

Chapter 208. Zoning

Article III. Residential Districts

§ 208-10. Residential 1 Districts (R-1).

- A. General provisions. Residential 1 Districts (R-1) are primarily for suburban residence uses and to accommodate relatively dense residential development at densities appropriate with environmental restrictions and which transition between the Town's primary commercial development districts and lower-density districts both in density and allowable land uses. The Town has an approved Agricultural District (which does not directly affect zoning). A copy of the map of this district may be reviewed in the Town Clerk's office. (See also Article XII, Vischers Ferry Road Corridor).
- B. Permitted uses; restrictions. In Residential 1 Districts (R-1), no building or other structure or land shall be used and no building or other structure shall be built, altered or erected for any purpose other than that of:
- (1) Any form of agriculture or horticulture, including the storage, processing and sale of farm products, except as follows:
 - (a) The following uses are prohibited on lots smaller than five acres in size:
 - [1] Keeping livestock or poultry, such as hogs, cows, horses, goats or chickens.
 - [2] Commercial greenhouses.
 - [3] Roadside stands or other structures for the sale of farm products.
 - (b) All necessary odors, noises and agricultural chemicals associated with approved farming practices shall be permissible.
 - (2) A one-family dwelling and its accessory buildings.
 - (3) Public utility structures.
 - (4) Emergency ambulance facilities if and only as long as these facilities are under contract to the Town of Clifton Park to provide general health services to the Town.
 - (5) Residential cluster development, under the provisions of § 179-37 of the Code of the Town of Clifton Park.
 - (6) Home occupation.
 - (7) Radio installations, amateur (HAMS). See § 208-95A.
 - (8) All other telecommunication towers on shared sites as in § 208-95B.
[Added 12-9-1996 by L.L. No. 11-1996]
 - (9) Tier 1 solar energy system.
[Added 10-18-2021 by L.L. No. 6-2021^[1]]
[1] *Editor's Note: This local law also redesignated former Subsection B(9) as Subsection B(10).*

(10) Other uses and other buildings and structures as provided by the following sections:

(a) Only the following special uses shall be considered pursuant to § **208-79** et seq.:

- [1] Cemeteries.
- [2] Accessory use of a building.
- [3] Timbering. (See Chapter **184** of this Code)
- [4] Excavation and removal of stone, sand and gravel.
- [5] Day-care home.
- [6] Bed-and-breakfast facilities.
- [7] Dwelling, two-family and/or semidetached. Each structure shall be considered the equivalent of two dwelling units. Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by § **208-11**.
[Amended 3-3-2018 by L.L. No. 6-2018]
 - [a] An in-law apartment/family member accessory apartment is not to constitute an additional dwelling unit when factoring bulk density calculations.
- [8] Church or other place of worship.
- [9] Facilities for the sale and/or consumption of farm- and country-related edible and nonedible products at farm markets. Such facilities shall be consistent with the customary activities and operations normally associated with a farm.
- [10] Electrical substation, gas district governor station, telephone exchange or other public utility building, structure or use, except a business office, storage yard, or repair shop, and subject to the provisions of § **208-79E(2)**.
- [11] Storage of LP gas in excess of 1,100 gallons.
- [12] Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article **XIV** and Article **XVI**.
[Added 3-21-2011 by L.L. No. 9-2011; amended 10-18-2021 by L.L. No. 6-2021]

(b) Section **208-96**, Temporary uses and structures.

C. Space and bulk standards. See § **208-11**.

Town of Clifton Park Code Chapter 208-7 Definitions and work usage.

DAY CARE

Daytime care or instruction of three or more individuals away from their own homes for more than three but less than 24 hours per day on a regular basis by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

DAY-CARE CENTER

A place other than an occupied residence, providing or designed to provide day care for any number of individuals, or an occupied residence providing or designed to provide day care for seven or more individuals, and which meets the criteria contained in Part 418 of Title 18 of the New York Code of Rules and Regulations.

DAY-CARE HOME

A family home, which is a personal residence and occupied as a family residence, which provides child day care on a regular basis for compensation or otherwise and, for purposes of this chapter, includes both of the following as defined in Parts 416 and 417 of Title 18 of the New York Code of Rules and Regulations and which meets the criteria as contained in those two Parts:

- (1) Family day-care home: for three to six children (Part 417).
- (2) Group family day-care home: for seven to 12 children (Part 416).

Town of Clifton Park Code Chapter 208-10 B. (10)(a)[5] Day-care home is a special use and shall be considered pursuant to 208-79.

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The application of Emmett J. Burns, Jr., as agent for the owner, Ellen Burns, for a special use permit, a front-line building variance, a front setback variance, a parking variance and a setback variance for signage in connection with the proposed construction of a residence and a nursery school at 1612 Crescent Road. The property is located in an R-1 residential zoning district. The secretary read the legal notice as it appeared in the Schenectady Gazette. This application was reviewed and approved by the Saratoga County Planning Board. The town planning board recommended approval of the special use permit, a 200' lot width variance, subject to adequate landscaping. A short environmental assessment form was submitted. Mr. Burns described the proposal to the board. He stated that the present structure will be demolished and a new two-story building will be constructed. The downstairs will be used for the nursery school, and an apartment will be located upstairs. He discussed the location, size of the parcel, size of the structure, water and sewers. There will be 15 students in each classroom (30 students at one time). Two neighbors, Federece and O'Connell, expressed concern over increased noise and traffic on Crescent Road. After a thorough discussion by the board and Attorney Fitzner, a motion was made by R. Heitzman to grant a special use permit because the requirements set forth in the code (section 208-83) have been met. Seconded by C. Smith. On a roll call vote, motion unanimously carried.

A motion was made by R. Heitzman to deny the front building line setback variance (applicant will be required to meet 130' setback requirements). Seconded by L. Diesem. On a roll call vote, motion unanimously carried.

A motion was made by R. Heitzman to grant a 40' front building line width variance, a 43' setback variance for parking and a 95' setback variance for signage, the special use permit and all variances contingent upon buffer zoning for noise control, and the location must have water and be hooked into county sewers. Seconded by L. Diesem. On a roll call vote, motion unanimously carried. The application was signed by Chairman Barrett.

