



**VILLAGE OF COLONIE  
PLANNING COMMISSION**  
ALBANY COUNTY  
NEW YORK

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**CHANGE OF OCCUPANCY/CHANGE OF USE**

**IN ACCORDANCE WITH THE Village of Colonie Zoning Ordinance this application process applies to:  
Any person, Firm or Corporation either by way of lease or purchase, who commences or continues in a  
business, commercial or industrial within the Village of Colonie**

Please fill out the following documents in their entirety. Missing information may lead to delays in completing the application and approval process. **12 copies are required for each of the following**, unless otherwise noted.

- Application Form
- Narrative (a short description of your business, on letterhead, to include hours of operation and number of employees)
- Use Questionnaire
- Short EAF Form
- Checklist
- Current site plan (in lieu of preparing a new site plan, the applicant may submit the most currently approved site plan for the property if such plan exists and it meets the Village Code requirements)
- Floor Plan indicating use of each area
- Tenant parking requirement – If the property has multiple tenants
- If Applicant is not the owner, owner of the property must submit a letter on their letterhead allowing the applicant to apply for the applicant as signed by the owner
- \$100.00 non-refundable application fee

Once Planning Commission approval is granted, a building permit will need to be obtained.



## VILLAGE OF COLONE PLANNING COMMISSION

### INSTRUCTIONS FOR APPLICANTS

#### A. Applicability

Any Change of Occupancy involving any business, commercial or industrial operation must be approved by the Village Planning Commission whenever there is a change or expansion of use or a change in tenancy. The forms and procedures in this package apply only to changes of occupancy of existing premises. If the proposed project involves any of the following: structural change in or addition to a building; change in the number of parking spaces; changes in curb cuts, increase in impermeable area, changes in the size or arrangement of green space; construction of or changes to water lines, sewer lines, or storm drainage facilities, these forms **do not** apply. If any of the above work is proposed or in case of doubt, the applicant should consult the Planning Coordinator. Changes in signs are not considered structural alterations. Even though no structural changes are proposed, the Chief Code Enforcement Officer will require the applicant to obtain a building permit covering internal changes to the premises after the planning Commission approves the Change of Occupancy. Any proposed change of occupancy in the Commercial “D” or Conservation/Residential District required a Special Use Permit from the Planning Commission.

#### B. General

The application form, these instructions and the procedures which the Village Planning Commission has adopted, are designed to help obtain a decision by the Commission without a waste of time or expense while ensuring that the requirements of Village, County and State Regulations are met. Therefore, these procedures emphasize resolving all problems informally to avoid unnecessary appearances before the Planning Commission.

It should be clearly understood that the Planning Coordinator acts only on behalf of the Planning Commission in accordance with the Commission’s policies or specific directions. The actions of the Planning Coordinator will be reviewed by the Commission before the Commission considers approval of the application.

The Planning Commission may request the assistance of the Village Engineer on a case-by-case basis. In such cases, the Village Engineer will act on behalf of the Commission in accordance with their policies or specific directions.

#### C. Initial Consultations, Permits from Other Agencies

1. **With Planning Coordinator:** The applicant is encouraged to discuss his/her application with the Planning Coordinator before filing the application, to determine whether the proposal appears to fit the “Change of Occupancy” category or should be reviewed under another category and to review the requirements for a complete application. Village Regulations provide for two free consultations before the application fee must be paid.
2. **With the Commission:** The applicant at his/her option may meet briefly with the Commission to discuss the concept before paying any fees.
3. **Permits from Other Agencies:** Either during initial consultations, or after the first review of the application (see D below), the Planning Coordinator will advise the applicant whether a permit from NYSDOT or the County Engineer may be required; before a permit is issued, it is possible that a traffic study has to be completed. It is the responsibility of the applicant to secure any permits from NYSDOT

or the County Engineer, and to arrange for the traffic study, if necessary (see F below). If a traffic study is required, the applicant will notify the Planning Coordinator promptly.

#### **D. Material to be Submitted**

Before a case can be put on the Planning Commission's agenda, a complete application must be submitted to the Planning Coordinator in eleven copies. The applicant will be requested to furnish additional copies of it is determined that more will be required (depends on the number required for referrals). The application consists of:

1. Application form with parts A and B filled out and signed;
2. A short narrative describing what is proposed to help the Planning Commission understand the new activity: should cover those aspects not evident from site plan or application form, such as brief description of operation, hours of operation, likely peak traffic times, storage of materials (toxic?), solid and liquid waste generation, unusual water use, impact on other Town or Village services (e.g. fire), permits or licenses required from other governmental agencies etc;
3. A site plan at a scale of 1"=10', 1"=20', 1"=40' on sheets of either 11" x 17" or 24" x 36", showing the present situation on the entire parcel as well as the area of the proposed change of occupancy. As a minimum, the following features must be shown:
  - a. Property lines, easements, dimensions of parcel;
  - b. Address, street name(s), name of applicant
  - c. Building or structures with their uses. Also doors, handicap access ramps, portions with mezzanines or two or more stories;
  - d. Curb cuts, parking spaces, driveways, greenspaces with legend; reasonably accurate location of curb cuts and driveways opposite (may be omitted for Central Avenue and Wolf Road);
  - e. Off-street loading areas, location of dumpsters, outdoor storage areas (existing and proposed), fencing, sheds or minor or temporary structures;
  - f. Reasonably accurate location of structures on adjacent lots within 50 feet of the lot;
  - g. Location of outdoor lighting (existing and/or proposed) with reasonably accurate illumination plots showing region to be lit;
  - h. The location and extent of the proposal which should be clearly identified.

If a site plan showing existing conditions, prepared by a licensed engineer, architect or surveyor, is available, it should be submitted. If not, the applicant may draw the site plan himself/herself provided it shows all required information to scale. Proposals may be marked by the applicant in all cases. The Commission reserves the right to require a new site plan if they deem it necessary.

4. Site photographs, sufficient to give the Commission a picture of the entire site.
5. Non-refundable application fee of \$100.00.
6. Environmental Assessment Form (EAF) may be required; this will be determined by the Planning Coordinator in the initial screening. If an EAF is required, the Planning Coordinator will notify the applicant and assist in filling out the form.

The Planning Coordinator will advise the applicant whether or not the application is complete enough for further review and, if not, what needs to be done to make it complete. If the applicant disagrees, he/she may appeal to the Planning Commission in writing. No review of the application will be undertaken until the application fee has been received; this applies also to review for completeness of application.

Even though an applicant has furnished all the information requested by the Planning Coordinator, additional material may be required by the Planning Commission or any of the other agencies which may also have to review the application.

#### **E. Time of Submission, Applicant's Appearance**

Applications may be submitted at any time. Any application which is found to be complete by the Planning Coordinator and received at least **two** weeks before the next meeting of the Planning Commission, may be put on the agenda but only of the Planning Coordinator's screening is complete and reports from other reviewing agencies (if any) are in hand. The

applicant will be notified when the application is scheduled to be considered. The applicant or his/her representative should attend the Commission meeting.

#### **F. Change in Type of Application – Technical Review Fee – Traffic and other Specialized Studies**

Review by the Planning Coordinator of the Planning Commission may result in a determination that “Change of Occupancy” is not appropriate for what the applicant proposes. In that case, the applicant will be given the opportunity to convert his application to the appropriate type; the application fee will be applied to the new application. The applicant also has the option to withdraw the application.

Review by the Planning Coordinator or the Planning Commission may also indicate that technical assistance by the Village Engineer will be required, in such cases as where permit application to NYSDOT results in a need for a traffic study or the proposal is classified as Unlisted or Type 1 Action under the State Environmental Quality Review Act (hereafter abbreviated SEQRA). Such cases are expected to be rare but are nevertheless possible. However, if such a case occurs, the Village Engineer will furnish an estimate of technical review fees; the applicant then has the options of paying the technical review fee estimate, withdrawing the application, or appealing to the Village Board for mediation by one of their representatives.

In cases where specialized studies such as a traffic study are required, the applicant may retain his/her own consultant provided the scope of the study and the final report are reviewed and approved by the Village Engineer. Alternatively, the applicant may request the Village Engineer to sub-contract for the study, with the applicant paying the cost as part of the technical review fee. Village Regulations provide that no work proceeds until the matter of the technical review fee is settled and the fee paid.

Where the estimated review fee exceeds \$5,000 it may be paid in two equal installments. The applicant should realize that the Village Engineer’s estimate is an estimate only. The actual cost may be more or less, depending upon the exigencies of the project.

#### **G. Notification of Planning Commission’s Decision**

The applicant will be notified of the Commission’s decision in writing. If an approval is given subject to conditions, the applicant has the option to withdraw the application.

#### **H. Occupancy of Premises**

Before a new occupancy of premises can occur after the Planning Commission approval, the applicant must obtain a building permit to cover any internal changes to the premises. After satisfactory completion and inspection, including compliance with any conditions imposed by the Planning Commission, the Chief Code Enforcement Officer will issue a Certificate of Occupancy. If some work items have not been completed or can only be completed in the future (e.g. landscaping), he may authorize occupancy and specify the date by which the work items must be completed. Once all work items have been satisfactorily completed a Certificate of Occupancy will be issued. Obtaining the building permit is the applicant’s responsibility. If no building permit or certificate of occupancy has been issued within one year of the Planning Commission’s approval, the approval becomes void.

A Certificate of Occupancy will be revoked for violations of conditions imposed by the Planning Commission.



**VILLAGE OF COLONE PLANNING COMMISSION**

PLEASE REFER TO THE INSTRUCTIONS TO DETERMINE WHETHER THIS IS THE APPROPRIATE FORM TO USE  
PLEASE FILL OUT BOTH SECTIONS "A" AND "B"

**A. GENERAL INFORMATION:**

ADDRESS: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ TEL NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY OWNER'S NAME: \_\_\_\_\_

TEL NO. \_\_\_\_\_

PROPERTY OWNER'S AGENT (IF APPLICABLE) \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TEL NO. \_\_\_\_\_

**CERTIFICATIONS:**

BY APPLICANT: I CERTIFY THAT THE INFORMATION IS CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

BY OWNER OR AGENT: I HAVE REVIEWED THIS APPLICATION AND AGREE TO IT. I CERTIFY THAT THE INFORMATION IS CORRECT AND COMPLETE TO THE BEST OF MY BELIEF

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TAX PARCEL NO.: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

LOT AREA: \_\_\_\_\_ PARKING SPACES: \_\_\_\_\_

**B. EXISTING CONDITIONS & PROPOSED CHANGES:**

INSTRUCTIONS – ALL FIGURES SHOULD APPLY TO THE ENTIRE TAX MAP PARCEL; IF AN AMOUNT IS PROPOSED TO THE REDUCED, SHOW IN BRACKETS THIS (000) IN COLUMN 2. WHERE SQUARE FEET ARE ASKED FOR, ESTIMATE NUMBER OF NET SQUARE FEET; SECOND STORY OR MEZZANINE CONTS THE SAME AS GROUND FLOOR.

<u>DESCRIPTION:</u>	COLUMN 1 <u>EXISTING</u> CONDITIONS	COLUMN 2 <u>PROPOSED</u> CHANGES	COLUMN 3 <u>TOTAL AFTER</u> CHANGES
RESIDENCES, 1 OR 2 FAMILY	_____	_____	_____
ACCESSORY APT (NO.)	_____	_____	_____
HOME OCCUPATION (SQ.FT.)	_____	_____	_____
OFFICE (SQ. FT)	_____	_____	_____
HOTEL, MOTEL, TOURIST HOME BOARDING HOUSE (NO. OF GUEST ROOMS)	_____	_____	_____
BARBER, BEAUTY SHOP (NO. WORK STATIONS)	_____	_____	_____
RETAIL & BUSINESS SERVICES (SQ. FT.)	_____	_____	_____
RESTAURANT NO SERVICE ALCOHOLIC BEVERAGES, BAR OR SIMILAR, NIGHT CLUB <ul style="list-style-type: none"> <li data-bbox="138 1205 493 1241">• LINEAR BAR FOOTAGE</li> <li data-bbox="138 1270 558 1335">• USABLE CUSTOMER FLOOR SPACE, (SQ. FT.)</li> </ul>	_____	_____	_____
MEDICAL SERVICES (SQ. FT.)	_____	_____	_____
USE NOT SPECIFIED ABOVE (DESCRIBE BELOW) (SQ FT.)	_____	_____	_____
VACANT (SQ. FT.)	_____	_____	_____
ESTIMATED NO. OF EMPLOYEES AT PEAK SHIFT <ul style="list-style-type: none"> <li data-bbox="138 1656 326 1692">• INITIALLY</li> <li data-bbox="138 1722 464 1751">• AT FULL OPERATION</li> </ul>	_____	_____	_____
DESCRIBE "USE NOT SPECIFIED"	_____	_____	_____

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\*\* SEE SECTION 242-8C2 (f) OF THE VILLAGE OF COLONIE CODE



**VILLAGE OF COLONIE  
ALBANY COUNTY, NEW YORK**

**CHANGE OF OCCUPANCY/USE QUESTIONNAIRE**

1. SITE ADDRESS \_\_\_\_\_
2. APPLICANT NAME \_\_\_\_\_
3. Narrative – Brief Description of Business operations \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. GROSS FLOOR AREA OF BUSINESS \_\_\_\_\_
5. AREA TO BE OCCUPIED \_\_\_\_\_
6. NUMBER OF STORIES \_\_\_\_\_
7. BUILDING HEIGHT \_\_\_\_\_ Ft.
8. HOURS OF OPERATION

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

9. NUMBER OF EMPLOYEES PER SHIFT

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

10. WILL THERE BE ANY MEETINGS OR CLASSES?      **YES   NO**
11. a) NUMBER OF BUSINESS VEHICLES      \_\_\_\_\_  
 b) NUMBR OF EMPLOYE VEHICLES      \_\_\_\_\_
12. AVERAGE NUMBER OF CUSTOMERS: PER DAY      \_\_\_\_\_  
 AVE. NUM. OF CUSTOMERS: PEAK HOUR OF THE DAY      \_\_\_\_\_  
 PEAK DAY OF THE WEEK      \_\_\_\_\_  
 PEAK HOUR(S) OF DAY      \_\_\_\_\_

13. ARE THERE PEAK BUSINESS DAYS OF THE YEAR? **YES NO**

PEAK TIME OF YEAR (DURATION)? \_\_\_\_\_

IF YES, EXPLAIN: \_\_\_\_\_

14. ARE THERE ANY PLANS FOR FUTURE EXPANSION? **YES NO**

15. ARE ANY LICENSES NEEDED TO RUN THIS BUSINESS? **YES NO**

IF YES, EXPLAIN: \_\_\_\_\_

16. ARE ANY HAZARDOUS MATERIALS USED OR STORED IN THIS BUILDING? **YES NO**

a. If Yes, List below and include MSDS for each item.


17. IS THERE ANY NOISE OR VIBRATION CREATED FROM RUNNING THIS BUSINESS THAT WILL GO BEYOND THE BORDER OF YOUR PROPERTY? **YES NO**

18. ARE FIREARMS, EXPLOSIVES, AMMUNITIONS, BLACK POWDER, ETC. USED OR STORED IN THIS BUILDING? **YES NO**

a. If Yes, Where and how are they stored?

\_\_\_\_\_

19. IS ANY PART OF THIS BUSINESS RELATED TO ADULT ENTERTAINMENT? **YES NO**

20. HOW WILL YOU DEAL WITH GARBAGE DISPOSAL? (including expected time of removal)

\_\_\_\_\_

\_\_\_\_\_

21. DOES THIS BUSINESS INCLUDE SALES OR SERVICE OF ALCOHOL? **YES NO**

22. WHERE IS THIS BUSINESS CURRENTLY LOCATED?

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23. WILL THERE BE ANY OUTSIDE STORAGE? **YES NO**

24. WILL THERE BE ANY DELIEVERIES? **YES NO**

IF YES; HOW MANY? \_\_\_\_\_

FREQUENCY (per DAY/WEEK) \_\_\_\_\_

PROPOSED TIME OF DAY OF PICK-UP \_\_\_\_\_ AM/PM

25. WHAT IS THE CURRENT USE?

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26. IS BUSINESS PRIMARILY PERFORMED ON SITE OR OFF-SITE \_\_\_\_\_



VILLAGE OF COLONIE  
ALBANY COUNTY, NEW YORK

CHANGE OF OCCUPANCY/CHANGE OF USE  
REVIEW CHECKLIST

Checklist for application review only. For full requirements refer to applicable regulations.

NAME OF PROPOSED PROJECT: \_\_\_\_\_

ADDRESS OF PROPOSED PROJECT: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

SUBMISSION

DEPARTMENT	Planning	Sewer Water	Highway Fire	Other
- Date Submitted:	_____	_____	_____	_____
- Date Checked:	_____	_____	_____	_____
- Checked By:	_____	_____	_____	_____

1. LAND USE BACKGROUND	YES	NO
a. Access to public highway	_____	_____
b. Site affected by mandatory 25' or 100' Buffer from residential use	_____	_____
c. Previous or New Variance granted (date _____)	_____	_____
d. Previous site approvals granted	_____	_____
e. County Health Dept. Approval required	_____	_____
f. Special Permit required	_____	_____
g. Zoning Classification	_____	_____

2. Existing Site Plan to include the following features: (In lieu of preparing a new plan, the applicant may submit the most currently approved site plan for the property if such plan exists. ) (A revised site plan may be required with the application at the discretion of the Planning Commission)

- a. Location map at scale of 1" = 2000' as inset; map shall be oriented the same as the site analysis plan \_\_\_\_\_
- b. North arrow \_\_\_\_\_
- c. Boundary survey map of property at a scale of 1" = 10', 1" = 20', 1" = 30', or 1" = 40' \_\_\_\_\_
- d. Existing zoning district, with district boundaries within 100' of the site \_\_\_\_\_

e. Names of all adjoining property owners \_\_\_\_\_

i. Existing structures, utilities, and site improvements within 50' of the property – where a boundary of a zoning district which permits residences exists within 100 feet of the site, existing structures, utilities and site improvements shall be extended to a distance of 100 feet in the direction of the district boundary \_\_\_\_\_

f. Analysis of parking requirement \_\_\_\_\_

g. Existing easements \_\_\_\_\_

h. Site coverage statistics (building coverage, green area and paved areas as percentage of site and square footage) \_\_\_\_\_

i. Building height and number of floors \_\_\_\_\_

B. Floor plan, indicating use of each area \_\_\_\_\_

