



CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS
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<http://www.nyc.gov/html/bsa/>

APPLICATIONS OF THE BOARD OF STANDARDS AND APPEALS

General Instructions

1. APPLICANT'S RESPONSIBILITY

These instructions are intended to assist applicants in completing the BSA Application Forms and guide them in submitting the appropriate documentation. It is the applicant's responsibility to substantiate his or her claim to the Board with regard to the required findings under the Zoning Resolution and to provide all other relevant evidence to support the application.

Applicants should familiarize themselves with the Board of Standards and Appeals' Official Rules of Procedure, as most recently amended, before filing a zoning variance or special permit application. The Rules of Procedure outline the applicant's responsibilities with regard to generally applicable procedures, such as those related to notification and hearings, and procedures specific to each of the Board's calendars. Copies of the Rules of Procedure are available at a nominal fee at the Application Desk or by calling (212) 788-8500. The Rules of Procedure are also available on the Board's website.

2. APPLICATION FORMS

The Board of Standards and Appeals has jurisdiction to hear and decide various types of applications. Each application type requires a specific application form, which must be completed and filed in person at the Application Desk, along with supporting documentation. The required supporting documentation must be attached to the application form at the time of filing or it will NOT be accepted at the Application Desk. The appropriate number of copies of the application must also be submitted. The Board will not accept incomplete applications.

If accepted at the Application Desk, applications typically will be placed on one of the Board's three primary calendars:

- 1) **The Special Order Calendar ("SOC")**
Applications to reopen a zoning case previously granted by the Board for the purpose of extending the time to complete the work, extending the term of the variance or special permit, or otherwise amending the prior grant, are generally placed on the "SOC" calendar application form. All such applications should be filed using the "SOC" application form.

- 2) **The Appeals Calendar ("A")**
The following application types are placed on the "A" calendar:
 - a) Applications requesting Board review of a final determination of the Department of Buildings (or other specified administrative agency) related to the meaning or applicability of any provision of the Building Code, Fire Code, Multiple Dwelling Law, Labor Law and Zoning Resolution.
 - b) Applications filed by the Department of Buildings to modify or revoke a certificate of occupancy.
 - c) Applications made under General City Law Sections 35 & 36.

All such applications should be filed using the "A" application form.

- 3) **The Zoning Calendar ("BZ")**
All requests for zoning variances and special permits are placed on the "BZ" calendar, and should be filed using the "BZ" application form. "BZY" & "BZL" applications, which are applications for renewal of lapsed building permits, and applications for renewal of pre-1961 grants, which are made pursuant to Section 11-41 et. seq. of the Zoning Resolution, may also be placed on the Board's BZ Calendar. Applicants are advised to consult the Rules of Procedure for instructions on "BZY", "BZL" and pre-1961 grant renewal applications.

3. **QUESTIONS**

General questions regarding the filing of a BSA application may be addressed to the Application Desk staff by calling (212) 788-8500.

4. **FILING FEES**

All BSA applications must be accompanied by a check made payable to the "Board of Standards and Appeals" in the full amount of the filing fee. The filing fee varies

depending on the application type and the square footage of the subject site. The schedule of filing fees is available at the BSA front desk and on the BSA website.

5. REVIEW PROCESS

1. COMMUNITY BOARD REVIEW

The majority of applications are subject to community board review as outlined in the Board's Rules of Procedure. The review period is initiated upon notification of the community board, which should take place immediately after the filing of an affected application.

The Rules of Procedure provide that the community board has sixty days from receipt of a complete application in which to review the application, hold a public hearing and issue a recommendation to the Board of Standards and Appeals. Some application types also require review of the application by a borough board. If a borough board is involved, the Rules of Procedure provide for an additional thirty days for review, a public hearing and issuance of a recommendation to the BSA. The Board may, in its discretion, choose to review and receive into the record community board and borough board recommendations even if submitted after the expiration of the applicable time period.

The Rules of Procedure also require that the affected city councilmember, affected borough president and the City Planning Commission receive a complete copy of all applications placed on the "BZ" calendar. The Board will accept recommendations and comments from these entities if presented to the Board in a timely manner.

Applicants are advised to refer to the Rules of Procedure for detailed instructions concerning notification.

2. STAFF REVIEW

The BSA staff reviews all documents and plans submitted with the application for completeness and technical sufficiency and often ask for additional information. This review is conducted by examiners assigned to each calendar, and often the BSA City Environmental Quality Review ("CEQR") examiner. An examiner may issue a Notice of Objections to the applicant when applications contain deficiencies.

An application will be considered for calendaring at a public hearing only upon: (1) receipt of a satisfactory response to any additional information requested by the examiners; and (2) completion of the community board sixty

day review period or receipt of a community board (and borough board, if applicable) recommendation. Applicants are encouraged to submit only complete and accurate applications, and to promptly and sufficiently respond to all Notice of Objections.

3. CALENDAR AND NOTIFICATION

Calendars of upcoming hearings are published in the Board's weekly Bulletin at least thirty days prior to hearing. Public hearings are usually held every Tuesday at the BSA hearing room, located on the 6th floor of 40 Rector, except during holiday or recess periods.

In most cases, the applicant is required to notify the following of the public hearing:

- a. The affected community board(s) (or borough board);
- b. The affected city councilmember;
- c. The affected borough president;
- d. The City Planning Commission;
- e. The affected property owners (and tenants, if applicable), see Rules of Procedure § 1-06(g).

Notification must be completed at least twenty (20) days prior to the hearing. Proof of proper notification must be filed with the Board at least five (5) business days prior to the public hearing.

APPLICANTS ARE ADVISED TO READ THE RULES OF PROCEDURE REGARDING THE SPECIFIC NOTIFICATION REQUIREMENTS.

4. BOARD REVIEW

After calendaring, the case file is distributed to, and reviewed by, each Commissioner. The Board conducts a review session prior to the hearing to discuss the merits or deficiencies of each calendared item. The public may attend all open review sessions, but may not participate.

At the public hearing held the next day, the applicant is expected to present the case and discuss the proposal in light of the findings and/or requirements applicable to each application type. The Board may request that an applicant submit relevant additional information or provide further narrative clarification before a decision is rendered. The hearing may be closed or continued to a future date.

5. COURT REVIEW OF BSA DECISIONS

The City Charter and other laws provide that persons who are aggrieved by a Board decision may appeal to the Supreme Court of the State of New York, pursuant to Article 78 of the Civil Practice Laws and Rules of the State. Such appeals must be made within 30 days after the date of filing of the decision in the office of the Board, which generally is the day after the Board adopts the Resolution. Applicants should refer to the relevant statutes for further information on judicial appeals of Board decisions.