



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

VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
(518) 869-7562  
FAX (518) 464-0389  
e-mail:  
planning@colonievillage.org

**CHANGE OF OCCUPANCY SUBMITTAL CHECKLIST**

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
- Use Questionnaire
- Narrative (description of business operation, on letterhead and signed by applicant)
- 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)
  - Folded to 8 ½ x 11, printed side out
- Floor Plan indicating use of each area
- Tenant parking requirement – If the property has multiple tenants
- If an agent is signing for the owner, the agent is to sign the application
- \$200.00 non-refundable application fee plus all applicable engineering fees.
- If possible, e-mail Planning Coordinator PDF copy of full application submittal

\*\*The Planning Commission reserves the right to require the property owner to attend the meeting in addition to the applicant. \*\*

**Once Planning Commission approval is granted, a building permit AND Certificate of Occupancy must be obtained through the Building Department.**



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**VILLAGE OF COLONIE 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 if 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.



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

## CHANGE OF OCCUPANCY APPLICATION

PLEASE REFER TO THE INSTRUCTIONS TO DETERMINE WHETHER THIS IS THE APPROPRIATE FORM TO USE

PLEASE FILL OUT BOTH SECTIONS "A" "B" AND "C"

### **A. GENERAL INFORMATION:**

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

APPLICANT'S NAME (TENANT): \_\_\_\_\_

TEL NO. (\_\_\_\_\_) \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

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

TEL NO. (\_\_\_\_\_) \_\_\_\_\_

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

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

TEL NO. (\_\_\_\_\_) \_\_\_\_\_

SITE PLAN LAST REVISED: \_\_\_\_\_

PREVIOUS TENANT: \_\_\_\_\_

### **CERTIFICATIONS:**

**BY APPLICANT:** I CERTIFY THAT THE INFORMATION PROVIDED IN SUPPORT OF THE APPLICATION IS CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE

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

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

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

*(AGENT MUST PROVIDE PROOF OF AUTHORITY TO REPRESENT THE OWNER)*

**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<br><u>EXISTING</u><br>CONDITIONS | COLUMN 2<br><u>PROPOSED</u><br>CHANGES | COLUMN 3<br><u>TOTAL AFTER</u><br>CHANGES |
|---|---|--|---|
| RESIDENCES, 1 OR 2 FAMILY   | _____                                     | _____                                  | _____                                     |
| ACCESSORY APT (NO.)   | _____                                     | _____                                  | _____                                     |
| HOME OCCUPATION (SQ.FT.)  | _____                                     | _____                                  | _____                                     |
| OFFICE (SQ. FT)   | _____                                     | _____                                  | _____                                     |
| HOTEL, MOTEL, TOURIST HOME<br>BOARDING HOUSE<br>(NO. OF GUEST ROOMS)        | _____                                     | _____                                  | _____                                     |
| BARBER, BEAUTY SHOP<br>(NO. WORK STATIONS)                                  | _____                                     | _____                                  | _____                                     |
| RETAIL & BUSINESS SERVICES (SQ. FT.)  | _____                                     | _____                                  | _____                                     |
| RESTAURANT NO SERVICE<br>ALCOHOLIC BEVERAGES, BAR<br>OR SIMILAR, NIGHT CLUB | _____                                     | _____                                  | _____                                     |
| ○ LINEAR BAR FOOTAGE  | _____                                     | _____                                  | _____                                     |
| ○ USABLE CUSTOMER FLOOR<br>SPACE, (SQ. FT.)                                 | _____                                     | _____                                  | _____                                     |
| MEDICAL SERVICES (SQ. FT.)  | _____                                     | _____                                  | _____                                     |
| USE NOT SPECIFIED ABOVE<br>(DESCRIBE BELOW) (SQ FT.)                        | _____                                     | _____                                  | _____                                     |
| VACANT (SQ. FT.)  | _____                                     | _____                                  | _____                                     |
| ESTIMATED NO. OF EMPLOYEES<br>AT PEAK SHIFT                                 | _____                                     | _____                                  | _____                                     |
| ○ INITIALLY   | _____                                     | _____                                  | _____                                     |
| ○ AT FULL OPERATION   | _____                                     | _____                                  | _____                                     |
| DESCRIBE "USE NOT SPECIFIED"  | _____                                     | _____                                  | _____                                     |



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

**C. USE QUESTIONNAIRE**

1. Narrative - Brief Description of Business operations. Please type on company letterhead and attach to application.
2. GROSS FLOOR AREA OF BUSINESS \_\_\_\_\_
3. AREA TO BE OCCUPIED \_\_\_\_\_
4. NUMBER OF STORIES \_\_\_\_\_
5. BUILDING HEIGHT \_\_\_\_\_ FT
6. PROVIDE HOURS OF OPERATION BELOW.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|---------|-----------|----------|--------|----------|--------|
| AM     | AM      | AM        | AM       | AM     | AM       | AM     |
| PM     | PM      | PM        | PM       | PM     | PM       | PM     |

7. NUMBER OF EMPLOYEES PER DAY \_\_\_\_\_
8. WILL THERE BE ANY MEETINGS OR CLASSES? **YES NO**
9. a) NUMBER OF BUSINESS VEHICLES \_\_\_\_\_  
b) NUMBR OF EMPLOYE VEHICLES \_\_\_\_\_
10. AVERAGE NUMBER OF CUSTOMERS:  
PER DAY \_\_\_\_\_  
AVERAGE NUMBER OF CUSTOMERS: \_\_\_\_\_  
PEAK HOUR OF THE DAY: \_\_\_\_\_  
PEAK DAY OF THE WEEK: \_\_\_\_\_
11. ARE THERE ANY PLANS FOR FUTURE EXPANSION? **YES NO**
12. ARE ANY LICENSES NEEDED TO RUN THIS BUSINESS? **YES NO**

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

13. ARE ANY HAZARDOUS MATERIALS USED OR STORED IN THIS BUILDING? **YES NO**
- a. IF YES, LIST IN NARRATIVE AND ATTACH SAFETY DATA SHEETS
14. IS THERE ANY NOISE OR VIBRATION CREATED FROM RUNNING THIS BUSINESS THAT WILL GO BEYOND THE BORDER OF YOUR PROPERTY? **YES NO**
15. ARE FIREARMS, EXPLOSIVES, AMMUNITIONS, BLACK POWDER, ETC. USED OR STORED IN THIS BUILDING? **YES NO**
- a. IF YES, WHERE ARE THEY STORED?
- 
16. IS ANY PART OF THIS BUSINESS RELATED TO ADULT ENTERTAINMENT AS DEFINED BY THE VILLAGE CODE? **YES NO**
17. ARE DUMPSTERS USED FOR GARBAGE DISPOSAL? **YES NO**
18. ARE PICK UPS BETWEEN 7 AM AND 7 PM? **YES NO**
19. DOES THIS BUSINESS INCLUDE SALE OF ALCOHOL? **YES NO**
20. IS THIS A NEW BUSINESS? **YES NO**
21. WILL THERE BE ANY OUTSIDE STORAGE? **YES NO**
22. WILL THERE BE ANY DELIVERIES TO THE BUSINESS? **YES NO**

IF YES, HOW MANY PER DAY? \_\_\_\_\_

WHAT TYPE OF DELIVERY VEHICLES ARE USED? *PLEASE CHECK ALL THAT APPLY:*

- BOX TRUCKS
- TRACTOR TRAILOR
- UPS/USPS/FEDEX
- VAN

23. IS THIS BUSINESS PRIMARILY PERFORMED ON SITE OR OFF SITE? (CHECK ONE)
- ON SITE
  - OFF SITE



