

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

ARTICLE III - CHAPTER 190-3 (as last amended 6/12/08 by LL#5-08)

Overview of Permits and Approvals

A. General Requirements.

Permits and/or Approvals Required - This Chapter sets forth rules and regulations for the review and approval of various activities by Town department staff and appointed boards to which such authority is herein delegated by the Town Board. No use may be established and no development may be commenced within the Town of Colonie without applicable permits and/or approvals issued by the appropriate department or board, as required herein.

B. Zoning Verification

- (1) Zoning Verification Required. No application for which a Zoning Verification is required pursuant to the provisions of this Chapter shall be accepted by any Town agency or official unless an approved Zoning Verification is issued by the Building Department, verifying that the proposed use is permitted in the zoning district where it is proposed to be located or developed, and the the proposal otherwise appears to be in compliance with the provisions of this Chapter.
- (2) Application. An application for zoning verification shall include but not be limited to the following:
 - (a) A description of the permits and/or approvals being applied for.
 - (b) A narrative description of the proposed use and project.
 - (c) A clear proposed plot plan with all buildings and structures shown (both existing and proposed), showing dimensions of all buildings and structures and the property and building setbacks, proposed building heights, road frontages on public highways and paper streets, zoning district boundaries within 500 feet of the subject property, and existing and proposed property lines.
 - (d) Identifying street address for the proposed project and the Tax Map number(s) and section, block and lot information for the subject property.
 - (e) Such other information as the Building Department Director may deem reasonably necessary to make his determination.
- (3) Issuance. After the Building Department Director has determined that a proposed use is permitted within the subject zoning district, said determination shall be transmitted to the appropriate Town officials, who may then further process the subject application(s). If, as the project progresses through the approval process, compliance with any other requirements of this chapter is identified as an issue(s), the

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

Building Department Director shall also determine such issue(s) of compliance with the provisions of this chapter, and such issues must be resolved before the application(s) being applied for may be granted by any Town official.

C. Administrative Approvals.

The following permits and approvals require review and issuance of approval by the specified Town department in accordance with the regulations set forth in this Chapter.

- (1) Minor Site Plan Approval: Application to and decision by the PEDD.
- (2) Minor Subdivision Approval: Application to and decision by the PEDD.
- (3) Grading Permit: Application to and decision by the Department of Public Works, Bureau of Engineering.
- (4) Watercourse Activity Permit: Application to and decision by the PEDD.
- (5) Special Flood Hazard and Floodplain Management Permit: Application to and decision by the PEDD.
- (6) Junkyard Permit: Application to and decision by the Building Department, following initial major site plan review by the Planning Board.
- (7) Sign Permit: Application to and decision by the Building Department.
- (8) Billboard Permit: Application to and decision by the Building Department, following initial major site plan review by the Planning Board.

D. Board Approvals.

The following approvals require review and issuance of approval by the specified board in accordance with the regulations set forth in this Chapter.

- (1) Major Site Plan: Application to and decision by the Planning Board
- (2) Major Subdivision: Application to and decision by the Planning Board
- (3) Mobile Home Park: Application to and decision by the Planning Board
- (4) Special Use Permit: Planning Board
- (5) Area Variance: Application to and decision by the Zoning Board of Appeals
- (6) Use Variance: Application to and decision by the Zoning Board of Appeals
- (7) Floodplain Variance: Application to and decision by the Flood Plains Management Appeal Board
- (8) Watercourse Area Variance: Application to and decision by the

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

- Significant Environmental Areas Management Appeals Board
- (9) Special Exception (Sign): Application to and decision by the Sign Review Board

E. Appeals.

An appeal is a challenge to an interpretation or application of law as applied by the governing department or board. Appeals are distinguished from variances in that a variance request seeks a modification of the applicable provisions of law, in accordance with the procedures and standards set forth herein, where no error of interpretation or application is alleged.

- (1) Any aggrieved party, or any officer, department, board or bureau of the Town has the right to appeal any order, requirement, decision, interpretation or determination of officials charged with the enforcement of this Chapter to the Zoning Board of Appeals, unless specifically stated below.
 - (a) Decisions made by the PEDD relative to Special Flood Hazard and Floodplain Management are appealed to Flood Plains Management Appeals Board.
 - (b) Decisions made by the PEDD relative to Watercourse Activity are appealed to Significant Environmental Areas Management Appeals Board.
 - (c) Decisions made by PEDD relative to minor site plan, minor subdivision and grading are appealed to the Planning Board.
 - (d) Decisions made by the Building Department relative to signs are appealed to the Sign Review Board.
 - (e) No decision made by the Planning Board, Flood Plains Management Appeals Board, Significant Environmental Areas Management Appeals Board, or Sign Review Board shall be subject to review by the Zoning Board of Appeals.
- (2) All Boards of Appeals, including the Planning Board acting in its appellate capacity, may reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination being appealed and shall make such order, requirement, decision, interpretation or determination as, in its judgment, ought to have been made in the matter by the administrative official charged with the enforcement of this Chapter, and to that end shall assume all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken or provide relief from this Chapter as such board deems appropriate.
- (3) Those aggrieved by the decision of any of the Boards of Appeal may appeal such decision to the Supreme Court pursuant to Article 78 of

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

the Civil Practice Law and Rules. Such proceeding shall be instituted within the time limit as prescribed by the Civil Practice Law and Rules.

F. Permit Application Fees and Expenses.

- (1) An applicant for any review, approval or permit prescribed in this Chapter shall not be authorized to obtain the same without first making payment of the required fee.
- (2) Fees required by this Chapter shall be paid upon the submission of applications and appeals.
- (3) Expenses incurred by the Town shall be due upon receipt of an invoice.
- (4) The fees for applications and appeals shall be established by the Town Board from time to time.
- (5) A fee schedule shall be made available upon request.
- (6) No required fee shall be substituted for any other fee.

G. Professional Assistance.

- (1) Any Board or Department charged with rendering opinions, permit decisions or approvals may engage the services of professional consultants. Should the department or board deem it necessary to hire consultants for technical review, the applicant shall be required to bear the expense. The total cost of such reviews shall not exceed the total cost to the Town. In addition, if deemed necessary by the reviewing department or board, the applicant shall be required to bear the costs of on-site inspection by technical consultants employed by the Town.
- (2) Payment for the services of such consultants and/or engineers is to be made from funds deposited by the applicant with the Town in escrow accounts for such purpose.
- (3) It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of any work associated with said application before the Board or at such other time as directed by the Town, certified check(s) in amounts equal to the estimate of the expert consultant and/or engineer for the cost of services to be rendered to the Town. This sum shall be released by the Town to said consultant or engineer in payment for the services rendered to it upon acceptance by the Town of said services.
- (4) In the event that an application required Town Board action for review or implementation, including consideration of zoning issues, variances, contracts, bonding, financing or other associated actions

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

required by virtue of an application under local zoning ordinances, the experts retained by the Planning Board and/or the Zoning Board of Appeals on behalf of the Town as outlined in Subsection 1 through 3 above shall provide to the Town Board such services as may be required by it also in connection with its review of the application and associated actions; the cost of said experts to be provided for as set forth under this section. The purpose of this provision is to avoid duplication of services and provide for coordinated review of said application.

H. SEQRA.

The Town shall comply with the provisions of the New York State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part Six Hundred Seventeen of the New York Codes, Rules and Regulations. Upon receipt of any complete application, the Town or any officer, department, board or bureau of the Town shall initiate the New York State Environmental Quality Review process.