



# City of Albany Planning Board

## DEMOLITION REVIEW APPLICATION

### Part I – Applicant / Owner Information

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Authorized Agent: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email \_\_\_\_\_

### Part II – Structure

Property Address: \_\_\_\_\_ Tax ID #: \_\_\_\_\_

Extent of Demolition:  Full  Partial

If partial, explain extent: \_\_\_\_\_

Total Sq. Ft. to be Demolished: \_\_\_\_\_

Primary Structure  Accessory Structure

Type of Structure:  Residential  Commercial  Mixed

Type of Construction:  Wood  Brick  Steel  Other

Approximate Year Built: \_\_\_\_\_ Source: \_\_\_\_\_

The building is currently:     \_\_\_ Occupied     \_\_\_ Unoccupied

Upon purchase, the building was:     \_\_\_ Occupied     \_\_\_ Unoccupied

If occupied, what is the current use of the structure? \_\_\_\_\_

\_\_\_\_\_

If unoccupied, for how long: \_\_\_\_\_

What is the approximate cost to stabilize the structure? \_\_\_\_\_

What is the approximate cost to rehabilitate the structure? \_\_\_\_\_

Please explain the reasons for vacancy: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***Photos required:***

Attached Structure

- Front and Rear View of the structure
- Any attached structures

Detached Structure

- Front, Rear and Side Views of the structure
- Any immediately adjacent structures

What % of construction and demolition debris is being diverted from disposal to landfills through recycling, reuse and diversion programs? \_\_\_\_\_

Please describe what material is being diverted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Please attached the following documents for review (if appropriate):

- Site Plan
- Building Elevations
- Copies of necessary zoning approvals
- Copies of proposed lot consolidations

Submit **seven (7) copies** of the completed application with the following:

- Check in the amount of **\$150.00** per structure (*or \$75.00 per structure if in conjunction with an application for Site Plan Approval*) made out to **Treasurer, City of Albany,** and
- Copy of the Building Department referral letter

Applications should be addressed to:

**City of Albany Planning Board  
200 Henry Johnson Blvd., Suite 2  
Albany, NY 12206**

For information, please call (518) 434-5250.

*Supplemental information may be required as per §375-40 of the Code of the City of Albany, New York (attached).*

**§ 375-40. [Reserved] Demolition Review**

As per §133-20 of the Code of the City of Albany and in order to provide for better oversight of demolitions of buildings or structures and to provide for site plan review for lots where buildings or structures have been demolished, the Planning Board has been designated as the agency responsible for implementing the following demolition review procedure, with the powers and duties described herein.

**A. Purpose.**

(1) The quality and feel of the City of Albany are heavily shaped by the attributes, integrity, historical and neighborhood character and design and scale of existing residential and non-residential neighborhoods and areas. The preservation, enhancement and continued use of structures with historic, architectural, economic, cultural and/or aesthetic importance are essential in retaining this community and neighborhood character.

(2) The process of demolition alters the characteristics of the site and, whether or not redevelopment is proposed, can significantly impact the natural, social, and economic character of the neighborhood.

(3) The City of Albany Planning Board should decide whether a structure may be removed from the City's urban fabric.

**B. Definitions.**

**BOARD** – The Planning Board for the City of Albany, NY

**ADMINSTRATOR** – The Director of Buildings of the City of Albany, New York, or another City official who is designated by law to fulfill the duties of that position.

**CHIEF** – The CHIEF of the Department of Fire, Emergency & Building Services or his or her designee.

**DEMOLITION** – Any act of pulling down, destroying, removing or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same.

**DEMOLITION PERMIT** – A permit issued by the Administrator for the demolition of a building or structure.

**EMERGENCY DEMOLITION** – A demolition authorized when after inspection, it is determined by the Chief that a building or structure poses an imminent threat to the public health or safety of the community.

**C. Permit Requirements.**

No person shall demolish any building, structure or any portion thereof without a valid demolition permit as issued by the Division of Building & Codes and as prescribed in §133-20.

**D. Application Review.**

Upon receipt of any application for a demolition permit involving a building or structure, which is located outside of any historic district or designated urban renewal area, the Division of Building & Codes shall refer the applicant to the Planning Board for submittal of a demolition review application.

**E. Application.**

The applicant must submit a complete application to the Division of Building & Codes in order to be granted a hearing by the Board. A complete application shall include the following:

- (1) Appropriate standard forms, fully and accurately completed and signed, as required by other provisions of this chapter or by the rules and regulations adopted by the Board for the conduct of its business.
- (2) Other information or documentation, as required by this chapter or by the rules and regulations of the Board.
- (3) Payment of the applicable fee.

**F. Redevelopment & Restoration Plans.**

- (1) In addition to the requisite application forms, the applicant shall submit:
  - a) A redevelopment plan for the site that provides for a replacement or rebuilt structure for the structure being demolished or relocated, indicating in sufficient detail the nature, appearance and location of all replacement or rebuilt structures; or
  - b) For lots to remain vacant, a restoration plan for the property following demolition and/or redevelopment, including a description of materials, grading, landscaping, and maintenance procedures to be utilized to ensure that the restoration conforms to the approved plan and that landscaping survives in a healthy condition.
  - c) A treatment plan for any walls of adjacent buildings exposed as a result of demolition
- (2) Applications involving more than a single building or structure shall be comprehensively submitted based upon the nature and specifics of the proposed redevelopment or restoration plan, and where determined appropriate by the

Board, may be incorporated into the traditional site plan review process. The Board may choose to evaluate individual buildings or structures referenced in the application on a case-by case basis.

**G. Zoning Compliance.**

Prior to any public hearing on an application the Administrator shall certify that the proposed redevelopment and/or restoration plan meets all requirements, standards and specifications as set forth in Chapter 375 and that any necessary approvals for variances, special use permits or parking lot permits have been granted prior to the demolition review.

**H. Review Criterion.**

(1) The following criteria shall be evaluated by the Board in their review process, any or all of which may be used by the Board in making its determination to approve or deny an application for a demolition permit:

- a) Whether the demolition and/or proposed redevelopment plan is consistent with the City of Albany Comprehensive Plan, neighborhood or district plans, and/or City or regional planning objectives.
- b) Whether the proposed redevelopment project is consistent with the applicable zoning requirements and in the case that it is not, whether any approvals for a variance, special use permit or parking lot permit have been granted.
- c) Whether the structure has significant historical, architectural, aesthetic or cultural value in its present or restored condition and whether the loss of the building would be detrimental to the historical or architectural heritage of the City.
- d) The relationship of the building to the character of the neighborhood as an established and definable area, the streetscape and its environs, or any adjacent or attached buildings.
- e) The architectural merits of the proposed new construction, as compared to the building or structure proposed to be demolished and as related to the character of surrounding neighborhood or district.
- f) The details of the site plan and proposed use, and the time frame within which the applicant intends to commence the proposed redevelopment of the site.

(2) In making its determination, the Board may also consider:

- a) Whether realistic alternatives, including adaptive uses, are likely based upon the nature or cost of work necessary to preserve the structure.
- b) The condition of the structure(s) and the economic viability of rehabilitation and whether the building or structure can be rehabilitated or reused.
- c) Whether the hardship is self-created, or whether the building or structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain it.
- d) Whether some portion of the building, such as a façade or distinctive architectural details, can or should be retained or reused in the new construction.
- e) Evidence or testimony presented by any established City Board, Committee or Department, community organization, neighborhood association, elected official or member of the general public.

**I. Decision and Findings.**

Upon consideration of the application submitted and evidence presented, the Planning Board in a reasonable time shall approve, conditionally approve, or deny any application presented for demolition review.

**J. Conditions.**

The Board shall, in the granting any approval, have the authority to impose such reasonable conditions and restrictions necessary.

**K. Complaints of violations; penalties for offenses.**

(1) Violation. Any owner of a building and/or structure subject to this ordinance who knowingly acts to demolish said building and/or structure, or damage a portion of a building or structure in a way which increases its likelihood of total failure, without first obtaining a building permit for demolition in accordance with the provisions of this ordinance, or who likewise by me causative action contributes to the deterioration of said building or structure during the demolition review period, shall be in violation of this ordinance.

(2) Complaints and determinations of violation. Any person alleging violation of this chapter may file a complaint in writing with the Administrator who shall investigate the same and prepare a report thereon. If reasonable evidence of a violation exists, the Administrator may then revoke or suspend the permit or issue a notice of violation and an order to cease and desist.

(3) Penalties. Any convictions of violating or assisting in the violation of this chapter or the terms and conditions of any certificate of appropriateness shall be

punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed 15 days, or both, for each offense. Each day that a violation is continued uncorrected or resumed, after the violator is notified, shall constitute a separate offense.

(4) Permits Withheld. No building permit shall be issued with respect to any premises upon which a significant structure has been demolished in violation of this ordinance for a period of two (2) years from the date of the completion of such demolition.

(5) Violators may also be subject to the penalties prescribed in § 133A-3 of Chapter 133A of the City Code, if applicable.

**L. Limitation of Powers; Internal Review Procedure.**

This article shall in no way affect, supersede or abridge any emergency powers or any other powers of the Chief as to public safety, health and welfare.

**M. Demolition Diversion Requirements.**

A minimum of twenty-five percent (25%) of construction and demolition debris generated from applicable construction, remodeling, or demolition projects shall be diverted from disposal to landfills through recycling, reuse and diversion programs. Separate calculations, plans and reports are required for the construction portion and demolition portion of projects.

**N. Severability.**

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.