

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

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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.

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 20th working day of the month to be placed on the agenda for review at the next month's meeting. Applications received after that date will be scheduled for the next regularly scheduled meeting. The Planning Board meets the Third Wednesday of each month.

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

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

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