



BZA APPLICATION SUBMISSION CHECKLIST

SITE ADDRESS _____

APPLICANT _____

This checklist ensures that Applicant(s) have provided all **required documents** with the BZA Application, prior to its submission to the City of Albany. Applicant(s) are responsible for submitting BZA Applications in **pursuant to §375 of the City Code**. Failure to submit the materials listed below will result in an incomplete BZA Application, and will not be accepted or approved. The Department of Planning and Development will determine the adequacy of the BZA Application submitted within **ten (10) business days** of its receipt.

REQUIREMENTS For All BZA Applications	Applicant Checklist	Not Applicable*	<i>For City Planning Review</i>
Submit (1) HARD COPY of ALL Materials listed below to: City of Albany Department of Planning & Development 200 Henry Johnson Boulevard Albany, New York 12210	<input type="checkbox"/>		<input type="checkbox"/>
Rejection Letter from Buildings & Regulatory Compliance	<input type="checkbox"/>		<input type="checkbox"/>
BZA Application Form	<input type="checkbox"/>		<input type="checkbox"/>
Property Deed	<input type="checkbox"/>		<input type="checkbox"/>
Owner Consent Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photographs	<input type="checkbox"/>		<input type="checkbox"/>
Floor Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site / Plot Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BZA Application Fee	<input type="checkbox"/>		<input type="checkbox"/>
Electronic Submission to zoning@albanyny.gov PDF Document(s): BZA Application and ALL Materials listed below. Images formatted no larger than 11" x 17"	<input type="checkbox"/>		<input type="checkbox"/>

* See BZA Application for applicable materials to submit.

FOR AGENCY USE ONLY:

Date Accepted:	SEQRA Classification:
Case #:	County 239 Referral:
Public Hearing Date:	Reviewed by:



SPECIAL USE PERMIT

Instructions for Applicants

Certain special permit uses have been identified in the Zoning Ordinance as having a special impact or unique form that requires a careful case-by-case review of their location, design, configuration and impact to determine the desirability of permitting their establishment on any particular site. Upon a finding that a proposed use is permitted only as a special permit use within an applicable district, any party may file an application with the Board of Zoning Appeals within **thirty (30) days** of the date of the issuance of a **referral letter by the Department of Buildings & Regulatory Compliance**.

Upon submission of your application, the Director of Planning or his designee will review the application for completeness. The Department will make every effort to respond with a determination of completeness within **ten (10) business days** of receipt. Complete applications will be assigned a public hearing date and transmitted to the Board of Zoning Appeals for consideration.

Pursuant to [§375-18](#) of the City Code, a public hearing cannot be scheduled until a complete application has been received and is available to the public. If your application is found to be incomplete, you will be mailed a letter listing the deficiencies or additional information requested. An incomplete application will remain on file for a period not to exceed **thirty (30) days**, or until withdrawn, at which point it will be returned to the applicant and a new submission will be required.

Documents Required for a Complete Application Submission

1. **Application Submission Checklist** – An application checklist is provided for the convenience of the applicant(s) and the City to ensure that the standard application submission requirements are being met. The applicant shall initial that each required item has been submitted and provide a copy of the completed checklist with the application.
2. **Rejection Letter** – A rejection letter is received when, upon submission of a Zoning & Building Permit application, it is determined that a building or use proposal does not meet the provisions of of the [City Zoning Ordinance](#).
3. **Application Forms** – Standard forms to be fully completed are attached to this document. These forms ask the applicant(s) to supply some basic information such as property characteristics and contact information. They also require that the applicant(s) provide a written statement in support of each of the statutory criteria that the Board of Zoning Appeals must consider in evaluation of your appeal.
4. **Ownership / Consent** – Documentation of ownership of the property that is the subject of the appeal must be provided. Property deeds can be obtained from the Office of the Albany County Clerk. If the applicant is not the property owner, the owner(s) of record must consent to the filing by endorsing the owner consent form provided with the application.
5. **Photographs** – Photographs are required that depict the existing conditions at the property that is the subject of the appeal. The date that the photographs were taken and the name of the photographer shall be noted.
6. **Drawings** – Submittal of the following additional documents is required on a project-by-project basis as set forth within the following matrix:

Additional Document Matrix	Floor Plans	Site / Plot Plan	Building Elevations
New Construction / Addition	X	X	X
Reuse of Existing Building	X		
Parking Lot or Outdoor Use		X	
Appurtenant Feature or Facility		X	X

- **Site / Plot Plan** – A graphic representation, drawing, or sketch that shows the arrangement, layout and design of the proposed improvements. The plan shall be drawn to scale and include dimensions. Key elements of a site plan are the location of the property boundaries, proposed and/or existing structures, vegetation, landscaping or screening, utility runs, roadways and topography of the project site.
- **Floor Plans** – A graphic representation, drawing, or sketch, of the proposed relationships between rooms, spaces and other physical features of the interior levels within the applicable structure. Floor plans must be drawn to scale and include dimensions.
- **Building Elevations** – A drawing or rendering showing the external façade of the front, rear and sides of the applicable structure. Elevation drawings must be drawn to scale and include dimensions.

Additional Requirements

The City’s Department of Planning and Development may request additional information or clarification of any matter pertaining to your application. Conversely, the appellant may voluntarily provide additional information that it believes is relevant to the appeal. Examples include the following:

- A project narrative providing a more detailed description of the appeal or other relevant information, such as a more detailed description of proposed alterations, relevant history of the property, a description of proposed impacts and/or mitigation measures.
- A business plan describing the nature of a proposed business operation.
- Completion of an Environmental Assessment Form that is required for the project pursuant to the State Environmental Quality Review Act (SEQRA)
- Federal, State, County or Local licensing paperwork.

Public Hearing / Legal Notification

Each application to the Board of Zoning Appeals is the subject of a public hearing. The applicant or a representing agent must attend the public hearing to describe the proposal and answer any relevant questions of the Board; a public hearing on an application will not go forward unless the applicant and/or their representing agent is present. The applicant will be provided an opportunity at the hearing to respond to any questions or comments about the proposal by the Board or the general public. Any party wishing to testify in support of, or in opposition to, the proposal will have the opportunity to do so at the public hearing.

The Planning Department sends out legal notification to the applicant, the applicable Neighborhood Association and Common Council Representative for the area, property owners within a 250-foot radius of the property and other interested parties. The legal notice describes the nature of the application and includes the date, time and location of the public hearing. A copy of the application is also posted on the City’s website. It is incumbent upon the applicant to discuss the application with any relevant or affected parties prior to the public hearing.

In addition to the mailed notification, the applicant is required to post one or more signs (provided by the Planning Department) in/on visually conspicuous locations of the property that is the subject of the appeal. Signs are required to be posed a minimum of **ten (10) days** prior to the public hearing. It is assumed that the applicant will make a reasonable

effort to replace postings that are either removed or substantially damaged. The Board may postpone the hearing if adequate evidence exists that the requirements for the public posting have not been met.

Decisions

The Board will make a determination on each appeal, likely within **sixty (60) days** of the public hearing. A copy of the Board’s decision will be mailed to the applicant and filed in the Office of the City Clerk. If approved, the decision may be subject to certain conditions, which may need to be fulfilled prior to a Certificate of Occupancy being issued for the use. Unless otherwise specified by the Board, these decisions shall expire and become null and void if the applicant fails to obtain any necessary zoning, building, or other permits or otherwise comply with the conditions of the decision within **six (6) months** of the date of signature.

Additional Resources

Zoning Board of Appeals

James A. Coon Local Government Technical Series
New York State Department of State

https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf

Beginner’s Guide to Land Use Law

Land Use Law Center
Pace University School of Law

<http://www.law.pace.edu/sites/default/files/LULC/LandUsePrimer.pdf>

City of Albany BZA Schedule & Agendas

<http://www.albanyny.gov/Government/Departments/DevelopmentandPlanning/BZA/BZAAgendas.aspx>

APPLICATION SUBMISSION

Submit the following to the **Board of Zoning Appeals** c/o the Department of Planning & Development
(1) HARD COPY of this Application and all required materials (*see BZA Submission Checklist*)
(1) DIGITAL (.pdf) copy via email to zoning@albanyny.gov.

Application Fee

A fee shall be included with each application for a Special Use Permit, as follows:

Special Use Permit	\$ 250.00
+ Fee for Additional Special Use Permits that are part of the same Application on the same property	\$ 100.00

Please make checks or money order payable to the **“City of Albany, Treasurer.”**

BZA Contact

City of Albany Board of Zoning Appeals
c/o **Department of Planning & Development**
200 Henry Johnson Boulevard, Suite 3
Albany, New York 12210
zoning@albanyny.gov
(518) 465-6066



City of Albany
Board of Zoning Appeals Application Form

File this Application with the City of Albany
Department of Planning & Development
 200 Henry Johnson Boulevard | Albany, New York 12210
zoning@albanyny.gov
 (518) 465-6066

All Applications are reviewed for completeness before scheduling the BZA case public hearing. Applications are considered complete when all required supplemental documents and fees are received. *(See Submission Checklist)*. Notice of the case public hearing will be mailed to the Applicant, adjacent property owners, and other interested parties. **The Applicant(s), or his/her representative(s), shall appear at the public hearing to substantiate the application.**

REGARDING THE PREMISES AT _____

PROPERTY OWNER _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ EMAIL _____

APPLICANT _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ EMAIL _____

AUTHORIZED AGENT _____

AFFILIATION _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ EMAIL _____

- REQUEST:**
- | | |
|---|--|
| <input type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> AMENDMENT |
| <input type="checkbox"/> USE VARIANCE | <input type="checkbox"/> INTERPRETATION |
| <input type="checkbox"/> AREA VARIANCE | <input type="checkbox"/> ADMINISTRATIVE APPEAL |
| <input type="checkbox"/> PARKING LOT PERMIT | <input type="checkbox"/> EXTENSION |

Does any New York State officer or employee of the City of Albany or County of Albany, have an affiliation or interest in the Applicant or this Application? YES No

If **yes**, provide the name, address, and nature of the affiliation or interest of the employee:

I, the undersigned **APPLICANT**, hereby authorize the agent to bring the application herein before the Board of Zoning Appeals of the City of Albany. I certify that the information and facts set forth in this application are true to the best of my knowledge and belief.

APPLICANT SIGNATURE _____ **DATE** _____



OWNER'S CONSENT FORM

The undersigned, _____, being the owner(s) of record for the property commonly known as _____ hereby authorizes _____ to file zoning and/or land development petitions or request the applicable permits for the aforementioned address. This consent shall remain in effect until revoked by a written statement filed with the Department of Planning and Development of the City of Albany, New York.

The undersigned, being the owner(s) of the land to which this application relates hereby:

1. Consent to the making of this application and hereby grants the City of Albany the power of entry to carry out inspections in relation to any land or work to which this application relates.
2. Consent to the City of Albany displaying and copying this application and supporting documentation, including designs, for the purpose of obtaining, when necessary, public comment.
3. Certify that the copyright of such supporting documentation, including designs, is vested to me/us.

Executed this _____ day of _____ 201 ____ under penalty of perjury of the laws of the State of New York.

(To be signed by all record owners)

Print Name: _____

Title*: _____

Signature: _____

Print Name: _____

Title*: _____

Signature: _____

*If the owner of record is a corporation or other entity, fill in the office held by signatory.



SPECIAL USE PERMIT STANDARDS

Special permit uses are those that have some special impact or unique form which require a careful case by case review of their location, design, configuration, and impact. The Board of Zoning Appeals (the “Board”) will determine, against fixed standards, the desirability of permitting the establishment of such uses at a particular site location. The Board may approve a special use permit only if the proposed use meets the standards set forth in §375-27 of the Zoning Ordinance.

The Board will impose conditions as are necessary, including durational limits and provisions for periodic review, to ensure that the proposed use, and its operation, is conducted in a manner compatible with the surrounding neighborhood and will not constitute a threat to the public health, safety, welfare or convenience, and to prevent or minimize adverse effects therefrom.

A new special use permit will be required for any expansion or alteration of a use authorized by a special use permit.

[1] PROPOSED USE AND ZONING

The subject property is located within the following zoning district, as depicted on the [City of Albany Zoning Map](#):

	R-1LL		R-3B		C-PB
	R-1A		R-4		C-M
	R-1B		R-O		M-1
	R-2A		C-1		WF-1
	R-2B		C-O		WF-2
	R-2C		C-2		LC
	R-3A		C-3		C-SWM

The use for which the applicant seeks a Special Use Permit is: (check all that apply)

<input type="checkbox"/>	Automobile repair	<input type="checkbox"/>	Hospital
<input type="checkbox"/>	Bed-and-breakfast	<input type="checkbox"/>	Hours between 11PM and 6AM
<input type="checkbox"/>	Charitable or religious institution	<input type="checkbox"/>	Indoor recreation
<input type="checkbox"/>	College / university	<input type="checkbox"/>	Nursing home
<input type="checkbox"/>	Community residence	<input type="checkbox"/>	Office
<input type="checkbox"/>	Conversions of single-family home	<input type="checkbox"/>	Personal service outlet
<input type="checkbox"/>	Day-care center	<input type="checkbox"/>	Private school
<input type="checkbox"/>	Drive-in bank	<input type="checkbox"/>	Restaurant serving alcohol
<input type="checkbox"/>	Drive-through restaurant	<input type="checkbox"/>	Rooming house / SRO
<input type="checkbox"/>	Gas station	<input type="checkbox"/>	Take-out / delivery restaurant
<input type="checkbox"/>	Grocery	<input type="checkbox"/>	Tavern
<input type="checkbox"/>	Health club	<input type="checkbox"/>	Theater
<input type="checkbox"/>	Other (cite applicable use and code section):		

Hours of operation (if applicable):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours							
Peak Hours							

[2] NEIGHBORHOOD COMPATIBILITY

Describe the general neighborhood and surrounding area.

Describe how the proposed use is in the interest of the public convenience.

Is the use proposed unique or will it be duplicated elsewhere within the district? If yes, how will it be unique? If no, identify any similar or identical uses.

[3] TRANSPORTATION

How much and what type of traffic is the use expected to generate? When is the peak period of use?

What type of parking facilities will be available to the use and where will they be located?

Will the use be served by commercial delivery vehicles? If so, where will they park?

Will entrances be adequately connected to sidewalks or other pedestrian facilities? Will the facility be compliance with the ADA Standards for Accessible Design?

[4] IMPACT UPON SERVICES

Will the proposed use generate any unique or elevated need for police, fire or emergency services?

Are there any planned changes to utility provisions (water, sewer, electric, etc.) that are to accompany the proposal?

Will there be an increase in impervious surface area as a result of the proposal? Can the amount of impervious area be reduced?

Where will refuse generated by the use be stored and how will it be disposed of?

Please indicate any positive public health and safety impacts or improvements of the proposed use.

[5] ADVERSE IMPACTS

In planning your project, what kind of adverse impacts were identified and how will they be mitigated as a part of this proposal?

Will the proposed use generate any unusual noise, odors, vibration, illumination, etc.?

[5] ADVERSE IMPACTS (CONTINUED)

Will the proposed use create vibrations that are detectable, other than by instrument, at the property line?

Will the proposed special use create direct or reflective glare from any lighting that will have an adverse effect at adjoining properties or interfere with traffic safety?

Will the proposed use create emissions of odorous gases or other matter in a quantity or a type that permits it to be detectable, other than by instrument, at the property line?

Will the proposed use emit any form of pollution, whether a gas, liquid or vapor, which can jeopardize human health or animal or vegetable life or which otherwise will create a significant adverse effect upon the community?

Will there be any impact upon the adjacent properties as a result of the granting of the special permit?

Will there be any positive impact upon the neighborhood?

[6] CODE COMPLIANCE

Please indicate any other licenses or permits required for this proposal pursuant to the Albany City Code that you are aware of:

[6] CODE COMPLIANCE CONTINUED

Please indicate any County, State or Federal licenses or permits required for this proposal that you are aware of:

Be advised that additional City ordinances may be applicable to your proposal, including but not limited to Chapter 133 (Building Construction) Chapter 151 (Commercial Standards), Chapter 231 (Housing), and Chapter 307 (Signs). Your application may be subject to disapproval if not proposed in compliance with these articles.