



TOWN OF

Brookhaven

LONG ISLAND, NEW YORK

Glossary of Terms for Building, Planning

Planning, Environment and Land Management

One Independence Hill, Farmingville, NY 11738

(631) 451-6455 Fax: (631) 451-6459

PL-40 rev 7/08

Introduction

The terms defined in this document are commonly referred to in the Town's applications and used in performing Town business, such as hearings, board meetings, and other activities.

This glossary is intended to help applicants, constituents, professionals and others involved in the Town's planning and building process to better understand terms that may be unfamiliar.

If there are any additional terms you wish to add to the glossary, or would like to provide additional information to clarify terms, please contact bpratt@brookhaven.org.

Sources of these definitions and terms include Town Code, Wikipedia, and building and planning reference books.

Glossary of Terms

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|----------------------------|---|
| Acre | 40,000 square feet for building purposes. (43,560 square feet is the technical measurement). |
| Accessory Apartment | A dwelling unit which is subordinate to a permitted principle one family residence use in terms of size, location and appearance and is located within the principle structure. |
| Applicant | A property owner who has filed an application for a land development activity. |
| Building Permit | The document issued by the Building Department allowing the commencement of work. |
| BZA | Board of Zoning Appeals |
| CEHA | Coastal Erosion Hazard Areas – Chapter 76 of the Code of Town of Brookhaven. Its intent to establish a coastal erosion management program pursuant to its authority under Article 34 of the Environmental Conservation Law, applicable to the Town's north shore and Fire Island coastal areas, in furtherance of this Board's ongoing policy of preservation, protection and enhancement of the Town's unique natural environment by implementing this program and through the regulatory framework for the Town's coastal areas as set forth goals and objectives in the Town Code. For more information, please go to Chapter 81 of the Code of the Town of Brookhaven . |



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Certificate of Existing Use (C.E.U.)

The document issued for structures built prior to the adoption of the zoning code in 1937 as well as structures built between 1937 and June 30, 1959, when Building Division records were destroyed. Applicant must prove continuous, uninterrupted use prior to the above mentioned dates.

Certificate of Occupancy (C.O.)

The final document issued by the Building Division upon completion of work and after inspection by a Building Inspector as to compliance with all building codes, Board of Zoning Appeals (BZA) variances, Planning Department recommendations and Health Department requirements.

Chapter 76

Coastal Erosion Hazard Areas (see CEHA).

Chapter 81

Town code pertaining to Wetlands & Waterways. A permit is required if the property to be built on is within 150 feet of any wetland. For more information, please go to Chapter 81 of the [Code of the Town of Brookhaven](#).

Clearing

The removal of any existing natural vegetation located on a lot, parcel or site, exclusive of vegetation associated with active agricultural or horticultural activity or formalized landscaped and/or turf areas.

Clearing Limits

The area of property that is permitted to be cleared of natural vegetation (trees, underbrush, etc).

Cluster Development

A subdivision plat or plats, in which the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

Coastal Erosion Hazard Areas

Those areas on the Town's north shore and Fire Island coastal areas, as identified and mapped on the New York State Department of Environmental Conservation. Pursuant to the Town Board's authority under Article 34 of the Environmental Conservation Law, Chapter 76 of the Brookhaven Town Code establishes a coastal erosion management program intended to preserve, protect, and enhance the Town's unique natural environment.

Comprehensive Plan

A master plan for the future growth, protection and development of the Town of Brookhaven, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and the general welfare of its population. Required under NYS Town Law § 272(a).

Conformity

The percentage of the neighboring parcels within 500ft or 200ft radius in terms of lot size and development comparative to the request of the applicant on the subject parcel.



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Covenants and Restrictions

A **covenant** is a legal obligation or condition imposed in a deed by the seller upon the buyer of real estate to do or not to do something. Such restrictions frequently "run with the land" and are enforceable on subsequent buyers of the property. Examples might be to maintain a property in a reasonable state of repair, to preserve a sight-line for a neighboring property, to not run a business from a residence, or not build on certain parts of the property.

Deed

A **deed** is a legal instrument used to grant a right. Deeds are part of the broader category of **documents under seal**. Deeds can be described as contract-like, as they require the mutual agreement of more than one person. The deed is best known as the method of transferring title to real estate from one person to another, often using a description of its "metes and bounds".

Conditions attached to the acceptance of a deed are known as covenants.

Decision Calendar

A case that has been heard and closed and placed on the decision calendar for a decision to be rendered at a later date (decisions must be made within 62 days).

Easement

Permission to use a portion of someone else's property for access purposes (i.e. path or driveway).

Front Yard Setback

The distance from the front property line to a structure.

HDAC

Historic District Advisory Committee

Historic District

Town designated area containing buildings, structures, and/or places that have a special character based on historical value and notable architectural features representing one or more periods or styles of architecture.

Land Division

A division of any parcel of land into two or more lots, plots, or sites in which all building lots front an existing improved street.

Lot

The unit or units into which land is divided with the intention of offering such units for sale, either as undeveloped or developed sites, regardless of how they are conveyed. "Lot" shall also mean parcel, plot, site and any similar term.

Lot Area

The total square footage or acreage of a parcel of land.



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| Lot, Corner | A lot situated at the junction of and fronting on two or more streets. The owner, when first applying for a building permit, shall designate which of the two streets is to be the principal frontage for the purpose of establishing the front, rear, and side yard requirements of the lot. |
| Lot Frontage | The width on the road (or at the setback line when applicable) of a parcel of land. |
| Lot lines | The boundaries of a parcel of land. |
| Mailings | Applicants must send out certified letters to the surrounding area (200 ft or 500 ft depending on application requirements) describing the parcel, the nature of the request, and hearing date. All return receipts are to be submitted at the time of the hearing. |
| Metes and bounds | <p>Metes and bounds is a system or method of describing land, "real" property (in contrast to personal property) or real estate.</p> <p>Typically the system uses physical features of the local geography, along with directions and distances, to define and describe the boundaries of a parcel of land. The boundaries are described in a running prose style, working around the parcel of the land in sequence, from a point of beginning, returning back to the same point. It may include references to other adjoining parcels of land (and their owners), and it, in turn, could also be referred to in later surveys. At the time at which the description is compiled, it may have been marked on the ground with permanent monuments placed where there were no suitable natural monuments.</p> <p>The term "metes" refers to a boundary defined by the measurement of each straight run, specified by a distance between the terminal points, and an orientation or direction. A direction may be a simple compass bearing, or a precise orientation determined by accurate survey methods. The term "bounds" refers to a more general boundary description, such as along a certain watercourse, a stone wall, an adjoining public road way, or an existing building.</p> <p>The system is often used to define larger pieces of property (e.g. farms), and political subdivisions (e.g. town boundaries) where precise definition is not required or would be far too expensive, or previously designated boundaries can be incorporated into the description.</p> <p>A typical description for a small parcel of land would be: <i>"From the point on the north bank of Muddy Creek one mile above the junction of Muddy and Indian Creeks, north for 150 yards, then northwest to the large standing rock, west to the large oak tree, south to Muddy Creek, then down the center of the creek to the starting point."</i></p> |
| Minimum Side Yard | The distance from the closest point of a structure to the closest property line on the side. |
| Non-conforming Structure | Any structure that does not conform to the current zoning by reason of lot area, setbacks, side yards or rear yards. |



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| Non-Conforming Use | Any use of a building, structure, or land which does not conform to the regulations of the use district in which it is situated. |
| Posting of Property | A public notice sign must be posted on the subject parcel informing the general public of the public hearing date and the variance or action requested. |
| Public Notice | All applications must be advertised in the legal ads of newspapers. |
| Radius Map | Map depicting the size, shape and location of a subject parcel as well as the properties within a 500 ft radius. Suffolk County Tax Map Numbers, names, and addresses of all property owners are also included. The map is submitted to the Town Board, Planning Board, or Zoning Board of Appeals with all applications requiring lot area and/or lot variances. |
| Real Estate | <p>Real estate is a legal term that encompasses land along with anything permanently affixed to the land, such as buildings, specifically property that is stationary, or fixed in location. Real estate law is the body of regulations and legal codes which pertain to such matters under a particular jurisdiction. Real estate is often considered synonymous with real property (also sometimes called <i>realty</i>), in contrast with personal property (also sometimes called <i>chattel</i> or <i>personalty</i> under <i>chattel law</i> or <i>personal property law</i>).</p> <p>However, in some situations the term "real estate" refers to the land and fixtures together, as distinguished from "real property," referring to ownership rights of the land itself.</p> |
| Rear Yard | The distance from a structure to the lot line in the back (corner parcels do not have a rear yard – they have 2 front yards and 2 side yards). |
| Sasso v. Osgood | The New York State case which defines the factors for the BZA to consider when hearing applications. The factors are incorporated into Section 85 of the town code. |
| SEQRA | State Environmental Quality Review Act. |
| Side Yard | The distance from a structure to the side property line. |



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Signs

See Chapter 57A of the [Code of the Town of Brookhaven](#). Any material, structure or device or part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

Single and Separate

Parcel of land that has not been held in the same name at the same time with any adjacent parcels since the relevant up-zoning date for the specific area (see section 85-372(C) of the Town Code).

Storm Water 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. See chapter 86 "Stormwater Management and Erosion Control" of the Town Code.

Storm Water Runoff

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

Subdivision

A division of any parcel of land into two or more lots, plots, blocks or sites.

Survey

Per the American Congress on Surveying and Mapping (ACSM), the science and art of making all essential measurements to determine the relative position of points and/or physical and cultural details above, on, or beneath the surface of the Earth, and to depict them in a usable form, or to establish the position of points and/or details.

TDR

Transfer of Development Rights.

Tree

Any living, perennial woody plant, its branches, its root system and its trunk, greater than 3 inches in diameter measuring three feet from the ground level, and six feet in height measured from ground level.

Up-zoning

Legislation passed by the Town Board changing and increasing the zoning regulations in different areas of the Town at various times.

Variance (area/setback)

The authorization by the BZA to deviate from the dimensional or physical requirements of the applicable zoning regulations.



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Waterway

Any natural or artificial fresh or marine body of water commonly known as a stream, river, creek, lake, pond, estuary, bay, harbor, ocean, and the like. A waterway includes those areas defined as lands underwater.

Wetlands

Areas that meet the definition of "tidal wetland" or "freshwater wetland" as defined in Chapter 81 of the Town Code.

Zoning

Zoning is a term used in urban planning for a system of land-use regulation. The word is derived from the practice of designating permitted uses of land based on mapped zones which separate one set of land uses from another.