

GUIDE AND APPLICATION FOR HOME OCCUPATION PERMITS

Town of Galway Zoning law provides for the granting of permits in the town for suitable activities classified as *home occupations*. It is the intent of the local law to ensure the compatibility of home occupations with other uses, maintain and preserve the character of the neighborhood, ensure peace, quiet and domestic tranquility within residential areas, and allow residents to engage in gainful employment in their homes while avoiding excessive noise, traffic, nuisance, fire hazards, and other possible adverse effects of commercial uses. There are three categories of home occupations: Low-Impact, Major and Minor. **Prior to conducting any business, trade or profession from a residence, application to the Zoning/Code enforcement officer for the purpose of initial review to determine category is required.** Upon review, if the code enforcement officer determines the business to be low-impact, officer will authorize commencement of the business. Determination that the business is anything other than low-impact will require forwarding of the application to the Planning Board for site plan review/special use permit.

General standards for all home occupations, except low-impact home occupations, include:

- (1) A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner that does not give the outward appearance of a business, does not infringe on the right of neighboring residents, and does not alter the character of the neighborhood. A home occupation may be conducted within a dwelling unit and/or within accessory structures.
- (2) Parking required for the home occupation shall be determined by the Planning Board.
- (3) No other professional shall be permitted to share, let, or sublet space for professional use.
- (4) No more than 800 sq ft or 30% of the total floor area of a dwelling shall be utilized. A home occupation may be located in an accessory building not to exceed 800 sq ft.
- (5) Any signs used in conjunction with a home occupation shall meet the requirements of Section 115-30 of the local law.
- (6) All exterior aspects of the home occupation shall not disrupt the residential character of the area. There shall be no exterior display, exterior storage of materials or other exterior evidence of the home occupation, except for signs and off-street parking.
- (7) No home occupation shall produce any odor, noise, vibration, smoke, dust, heat or glare that exceeds the average level in the immediate vicinity nor detectable beyond the property line of such parcel.
- (8) **Minor and Major** home occupations require site plan review by the Planning Board and subsequent issuance of a special use permit. The Planning Board must find that the proposed home occupation meets the criteria and standards as set forth in town of Galway Zoning law. A special use permit issued accordingly shall be issued only to the applicant and shall not be transferred to another person.

Home occupation: low-impact: Low-impact home occupations, as permitted by right, are exempt from site plan review by the Planning Board and/or issuance of a special use permit. However, initial application to the Zoning/Code enforcement officer is required. A low-impact home occupation:

- DOES NOT attract or encourage customers or clients to the premises
- Is conducted solely by members of the same family occupying the dwelling unit as their full time residence
- HAS NO EXTERIOR DISPLAY, exterior storage of materials or other exterior evidence of any home occupation
- HAS NO SIGNAGE advertising the existence of the home occupation
- REQUIRES NO ALTERATION, addition or change to the structure or an accessory structure on the same lot that would require a building permit in order to accommodate such use

If, following review of the application by the code enforcement officer, it is determined that all the above-stated criteria for low-impact home occupation apply and can be met, the home occupation shall be permitted and no further review is necessary.

Home occupation, Major: An individual may, with site plan approval from the Planning Board and subsequent issuance of a special use permit by the Zoning/Code Enforcement Officer, conduct his/her business, trade or profession in his/her home or residence, provided no more than three (3) other persons are employed in addition to the owner or tenant of the property. Additional specific requirements for a major home occupation as outlined in Section 115-49 also apply.

Home occupation, Minor: An individual may, with site plan approval from the Planning Board and subsequent issuance of a special use permit by the Zoning/Code Enforcement Officer, conduct his/her business, trade or profession in his/her home or residence, provided that no more than one (1) person is employed in addition to the owner or tenant of the property. Additional specific requirements for a minor home occupation as outlined in Section 115-49 also apply.

Town of Galway
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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5910 Sacandaga Rd
Galway, NY 12074
Tele – 518-882-6070

If the above conditions *can be met* and the Zoning/Code Enforcement Office determines the occupation meets the criteria of a **major** or **minor** home occupation, the completed application, along with the Short Environmental Assessment (SEQRA) Form (attached or available at www.dec.ny.gov/permits/6191.html) - (Part I only to be completed/signed/dated by applicant) will be forwarded to the Clerk of the Planning Board. The application shall also include a plot plan/sketch plan. The plot plan/sketch plan need not be professionally drawn but should show, at a minimum, the following:

- a) title of plan, including the name and address of the applicant and person responsible for preparation of the drawing (*if other than applicant*)
- b) north arrow
- c) the boundaries of the property
- d) location of all buildings (existing and/or proposed)
- e) location of any proposed parking
- f) ingress and egress drives, streets and roads
- g) location, design and construction materials of all proposed signage

The Planning Board may request the plot plan be revised to include any other elements considered integral to the proposed home occupation.

Note: Applications must be received by the Planning Board Clerk by the first working day of the month to be placed on the agenda for review at that month's meeting. Applications received after that date will be scheduled for the next regularly scheduled meeting. The Planning Board meets the fourth Tuesday of each month.

All three categories of Home Occupation require a filing fee accompany the application.

(Please refer to current Planning Board Fee Schedule available at Town Hall)

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FOR TOWN USE ONLY

Application # _____

Date Received _____

Form #HO-002/Rev. 3/10

HOME OCCUPATION PERMIT APPLICATION

(Completed application and SEQRA Short Form [attached and/or available at www.dec.ny.gov/permits/6191.html], shall be initially reviewed by the Zoning/Code Enforcement Officer. If deemed necessary, the application shall be forwarded to the Planning Board Clerk for review by the PB. Applications received by the PB Clerk by the first working day of the month will be scheduled for review that month. Applications received after that date will be placed on the agenda for the next regularly scheduled meeting. The Planning Board meets the fourth Tuesday of each month.)

Application fee due at time of filing. (Please refer to current Planning Board Fee Schedule available at Town Hall)

Part I: Applicant Information

Name: _____

Mailing Address: _____ Legal Address (if other than mailing address) _____

Home Phone () _____ Work Phone () _____ Other (Specify) _____

Part II: Home Occupation Information

Address/Location of proposed home occupation: _____

Tax Parcel # of subject parcel (can be obtained from tax bill) _____

Description of proposed Home Occupation: _____

What is the primary use of this property? _____

Will the business attract or encourage customers/clients to the premises? _____

Will the business employ anyone other than family members occupying the home as their full time residence? _____

Will the business have any exterior display, exterior storage of materials or evidence of the home occupation? _____

If yes, explain: _____

Will there be any signage advertising the existence of the home occupation? _____

Will the business require any exterior alteration, addition or change to the structure and/or an accessory structure on the same lot that would require a building permit in order to accommodate the use? _____

If yes, explain: _____

Signature of Applicant: _____ Date: _____

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Part III: Initial Review (TO BE COMPLETED BY ZONING/CODE ENFORCEMENT OFFICER)

- A. Upon review of Parts I & II, above, it is my determination that this business meets the criteria of a **low-impact** home occupation. As such it is permitted by right and is exempt from site plan review and special use permit requirements.

Signed: _____ Date: _____
Zoning/Code Enforcement Officer

- or -

- B. Upon review of Parts I & II, above, it is my determination that this business may meet the criteria of a **minor** or **major** home occupation and therefore warrants referral to the Planning Board for site plan review.

Signed: _____ Date: _____
Zoning/Code Enforcement Officer

(Direct applicant to Part IV, below)

Part IV: Additional Information for Minor or Major Home Occupation (TO BE COMPLETED BY APPLICANT)

How many persons will be employed in addition to the owner or tenant of this property? _____

How many/what businesses will be conducted on this property? _____

For each business, what square footage or %age of the total floor area of the dwelling will be utilized? _____

Will the business be located in an accessory building on the premises? _____ *If yes*, what is the square footage of said building? _____

Planned business days/hours of operation: _____ / _____

Estimated # of customers visiting the premises at any one time _____

Number of off street (on premises) parking spaces available for employees _____

Is there allowance for parking of delivery vehicles on the premises? _____

Estimated # of deliveries and/or pick-up of materials or commodities to and from the premises per week _____

Will the business produce any odor, noise, vibration, smoke, dust, heat or glare that exceeds the average level in the immediate vicinity and/or be detectable beyond the property line of said property? _____ *If yes*, explain _____

Applications for **minor** or **major** home occupations should also **include a plot plan/sketch plan**. Plan need not be professionally drawn but should show, at a minimum, the following: a) title of plan, including the name and address of the applicant and person responsible for preparation (*if other than applicant*); b) north arrow; c) the boundaries of the property; d) location of all buildings (existing and/or proposed); e) location of proposed parking; f) ingress/egress drives, streets and roads; g) location, design and construction materials of all proposed signage. The Planning Board may request the plot plan be revised to include any other elements considered integral to the proposed home occupation.

Signature of Applicant _____ Date _____

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V: PLANNING BOARD ACTION (TO BE COMPLETED BY PLANNING BOARD UPON REVIEW)

Classification: Minor _____ Major _____ Date _____

_____ Approved Date _____

Conditions:

_____ Denied Date _____

Reasons for denial:

Chair (or Designee)
Town of Galway Planning Board

cc: Zoning/Code Enforcement Officer
Town Clerk
Chair, ZBA
Tax Assessor

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			<input type="checkbox"/>
			<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

PLANNING BOARD
FEE SCHEDULE

The Town Board of the Town of Galway adopted the following fee schedule for Planning Board activities

PLEASE NOTE: All **application fees** are **due at the time of application**. Additional fees to be collected at time of final approval.

I. **MINOR SUBDIVISION:**

Application Fee: \$75 (due at time of application) **Plus \$75 for each new lot created** (due at the time of final approval)

Subdivisions of **three (3) or more lots** will incur an additional **GREEN SPACE/RECREATION FEE of \$600 for each lot** (due at time of final approval)

Note: Parent parcel is exempted if it contains a residence at the time of subdivision

II. **ANNEXATION AND/OR LOT LINE ADJUSTMENT:** (Considered a minor subdivision)

\$50 Application Fee only (due at time of application)

III. **MAJOR SUBDIVISION (5 or more lots) – RESIDENTIAL**

Application Fee - \$150 (due at time of application) **Plus \$150 for each new lot created** (due at time of final approval)

GREEN SPACE/RECREATION FEE: \$600 for each lot (due at time of final approval)

(Note: Parent parcel is exempted if it contains a residence at the time of approval.)

PROFESSIONAL FEES – The applicant will agree, by way of signing an *Agreement to Pay*, to reimburse the town for all professional fees (including but not limited to engineering fees, attorney fees) incurred by the town in conjunction with the application.

IV. **MAJOR SUBDIVISION (5 or more lots) – NON-RESIDENTIAL/COMMERCIAL**

Application Fee - \$250 (due at time of application) **Plus \$150 for each new not created** (due at time of final approval)

GREEN SPACE/RECREATION FEE: \$600 for each lot (due at time of final approval)

(Note: Parent parcel is exempted if it contains a residence at the time of approval.)

PROFESSIONAL FEES – The applicant will agree, by way of signing an *Agreement to Pay*, to reimburse the town for all professional fees (including but not limited to engineering fees, attorney fees) incurred by the town in conjunction with the application.

V. **MAJOR SUBDIVISION (5 or more lots) – NON-RESIDENTIAL/AGRICULTURAL**

Application Fee - \$150 (due at time of application) **Plus \$150 for each new lot created** (due at time of final approval)

GREEN SPACE/RECREATION FEE: \$600 for each lot (due at time of final approval)

(Note: Parent parcel is exempted if it contains a residence at the time of approval.)

PROFESSIONAL FEES – The applicant will agree, by way of signing an *Agreement to Pay* with the town, to reimburse the town for all professional fees (including but not limited to engineering fees, attorney fees) incurred by the town in conjunction with the application.

VI. **SPECIAL USE PERMIT/SITE PLAN REVIEW**

Application Fee - \$125 (due at time of application) **Plus \$125 for each new lot or unit created** (due at time of final approval)

PROFESSIONAL FEES – The applicant will agree, by way of signing an Agreement to Pay, to reimburse the town for all professional fees (including but not limited to engineering fees, attorney fees) incurred by the town in conjunction with the application.

VII. **PLANNED DEVELOPMENT DISTRICT**

Application Fee - \$500 (due at time of application); **Plus \$150 for each living unit or lot,** whichever is greater (due at time of final approval); **Plus,** where applicable, a commercial or industrial fee per unit of \$25/1000 sq. ft.

If the Planned Development District encompasses both residential and commercial development, the sum of the two, calculated separately, shall apply.

GREEN SPACE/RECREATION FEE - \$600 for each new residence (due at time of final approval)

PROFESSIONAL FEES – The applicant will agree, by way of signing an *Agreement to Pay*, to reimburse the town for all professional fees (including but not limited to engineering fees, attorney fees) incurred by the town in conjunction with the application.

VIII. **HOME OCCUPATION**

\$75 Application Fee only

IX. **SIGNS**

\$75 Application Fee only