

## **CHECKLIST FOR BZA APPLICATION**

For proper processing of your application please confirm application with the following checklist.....

- **Eleven (11) COLLATED Copies of ALL Application Documents**
- Completed Application Form (pages 6-8)
- Letter of Denial (received from Dept. of Buildings and Codes after application for Building Permit)
- Narrative
- Survey or Site Plan (if applicable)
- Floor Plans (if applicable)
- Building elevations (if applicable)
- Parking lot plan (if applicable)
- Photos of existing conditions
- Application Fee
- Environmental Assessment (short or long if necessary)
- Any other supporting documents

**City of Albany**  
**Board of Zoning Appeals**  
**Supplemental Documents**

**Instructions for Applicants**

**I. Requirements for Board of Zoning Appeals Application Submission**

The following supplemental documents must be submitted with each Board of Zoning Appeals application for it to be deemed complete. Providing this information will also help expedite the review process by the Board.

1. Letter of Denial issued by City of Albany Division of Building & Codes
2. Narrative describing existing site and proposed project including information such as:
  - why you are seeking a variance or permit
  - how your proposal meets the criteria for a variance or special use permit, as applicable (attached)
  - property's most recent use (and relevant history)
  - proposed parking (number of on-site parking spaces – existing and proposed)
  - proposed bicycle parking (number of spaces and location)
  - proposed hours of operation
  - proposed number of employees: full time, part time
  - proposed storage of waste and/or recyclable
  - proposed site improvements – ex. – landscaping, lighting, signage, etc.
  - possible environmental impacts
  - additional impacts - ex - noise, traffic, glare, dust
  - mitigation of any impacts, ex. – screening
  - other information that may be pertinent or unique to the proposed project
3. Survey or site plan of the property (can be hand sketched)
4. Floor plans of existing and proposed building at site (if applicable)
5. Building elevations (new construction only)
6. Parking lot plan (if project requires new parking)
7. Photos of existing conditions
8. Any other supporting documentation requested by the Planning Office
9. Application fee (see attached fee schedule)

Note: Items 3-6 must be drawn to scale and include dimensions.

**In general, eleven (11) copies of the completed application must be submitted to the Planning Office for distribution to staff and Board of Zoning Appeals Members.**

## II. Legal Notification

The Planning Office sends out legal notification to the applicant, the Neighborhood Association, the Alderperson, and area residents and/or businesses, as well as other involved parties a minimum of 10 days before the hearing. This notice describes the proposal and provides the date, time, and location of the hearing. Anyone wishing to testify in support of or in opposition to the proposal has the opportunity to do so at the scheduled public hearing.

## III. Meet with the Neighborhood Association/Nearby Property Owners (Optional)

It is suggested that you meet with the Neighborhood Association and or nearby property owners to discuss the proposal prior to the public hearing. This gives you the opportunity to address any neighborhood concerns prior to the hearing and may help expedite the Board's decision.

## IV Attend the Public Hearing

**The applicant or his/her representative must attend the public hearing to describe the proposal to the Board. The Board will not hold a hearing on an application if the applicant or his/her representative is absent.** The applicant has the opportunity to respond to any questions or comments about the proposal by the Board and/or public. Should you be unable to attend the hearing, please notify the Planning Office immediately by calling 434-2532.

Direct questions to the  
**City of Albany**  
**Department of Development & Planning**  
21 Lodge Street  
Albany New York 12207  
518-434-2532

**FEES\* REQUIRED UPON SUBMISSION OF AN APPLICATION FORM:**

**(1) BOARD OF ZONING APPEALS**

	<u>Residential</u>	<u>Commercial</u>
(a) Use Variance .....	\$150.00 .....	\$225.00
(b) Area Variance .....	\$125.00.....	\$150.00
(c) Special Use Permit.....	\$150.00.....	\$225.00
(d) Interpretation.....	\$150.00.....	\$225.00
(e) Parking Lot Permit.....	\$150.00.....	\$225.00
(f) Other (Administrative Appeal).....	\$150.00.....	\$225.00

**(2) SITE PLAN REVIEW**

	<u>Residential</u>	<u>Commercial</u>
(a) 0 to .25 acre lot size .....	\$125.00 .....	\$200.00
(b) .25 to 1 acre of lot size .....	\$200.00 .....	\$250.00
(c) 1 to 5 acres of lot size .....	\$250.00 .....	\$375.00
(d) 5 plus acres of lot size .....	\$375.00 .....	\$500.00
Residential Subdivisions .....	\$125.00 base fee plus: \$35.00 per lot – 1 family \$50.00 per lot – 2 family \$65.00 per lot – Multi-Family	

**(3) ZONING CHANGE/AMENDMENT**

	<u>Residential</u>	<u>Commercial</u>
(a) Base Fee .....	\$350.00 .....	\$500.00
(b) For each acre of the lot size .....		\$35.00 each acre

**(4) STATE ENVIROMENTAL QUALITY REVIEW (SEQR)**

(a) Draft EIS Statement Review and Notice .....	\$350.00
(b) Final EIS Statement Review and Notice .....	\$350.00

**Please make check payable to: Treasurer, City of Albany**

## 2009 BZA Meeting Dates

5:30 PM – Common Council Chambers

### Meeting Date

- January 14
- January 28
- February 11
- February 25
- March 11
- March 25
- April 15
- April 29
- May 13
- May 27
- June 10
- June 24
- July 8
- July 22
- August 12
- August 26
- September 9
- September 23
- October 14
- October 28
- November 10
- November 24
- December 9

### Application Deadline

- December 17
- December 31
- January 14
- January 28
- February 11
- February 25
- March 11
- March 25
- April 8
- April 22
- May 13
- May 27
- June 10
- June 24
- July 8
- July 22
- August 12
- August 26
- September 9
- September 23
- October 14
- October 28
- November 10



**AREA VARIANCE STANDARDS**

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building.

~ When considering a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

[1] Whether an **undesirable change** will be produced in the character of the neighborhood or a **detriment to nearby properties** will be created by the granting of the area variance.

[2] Whether the **benefit sought** by the applicant can be **achieved** by some method feasible for the applicant to pursue, **other** than an area variance.

[3] Whether the requested area variance is **substantial**.

[4] Whether the proposed variance will have an **adverse effect** or **impact** on the physical or environmental **conditions** in the neighborhood or district.

[5] Whether the alleged difficulty was **self-created**, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

**[1] DESCRIPTION OF CONDITIONS**

(Describe topographic condition or other physical condition of the property and the manner by which this condition restricts use):

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**[2] BENEFIT TO APPLICANT**

(Please describe why the proposed project cannot be achieved without an area variance):

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**[3] SUBSTANTIAL**

(Please describe why you feel the proposed project is not substantial in nature):

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**[4] CHARACTER OF NEIGHBORHOOD**

(Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area):

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**[5] SELF-CREATED**

Were you aware of the requirements of the City of Albany Zoning Ordinance at the time of purchase of the property? Yes No

If you answered no to this question, did you use the services of an attorney? Yes No

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies research or other investigations will be undertaken.

ENVIRONMENTAL ASSESSMENT

- |     |  |                              |                             |
|-----|--|------------------------------|-----------------------------|
| 1.  | Will the project result in a large physical change to the project site or physically alter more than 10 acres of land?.....  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2.  | Will there be a major change to any unique or unusual landform found on this site?.....  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3.  | Will project alter or have a large effect on an existing body of water?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4.  | Will project have a potentially large impact on groundwater quality?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5.  | Will project significantly affect drainage flow or air quality?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6.  | Will project affect any threatened or endangered plant or animal species...  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7.  | Will project result in a major adverse impact on air quality?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8.  | Will project have a major effect on visual character of the community or scenic views or vistas known to be or important to the community?...  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9.  | Will project adversely impact any site or structure of historic, prehistoric or paleontological importance or any site designated as a critical environmental area by a local agency?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. | Will project have a major effect on existing or future recreational opportunities?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. | Will project result in major traffic problems or cause a major impact on existing transportation systems?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. | Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. | Will project have any impact on public health or safety?.....  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14. | Will project affect the existing community by directly causing a growth? in permanent population of more than 5% over a one-year period <u>or</u> have a major negative effect on the character of the community or neighborhood?..... | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 15. | Is there any public controversy concerning the project?.....   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

PREPARER'S SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_ DATE: \_\_\_\_\_