hospices, and convalescent homes, but excludes hospitals.

COMMUNITY CENTER: A facility used for recreational, cultural, social, educational, and/or health care activities, not operated for profit, and with no overnight accommodations provided. Food services may be provided as an accessory use.

COMPREHENSIVE PLAN - The Town of Colonie Comprehensive Plan as adopted by the Town Board, and as may be subsequently amended.

CONDOMINIUM — A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis and the sole owner or all the owners of which have submitted the subject property to the provisions of the N.Y. State Condominium Act.

CONDOMINIUM ASSOCIATION — The community association which administers and maintains the common property and common elements of a condominium.

CONFORMING USE — Any established permitted use, or any existing use otherwise designated as a conforming use by this Chapter. A use established pursuant to the grant of a use variance shall not be considered a conforming use, but shall not be subject to the abandonment provisions of the Non-conforming Uses and Structures Article of this Chapter.

CONSERVATION EASEMENT - A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values.

CONSERVATION VALUE – Characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological activity, agricultural activity, scenic beauty or recreational value that render an area environmentally sensitive and worthy of protection from activity that would significantly alter its ecological integrity, balance or character.

CONSTRAINED LAND – includes State- and Federally-regulated wetlands, protected watercourse areas, Federally-designated flood hazard areas, and slopes over 25% which include 2,000 square feet or more of contiguous sloped area

CONSTRUCTION COMPANY: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which involves outdoor storage of machinery, or equipment.

CONVENIENCE STORE — Any building or structure or portion thereof, having 5,000 square feet or less in gross floor area, used for the retail sale of a variety of goods, which may include dairy products, baked goods, fresh or prepared meats, beverages, fresh or prepared foods such as sandwiches and coffee, and fresh fruits and vegetables, in a form ready for either on-site or off-site consumption, and which may also include the sale of minor amounts of canned foods, dry goods, and household, health, and stationery supplies, and which may also include limited seating for on-site consumption without wait service.

CONVENTION AND EXHIBIT CENTER — A structure or combination of structures designed to support one or more of the following primary users: trade or consumer shows, annual conventions, corporate conferences, educational meetings, sales and incentive meetings, or sports events. Secondarily, such a use will support receptions/banquets, entertainment events, community events, school and youth events, or religious events.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

This use may also provide hotel rooms and/or food services accessory to the aforementioned activities.

**CORRECTIONAL FACILITY:** A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

**COUNTY** — The County of Albany.

**CUL-DE-SAC** — A minor street with one end open for public access and the other terminating in a vehicular turnaround.

**CULTURAL VENUE:** A building or space used for cultural education and experiences, including museums, art galleries, aquariums, amphitheaters, theaters, and performance halls.

**CULVERT** — A drain or conduit not incorporated in a closed system, that carries water generally perpendicularly under a driveway, roadway, railroad, pedestrian walk or public way.

**DAYCARE, ADULT** - A daytime program that provides a variety of health, social, and related support services to meet the needs of functionally and/or cognitively impaired adults who can no longer be left at home alone. Programs may include meals and transportation services to and from a patient's home, and specialized programs for individuals with Alzheimer's disease or other chronic disorders.

**DAYCARE, HOME** - A child care center providing the care for periods of less than twenty-four (24) hours of not more than twelve (12) children, not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes

**DAYCARE CENTER:** A child care center which is maintained for the whole or part of the day but for less than twenty-four (24) hour care of more than twelve (12) children, not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes

**DEDICATION** — The acceptance by resolution of the Town Board of the Town of Colonie of a parcel of land offered by an applicant for public purposes.

**DEED** — A conveyance of realty, by written document signed by the grantor, whereby title to realty is transferred from one party to another.

**DEPARTMENT OF HEALTH** — The Albany County Department of Health.

**DORMITORY** — A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

**DRAWBAR** — The rigid assembly, (usually an A-frame) upon which is mounted a coupling mechanism, which connects a mobile home's frame to a towing vehicle.

**DRIVE-THRU USE:** Any use of a property or part thereof in which users of the property can access goods or services from within a vehicle. A drive-thru use must be accessory to a permitted principal use, and may include restaurant and fast-food operations, banks, pharmacies, and convenience stores.

**DWELLING – MULTI-FAMILY:** A building or buildings, other than a hotel, motel, or inn, located on a single lot of record together with customary accessory structures, and containing three or more dwelling units.

**DWELLING, SENIOR CITIZEN MULTI-FAMILY** - Multifamily dwellings designated

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

exclusively for senior citizens and handicapped people. Such housing usually has wider doors, elevators that can accommodate wheelchairs, special support and hand bars, and bathroom and kitchen facilities designed specifically for senior citizens or the handicapped. It also may include personal care facilities, central recreation areas, and accessory medical facilities. Senior citizen housing may be private or subsidized under one or more government programs.

**DWELLING – SINGLE FAMILY:** A building, not including a mobile home, containing one dwelling unit, and located on its own separate lot of record together with customary accessory structures.

**DWELLING – SINGLE FAMILY FARMHOUSE:** A single-family dwelling accessory to a farm use.

**DWELLING – TOWNHOUSE:** A one-family dwelling unit which is one of a series of units, having a common party wall between each adjacent unit, each with a private outside entrance, each with its own separate lot of record, and in which no unit is located over another unit, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**DWELLING –TWO FAMILY:** A building or buildings located on a single lot of record together with customary accessory structures, and containing two dwelling units.

**DWELLING UNIT –** A single unit within a building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen.

**DWELLING UNIT, ACCESSORY –** A dwelling unit attached to, or created within, a single family home or accessory structure thereto, and containing not more than 1,000 sq. ft. of habitable area.

**DWELLING UNIT, MIXED-USE -** A dwelling unit contained entirely within a building used primarily for commercial and/or office use, and accessory to such use. Up to two such units may be permitted in each building.

**EASEMENT –** A right granted by the owner of a parcel of real property to another party for use of all or part of the parcel for a specified purpose.

**ELDER CARE USE –** Includes assisted living facility, adult community care facility, adult daycare, nursing home and other similar uses.

**ENGINEER –** A person licensed and registered as a professional engineer by the State of New York or who has been issued a limited permit as a professional engineer in the State of New York..

**ENTERTAINMENT OR RETAIL – ADULT:** Any establishment intended for the sale or distribution of adult-oriented products, or for on-premise adult entertainment activities. Such uses include any of the following: Adult Bookstore, Adult Drive-In Theater, Adult Entertainment Cabaret, Adult Establishment, Adult Juice Bar, Adult Massage Establishment, Adult Peep Shows, Adult Theater

**ERECT –** To construct, build, raise, assemble, place, affix, attach, create, paint, or in any other way bring into being or establish.

**EXCAVATION –** Any act by which earth, sand, gravel, rock or any other material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**FAMILY**

Purpose: to maintain and preserve the character of the residential zones devoted to family values and to reduce traffic and parking congestion, population density, noise and other disturbances conflicting with the stable, uncongested residential environment. It is the intent of this chapter to permit all groups who are the functional equivalent of the natural family to live in zones set aside for residential purposes and to allow those uses recognized by the state to constitute familial-type living arrangements.

Definition: one or more individuals occupying a dwelling unit and living together as a single household unit with common access to, and common use of, all facilities comprising the dwelling unit, as distinguished from a boarding or rooming house, fraternity or sorority house, club, motel and other similar uses.

**FARM** — A tract of land consisting of five or more acres devoted to the production of agricultural commodities such as crops, livestock grazing, raising of hay for cows to produce milk and other dairy products, raising of poultry, raising of horses and the growing of fruit.

**FARM STAND** — A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

**FAST FOOD ESTABLISHMENT** — Any building or structure or portion thereof, excluding convenience food stores and mini-marts, used for the sale, dispensing, or serving of food, refreshments, or nonalcoholic beverages in a form ready to eat or consume, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or nonalcoholic beverages on or off the premises.

**FILL** — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, pulled or transported to a place other than the place from which it originated, and shall include the conditions resulting therefrom.

**FINISHED GRADE** — The natural surface of the ground within 10 feet of a building or the surface of the ground within 10 feet of a building after completion of any change in contour.

**FRAME** — The fabricated rigid substructure which provides considerable support to an affixed manufactured home structure both during transport and on-site and, also, provides a platform for securement of the running-gear assembly, the drawbar and coupling mechanism

**FRATERNITY or SORORITY** — A group of people formally organized for a common interest, usually cultural, entertainment, religious or educational, generally having regular meetings, rituals and formal written membership requirements.

**FRATERNITY OR SORORITY HOUSE** — A dwelling or dwelling unit maintained exclusively for fraternity or sorority members and their guests or visitors which is affiliated with an academic or professional college, university, or other institution of higher learning.

**FRONTAGE** — The total length of the property line of a parcel bounded by or abutting a Street right-of-way.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, . May or may not include facilities for cremation and the sale of items accessory to the burial, cremation, or other disposal of the deceased.

**GARAGE** — A building or portion thereof arranged, intended or designed to be used for the housing of motor vehicles.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**GARAGE SALE** — The sale of five or more new or used items of personal property at a residential premises at any one time. This shall include all sales commonly entitled "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "estate sale" or any other similar casual sale of tangible personal property.

**GARDEN CENTER:** An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers excluding bulk fertilizer, pesticides, garden tools, and other garden supplies to the general public. These establishments may either sell products purchased from others or those grown on-site. Use includes nurseries and greenhouses.

**GOLF COURSE:** A tract of land for playing golf, improved with tees, greens, fairways, and hazards and may include clubhouses, shelters, bathrooms, restaurant and bar facilities and/or a golf driving range as permitted accessory uses.

**GOLF COURSE, MINIATURE:** An area of land or a building, structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

**GRADING** — Excavation or Fill.

**GREEN SPACE** – A permeable open area that is either natural or landscaped.

**GROSS FLOOR AREA** – The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet

**GROSS LEASABLE AREA** – The total floor area for which a tenant pays rent and that is designated for the tenant's occupancy and exclusive use. It does not include public or common areas.

**HABITABLE AREA or SPACE** — Area in a structure for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered habitable space.

**HANDICAPPED PERSON** — Any person having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions; or, a person who is developmentally disabled, i.e., if he or she has a disability attributable to mental retardation, cerebral palsy, epilepsy, autism or another neurological condition found by the United States Secretary of Health, Education and Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age 18 and which constitutes a substantial handicap to such individual.

**HEALTH CLUB:** A commercial establishment intended for the providing of membership-based use of wellness and fitness equipment and services, including indoor recreational fitness facilities, weight-lifting, indoor tennis facilities, indoor pools, and space for various individual and group exercise programs.

**HEAVY EQUIPMENT STORAGE/SALES/SERVICE:** Storage, rental, sales and service of farm and heavy equipment and machinery, including logging equipment, tractor trailers, and related farm and heavy transportation equipment such as bulldozers, backhoes, engines, compressors, trucks over 2.5 tons, tractors, construction equipment and other heavy machinery, vehicles, or motors.

**HEIGHT (SIGN)** — The vertical distance between the ground level under a sign and the highest point of the sign structure.

**HEIGHT, MAXIMUM (BUILDING)** – The vertical distance from the average ground level at the front of the main foundation to the level of the highest-point of the eaves of a pitched roof or to the level of the highest surface of a flat roof.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

HEIGHT, MAXIMUM (OTHER STRUCTURES) – The vertical distance from the average ground level at the base of the structure to the level of the highest point of the structure.

HIGHWAY AND DRAINAGE STANDARDS — The Town of Colonie Highway and Drainage Standards as currently in existence or as subsequently amended.

HIGHWAY LAW — The Street and Highway Law of the Town of Colonie as adopted on December 16, 1982, or as subsequently amended.

HIGHWAY, LIMITED ACCESS - A limited access highway shall include I-87, NYS Route 7 between I-787 and I-87, I-787, I-90 and I-890.

HOME OCCUPATION — Any limited personal service, professional service, or business use customarily conducted within a dwelling or customary accessory building and carried on by the resident thereof, which use is clearly accessory, incidental, and secondary to the use of the premises for residential purposes and does not alter the residential character thereof, and which home occupation use shall be fully consistent with the accessory use limitations contained in this chapter.

LEVEL I – An occupation or profession carried on within a dwelling unit or an accessory structure that meets the dwelling unit setbacks, and which is clearly incidental to the use of the dwelling unit for residential purposes, does not change the character thereof, and conforms to the Home Occupation Standards in the General Regulations Article of this Chapter.

LEVEL II – A Home Occupation Level Two is the same as a Home Occupation Level One but allows an increased intensity of the use as described in the Home Occupation Standards in the General Regulations Article of this Chapter.

HOMEOWNERS' ASSOCIATION – A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOSPITAL — An institution which is primarily engaged in providing medical, diagnostic and major surgery facilities for medical care and treatment of sick and injured persons on an inpatient basis under supervision of duly licensed physicians and 24-hour nursing service. "Hospital" does not include a convalescent home, rest home, nursing facility, facility affording custodial or educational care, or facility for the aged, drug addicts or alcoholics.

HOTEL: All commercial establishments which provide transient overnight accommodations for persons away from their place of residence and which are occupied or maintained for occupancy by 10 or more people. A hotel room may not contain a kitchen, but may contain a kitchenette. A hotel may provide additional services such as restaurants, conference, and recreational facilities. Outdoor athletic courts and facilities are permitted accessory uses.

INCENTIVE OR BONUS – adjustments to the permissible density, area, height, open space, use, or other provisions of this Chapter.

INCENTIVE UNIT – A five percent (5%) reduction in the minimum green space required in a project.

INDUSTRY, HEAVY: Manufacturing and processing operations that may involve the exterior storage of goods and materials as well as of finished products.

INDUSTRY, LIGHT: Low-intensity industrial or manufacturing uses that are conducted indoors and which do not involve exterior storage of raw materials or finished products. Such uses may include showrooms for the sale of finished products. Light industry differs from heavy industry in that its primary activity is the assembly of finished materials, not processing.

INN - See HOTEL

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**JUNKYARD** — The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of a lot lying within 100 feet of any street for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**KENNEL** — A place where more than one animal is kept for breeding, training or boarding or for hire, compensation or profit. Exempt from the definition of "kennel" is the incidental indoor boarding of animals by retail pet stores, veterinary clinics and animal grooming operations.

**KITCHEN** — A space, 60 square feet or more in floor area, used for cooking or preparation of food.

**KITCHENETTE** — A space, less than 60 square feet in floor area, used for cooking or preparation of food.

**LANDSCAPED AREAS** — Those areas of a lot consisting of lawns, trees, plants and other natural materials which are designed to be green areas and which shall not contain buildings or structures other than fences and shall not be used for the display or storage of any merchandise or material or used for parking of vehicles.

**LIBRARY:** A publicly operated facility housing a collection of books and other printed or recorded materials maintained for reading, consultation, study, and research, with a staff trained to provide services to meet the needs of its users. A "library" may also provide educational, cultural, and recreational programs or events, and may provide access to and instruction in the use of online and Internet resources.

**LIGHTING DEVICE** — Any light, string of lights or group of lights located or arranged so as to illuminate a billboard, sign, structure or building.

**LOADING** — The actual movement of persons, merchandise, goods or cargo into or out of a vehicle.

**LOGO** — A symbol, graphic, trademark or emblem commonly associated with or representing a specific entity, product or concept.

**LOT** — A parcel of land occupied or designed to be occupied by one or more buildings and the accessory structures or uses customarily incident thereto, including such yards as are required by this chapter or are arranged and designed to be used in connection therewith.

**LOT, CORNER** — A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135°.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT, THROUGH** — A lot which fronts upon two streets which do not intersect at the boundaries of the lot.

**LOT AREA** — The total area within the lot lines of a lot, excluding any street rights-of-way.

**LOT AREA, MINIMUM** - The smallest lot area established by this chapter on which a use or structure may be located in a particular zoning district.

**LOT FRONTAGE** — The length of the front lot line measured at the street right-of-way line.

**LOT LINE** — A line of record bounding a lot which divides one lot from another lot or from a Street or any other public space.

**LOT LINE, FRONT** — The lot line separating a lot from a Street. On a corner lot, adjacent front lot lines shall be divided at the midpoint of their connecting curve.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

LOT LINE, REAR — The lot line opposite and most distant from the front lot line. A corner lot may have no rear lot line but has at least two front lot lines and two side lot lines.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT OF RECORD — A lot which exists as shown or described on a plot or deed in the records of the local registry of deeds.

LOT WIDTH —The shortest distance within a lot between opposing side lot lines. On a corner lot, the shortest distance within the lot between a Side Lot Line and the opposing Front Lot Line.

MAINTENANCE — Preservation or upkeep of the condition of property.

MAJOR ROAD — State or County roads except Wolf Road, NYS Route 2, NYS Route 9 south of NYS Route 2, and NYS Route 5

MANUFACTURED HOME — A factory-manufactured structure constructed and transportable upon one or more permanent chassis, designed to be used as a single-family residential dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The chassis of a Manufactured Home shall have as an integral part of a Frame as defined by this Article. The removal of the drawbar and coupling mechanism, running-gear assembly or lights from the chassis shall have no effect upon this definition. A Manufactured Home may contain parts that fold, collapse or telescope when being towed and expand later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit, capable of being again separated into the components for repeated towing. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space but shall not include bay windows.

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARINA: Any facility which provides services or berthing places for vessels on the town's waterways.

MASSAGE THERAPIST — A health professional licensed by the State of New York to apply a variety of scientifically developed massage techniques to the soft tissue of the body to improve muscle tone and circulation.

MEDICAL OFFICE: An office or clinic providing medical or dental care on either an appointment or walk-in basis.

MESSAGE — Wording or copy on a sign.

MINING - The extraction or removal of minerals from the ground, as defined in applicable law of the State of New York regulating such use.

MINI-MART — A convenience food store which includes the retail sale of motor vehicle fuel.

MINI-WAREHOUSE / SELF STORAGE FACILITY: A building or series of buildings with space rented on a temporary basis for storing non-hazardous goods; business, personal, or household effects; and other items of personal property

MINOR ROAD — All roads in the Town of Colonie not considered 'MAJOR ROADS.'

MODULAR HOME — A structure which meets the criteria delineated by the New York State Uniform Fire Prevention and Building Code for single-family or multifamily residential units and is designed only for erection or installation on a site-built permanent foundation. A "modular home" is not designed to be moved once erected or installed on a site-built permanent foundation, and must bear a manufacturer's certification that, to

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

the manufacturer's knowledge, the modular home is not intended to be used other than on a site-built permanent foundation.

MOTEL - See HOTEL

MOTOR VEHICLE OR BOAT SALES AND SERVICE: Any area of land, including structures thereon, that is used for the retail sales of motor vehicles or boats and accessories, which may or may not include accessory repair shop services.

MOTOR VEHICLE OR BOAT STORAGE YARD: An open area, building, or series of buildings on the same lot arranged, intended or designed to be used for the temporary storage only of motor vehicles or boats, with or without an attendant.

MOTOR VEHICLE RENTAL AGENCY - Any area of land, including structures thereon, that is used for the rental of motor vehicles.

MOTOR VEHICLE REPAIR SHOP (MAJOR) - Any establishment that offers repair of damaged or malfunctioning major motor vehicle systems or components, including but not limited to engines, transmissions, axles, frames, body parts, suspension components other than shock absorbers and struts, steering systems, cooling systems, air conditioning, and interior or exterior trim.

MOTOR VEHICLE REPAIR SHOP (MINOR) - Any establishment that offers minor repairs, maintenance and servicing functions for motor vehicles, including but not limited to oil changes, brake service, and installation or repair of tires, mufflers, shock absorbers, and suspension struts; or any establishment at which motor vehicles are inspected for the purposes of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

MOTOR VEHICLE SERVICE STATION - A building or premises or portion thereof arranged, intended or designed to be used for the sale at retail of motor vehicle fuel and accessories.

MOVIE THEATER - A building or part of a building devoted to the commercial showing of motion pictures.

MUNICIPAL USES - Includes municipal buildings, municipal parking, public streets, storm sewers, water systems, bus shelters and park & ride transit facilities.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this chapter.

NIGHTCLUB - An establishment that offers the sale of liquor in conjunction with live entertainment and/or dancing and that is licensed in accordance with the relevant statute.

NONCONFORMING USE - Any lawfully established use of property existing at the time of the passage of this chapter that does not conform to the regulations thereof.

NURSERY - An area or place where seeds and plants are grown for transplanting, for use as stocks, for budding and grafting or for sale, either within a greenhouse or out of doors.

OFFICE, MEDICAL - Any building or part of a building in which licensed professional health care providers provide medical, dental or podiatric care.

OFFICE, PROFESSIONAL OR BUSINESS - Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, or organization, but excludes such uses as retail sale; manufacture, assembly or storage of goods; or place of assembly or amusement.

OFFICIAL HIGHWAY MAP - The Town of Colonie Official Highway Map, as presently existing or as subsequently adopted or amended.

OVERSIZED VEHICLE - Every vehicle having an overall length of more than 25 feet or

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

an overall width of more than eight feet or an overall height (exclusive of antennas or similar accessories) of more than eight feet or weighing more than 8,000 pounds. All such widths are inclusive of loads and attachments.

**OWNER** — A person recorded as such on official records, and including but not limited to a duly authorized agent, purchaser, devisee or any person having a vested or contingent interest in the property in question.

**PAINTBALL** -- A game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in.

**PARCEL** — A piece of real property which is defined on an approved subdivision map recorded with the Albany County Clerk or is legally defined in a deed recorded with the Albany County Clerk.

**PARK** – A tract of land designated for use by the public for active or passive recreation.

**PARKING** — The stopping of a vehicle, whether or not attended or occupied, for any interval of time longer than necessary for loading.

**PERMIT STICKER** — A sticker affixed either to the face or the channel of a sign denoting that the sign to which it is affixed has been authorized by Town officials pursuant to the provisions of this Chapter.

**PERMITTED USE** — Any use which is included in the list of permitted uses in the zoning district in which it is located or proposed to be located. A use established pursuant to the grant of a use variance shall not be considered a permitted use.

**PERSON** — Any individual, firm, partnership, association, corporation, company, institution or organization of any kind.

**PERSONAL SERVICE BUSINESS** — Any business for personal grooming or care, including but not limited to, hair salon, barbershop, nail salon, massage therapist, tanning salon, day spa, and pet grooming.

**PLACE OF WORSHIP** - Any structure in which any recognized religious organization which has a tax exempt status pursuant to the US Internal Revenue Code meets to practice its religion.

**PLANNING BOARD** — The Town of Colonie Planning Board.

**PRE-SCHOOL** — An educational program intended primarily for children not yet attending kindergarten.

**PRE-SCHOOL, ACCESSORY** — An educational program intended primarily for children not yet attending kindergarten, and accessory to a place of worship or school.

**PRIMARY ENTRANCE** — The entrance primarily used by customers/guests to enter a building.

**PRIMARY FRONTAGE or SECONDARY FRONTAGE** — Where a parcel has more than one public highway right-of-way abutting it, one frontage shall be designated by the applicant as the "primary frontage" of the parcel, the other frontage(s) for said parcel shall be known as the "secondary frontage(s)." Where frontage along the highway is discontinuous, one continuous segment of the frontage shall be designated as the "primary frontage." The remaining segments shall be known as "secondary frontages."

**PRIVATE CLUB** — A group of people organized for a not-for-profit purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and constitution and bylaws. A lodge used for meetings by fraternal organizations shall be considered a "club" so long as it is not used for dwelling purposes. Commercial organizations, such as but not limited to tennis clubs, racquet clubs and physical fitness clubs, shall not be considered private clubs.

**PROJECT SPONSOR** – See APPLICANT.

**RECREATION FIELD** – An area set aside for team sports or other passive recreational

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

activities, such as walking and picnicking, which do not require buildings or structures other than accessory sanitary facilities.

RECREATIONAL VEHICLE —A vehicle which is designed to be used as a temporary dwelling for travel, recreational or vacation purposes, including but not limited to the following:

- A. TRAVEL TRAILER— A vehicular, portable structure built on a chassis, designed to be towed behind a motor vehicle.
- B. PICKUP CAMPER— A structure designed primarily to be mounted on a pickup or truck chassis.
- C. MOTOR HOME— A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. TENT CAMPER— A portable dwelling, consisting primarily of a folding tent mounted on a trailer body.

REMOVAL OF VEGETATION — The clearing or cutting of live plant material from the land, including grass or other ground cover, brush, shrubs and trees.

RESEARCH AND DEVELOPMENT LABORATORY - A building or structure built, altered and/or equipped for experimental or scientific study or testing and analysis for experimental research in the field of study and limited construction of pilot or test models and materials and which does not emit or pass off sound, vibration, light, odors, smells, smokes or other noxious or bothersome products beyond the boundaries of the structure.

RESTAURANT — A building or structure, or portion thereof, primarily arranged, intended or designed for the service of meals at tables or counters.

RETAIL — The sale of goods or commodities to ultimate consumers.

RETAIL BUSINESS: Any building, or that portion of any building, used as a place of commercial business that provides the sale, rental or servicing of goods or commodities directly to the consumer, where such goods are normally available for immediate purchase and removal from the premises by the purchaser. Such use may include an Artisan Studio/Shop.

ROOF — Any exterior building surface whose slope is less than two vertical to one horizontal.

ROOFLINE — The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

SCHOOL — Any not-for-profit, public or private university, college, elementary, junior high, middle, or high school, accredited or chartered by the New York State Education Department or the New York State Board of Regents.

SENIOR CITIZEN — A person 55 years of age or older.

SENIOR CITIZEN OR HANDICAPPED FAMILY -

1. A family of two or more persons, the head of which (or his or her spouse) is a Senior Citizen or a Handicapped Person; or
2. The surviving member or members of any such family, who were living with a deceased member of the family at the time of his or her death; or
3. Two or more Senior Citizens or Handicapped Persons living together, or
4. One or more Senior Citizens or Handicapped Persons living with a home health care provider who provides essential care to the Senior Citizen(s) or Handicapped Person(s) based on a certification of need for such care by a qualified health care practitioner.

SEQRA — The New York State Environmental Quality Review Act.

SERVICE BUSINESS: Any commercial enterprise whose primary activity is the provision of services or assistance, as opposed to products, to individuals, business, industry, government, or other enterprises.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

SETBACK — The minimum distance required between a structure and a lot line.

SETBACK, MAXIMUM - The maximum permitted distance between a front lot line and a building, as measured to the nearest point of the building wall facing that lot line.

Canopies, awnings, eaves, or other such projections shall not be considered in measuring the maximum setback.

SHIPPING STORE, RETAIL - A non-governmental facility that provides retail shipping, postal, mailbox, business and document services to the general public for a fee.

SIGN — Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, placard or temporary display designated to advertise, identify or convey information, with the exception of window displays and national flags. "Signs" shall also include all sign structures.

SIGN AREA — The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

SIGN STRUCTURE — Any structure which supports, has supported or is capable of supporting a sign, including the decorative cover.

SIGN, ABANDONED— A sign which for a period of 90 consecutive days has not correctly directed or exhorted any person, advertised a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

SIGN, A-FRAME— A specific type of portable sign which is typically constructed or shaped in the form of the letter "A."

SIGN, ANIMATED— Any sign which includes action or motion, or whose copy is changeable by other than direct manual intervention.

SIGN, CHANGEABLE COPY (AUTOMATIC) — A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown.

SIGN, CHANGEABLE COPY (MANUAL) — A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

SIGN, COMPLEX IDENTIFICATION— A sign identifying a complex but which does not include identification of any individual business within the complex.

SIGN, CONSTRUCTION PROJECT IDENTIFICATION — A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.

SIGN, COPY AREA OF— The entire area within a single continuous perimeter composed of squares, rectangles, circles, ovals or any other geometrical shape which enclose the extreme limits of the message, announcement or decoration on a fascia, wall or freestanding sign.

SIGN, DIRECTIONAL— Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking site entrances, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

SIGN, DIRECTORY— Any sign containing a list of the names of business establishments located within a building complex. The style, lettering and color for all tenants identified on such signs shall be substantially similar. No logos shall be permitted on such signs.

SIGN, DOUBLE-FACED— Any two-faced sign utilizing both faces or surfaces for display

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

purposes.

SIGN, FREESTANDING — Any sign not affixed to a building.

SIGN, GOVERNMENTAL— A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or ordinance or governmental regulation.

SIGN, GRAND OPENING— A temporary sign permitted for 30 days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

SIGN, GROUND LEVEL — The average ground elevation within 10 feet measured horizontally of a sign base.

SIGN, IDENTIFICATION— A sign which is limited to the name, address and number of a building, institution, complex or person.

SIGN, ILLEGAL— Any sign which is abandoned or is not properly maintained or for which a valid Town of Colonie building or sign permit has not been obtained and which is not exempt from the provisions of this Article.

SIGN, ILLUMINATED— Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface or which reflects lights from a source intentionally directed upon it.

SIGN, OFF-PREMISES— Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign, or any sign, advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

SIGN, PERMANENT— A sign for which a permit has been issued pursuant to the provisions of this Chapter for the period stated in the permit.

SIGN, POLITICAL— A temporary sign announcing or supporting political candidates or issues connected with any national, state or local election.

SIGN, PORTABLE— A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

SIGN, PRIMARY COMPLEX IDENTIFICATION— Complex identification sign located on a parcel's primary frontage.

SIGN, PRIVATE SALE— A temporary sign advertising the sale of personal property at house sales, garage sales, rummage sales and the like.

SIGN, PROJECTING— A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from such building.

SIGN, PUBLIC SERVICE INFORMATION— Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

SIGN, REAL ESTATE— A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located, excluding, however, "sold-by" signs.

SIGN, RESIDENTIAL SUBDIVISION IDENTIFICATION (PERMANENT) — Any identification that identifies the name of a subdivision only; must be accompanied by a maintenance agreement from the entity responsible to maintain the sign; may be located on an individual parcel or on open space within the subdivision.

SIGN, RESIDENTIAL SUBDIVISION IDENTIFICATION (TEMPORARY) — Any identification that identifies the name of a subdivision, but may also identify the builder, architect, and/or lending institution; may be located on an individual parcel or on open space within the subdivision; must be removed when last lot has been issued a building permit.

SIGN, ROOF— Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**SIGN, ROTATING**— Any sign or portion of a sign which moves in a revolving or similar manner, but not including multiprism indexing signs.

**SIGN, SECONDARY COMPLEX IDENTIFICATION**— Complex identification sign located on a parcel's secondary frontage(s).

**SIGN, TEMPORARY**— Any sign permitted pursuant to the provisions of this Article other than a permanent sign.

**SIGN, WALKWAY**— A sign affixed to the underside of a permanent, covered walkway fronting and connecting three or more commercial premises having direct customer access to the out-of-doors and erected perpendicular to the fronts of such premises at the entrance, so as to aid passerby pedestrians in identifying the location of such premises. All such signs within a commercial complex shall be of the same coloring and shall use the same lettering style and shall not contain logos or any other information than the name of the commercial establishment.

**SIGN, WALL**— 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 18 inches from such building or structure.

**SIGN, WINDOW**— A sign which is applied or attached to the interior of a window or located within three feet of the interior of the window and which can be seen from the exterior of the structure, and which is nonelectric in nature.

**SPECIAL FLOOD HAZARD, AREA OF** — The land in the floodplain within the Town subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 through A99, V, VO, VE or V1 through V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

**START OF CONSTRUCTION** — The initiation, excluding planning and design of any phase of a project, of physical alteration of a property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

**STORE FRONT** — In a single tenant building, the linear distance of that wall of a building which contains the main entrance to the building. In a complex, the linear distance of that wall which encloses a tenant space and contains the tenant's primary access to the out-of-doors.

**STORY**: That portion of a building's habitable space, other than a basement, included 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 the floor and the ceiling above the floor of such space.

**STREET** — A public or private right-of-way for vehicles or pedestrians, excluding Limited Access Highways and navigable waterways, used or laid out to be used in connection with two or more lots, and which embraces all of the right-of-way, whether paved or not, including ditches. A street shall be deemed to have been laid out prior to the passage of this Chapter if a map showing such street was at such time on file in the office of the Albany County Clerk.

**STREET NUMBER PLATE** — A nonelectric sign identifying the number and/or name of the street where a specific building is located.

**STRUCTURE** — An assembly of materials forming a construction framed of component parts and installed on, above or below the surface of land or water. "Structures" include but are not limited to buildings, telecommunication towers, gas or liquid storage tanks, and sheds, and excludes such things as signs, sidewalks, paving, fences, retaining walls,

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

decorative walls, subsurface utilities, utility service boxes, and mailboxes.

**SUBDIVISION** – The division of a lot, tract, or parcel of land into lots, tracts, parcels, or other divisions of land for sale, development or lease.

**MAJOR** – Any subdivision not classified as minor.

**MINOR** - Subdivision of a parcel of land into four (4) lots or fewer where no new public streets or utilities are required.

**SUPERMARKET** — Any building or structure or portion thereof, having more than 5,000 square feet in gross floor area, used for the retail sale of a variety of goods, which may include dairy products, baked goods, fresh or prepared meats, beverages, fresh or prepared foods, fresh fruits and vegetables, canned foods, dry goods, and automotive, household, health, and stationery supplies, and which may also include seating for on-site consumption.

**SURVEYOR** — A person licensed and registered as a land surveyor by the State of New York or who has been issued a limited permit as a professional land surveyor in the State of New York..

**TELECOMMUNICATIONS TOWER**— A structure which supports telecommunications facilities, whether a self-supporting lattice or monopole structure constructed from grade as a freestanding structure or a guyed tower or any other structure erected or intended for the use of one or more antennas for transmitting and/or receiving radio, television, digital, telephone, cellular, microwave or other similar electronic communications. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

**THEATER** — see 'CULTURAL VENUE'

**TOWN** — The Town of Colonie.

**TOWN BOARD** — The Town of Colonie Town Board.

**TOWN ENGINEER** — The duly designated Town Engineer of the Town of Colonie or his authorized deputy, agent or representative.

**TRANSFER STATION:** An intermediate destination for solid waste.

**TRANSIT FACILITY, BUS SHELTER** – A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

**TRUCK GARDEN** - A parcel on which produce, flowers, ornamental plants, or nursery stock are grown for on-premise or off-premise sale.

**UNCONSTRAINED LAND**- the total acreage of a proposed development parcel excluding constrained land.

**UTILITIES** — All storm sewer, sanitary sewer, water distribution, gas, electric power, telephone, cable television, and similar services, designed and installed with the intent to serve the general public.

**VARIANCE** — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

**VARIANCE, AREA** — Any variance granted by the Zoning Board of Appeals, the issuance of which allows a lot to be created, or a use, building, or structure to be established, with different dimensional or other physical characteristics (e.g., lot area or width, building height or area, front, rear, or side yard depth) than would otherwise be permitted.

**VARIANCE, USE** — Any variance granted by the Zoning Board of Appeals, the issuance of which allows a use to be established in a district or portion of a district in which it would not otherwise be permitted.

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

VEHICLE — Passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other such machine or equipment, however propelled, including but not limited to tractors and bulldozers or any device in, upon, or by which any person or property may be transported upon a street.

VETERINARIAN – A licensed professional who provides care, diagnosis and treatment of sick, ailing, infirm or injured animals, and those that are in need of medical or surgical attention.

WALL — Any building surface whose slope is two vertical to one horizontal or steeper.

WAREHOUSE STORAGE/DISTRIBUTION - A building or part of a building used for the storage and distribution of goods wares, merchandise, substances or articles or articles. Warehousing does not include Mini-Warehouse / Self Storage Facility, and does not include wholesale or retail sales.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, canal, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood.

WATERCOURSE AREA — An area 100 feet either side of the center line of a watercourse channel, and within a radius of 100 feet from the upstream and downstream ends of the watercourse channel center line. Where the watercourse channel is greater than 100 feet in width, the watercourse area shall extend to a distance of 50 feet from each side of the channel.

WATERCOURSE CHANNEL — That portion of the watercourse through which water physically passes under normal conditions.

WHOLESALE BUSINESS – Business dedicated primarily to the sale of commodities to retailers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade of business is the consumer or end user of the commodity.

YARD, FRONT— A space on the same lot with the building between the front building line and the front lot line. A building on a corner lot or through lot shall have a front yard with respect to each front lot line.

YARD, REAR— A space on the same lot with the building excluding any front yard or side yard areas.

YARD, SIDE— A space on the same lot with the building, situated between the building and the side lot line, and extending through from the front building line to the rear building line or, on a Through Lot, lying between the two front building lines. A side yard shall be established with respect to each side lot line.

ZONING MAP - The Town of Colonie Zoning Map, as adopted on January 4, 2007, and as subsequently amended, which depicts the location of the various zoning districts in the Town of Colonie (excluding the incorporated villages of Colonie and Menands.)

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

D. List of Abbreviations.

Certain abbreviated terms as used in this Chapter have the following meanings:

ABA - Airport Business Area (zoning district)  
ADA - The Federal Americans with Disabilities Act  
ANSI - American National Standards Institute  
CEM - Cemetery (zoning district)  
CO - Commercial Office (zoning district)  
COR - Commercial Office Residential (zoning district)  
DCC - the Town of Colonie Development Coordination Committee  
FCC - Federal Communications Commission  
FEMA - Federal Emergency Management Agency  
FIRM - Flood Insurance Rate Map  
HCOR - Highway Commercial Office Residential (zoning district)  
HOA - Homeowners' Association  
HVAC - heating, ventilation, and air conditioning  
IND - Industrial(zoning district)  
LC - Land Conservation (zoning district)  
MFR - Multi-Family Residential (zoning district)  
MH - Manufactured Home  
MHP - Manufactured Home Park  
NCOR - Neighborhood Commercial Office Residential (zoning district)  
NFPA - National Fire Protection Association  
NGVD - National Geodetic Vertical Datum  
OR - Office Residential (zoning district)  
PDD - Planned Development District (zoning district)  
PEDD - the Town of Colonie Planning and Economic Development  
Department  
SEAMAB - the Town of Colonie Significant Environmental Areas  
Management Appeals Board  
SEQR or SEQRA - the NY State Environmental Quality Review Act  
SFR - Single Family Residential (zoning district)  
SP - Special Permit