

## The Board of Standards and Appeals Process

### **BZY FORM**

A BZY Form, filed with the City of New York Board of Standards and Appeals, is an application for “extension of period to complete construction.”

The two-page application form is submitted by the property owner or his/her authorized representative, along with, among other things, a statement containing a description of the proposed development and reasons for the delay in construction, a set of 8” x 10” photographs showing the work completed on the foundation or work completed to date taken no later than the date on which the City of New York adopted the amendments to the Zoning Resolution that necessitated the filing of the application, a full set of plans and copies of all permits.

A BZY application must be filed within 30 days from the date that the building permit has lapsed, which is the date that an amendment to the Zoning Resolution is voted into law by City Council. In the South Park Slope’s case, this date was November 16; hence, all BZY applications had to have been filed by property owners by December 16.

### **REVIEW PROCESS**

#### **1. COMMUNITY BOARD REVIEW**

The review period is initiated upon notification of the community board, which should take place immediately after the filing of an affected application.

The community board has 60 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, an additional 30 days are allowed for review, a public hearing and issuance of a recommendation to the BSA.

In addition, the affected city councilmember, affected borough president and the City Planning Commission receive a complete copy of all applications placed on the “BZ” (Zoning) calendar. The Board accepts recommendations and comments from these entities.

#### **2. BSA 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 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 60-day review period or receipt of a community board (and borough board, if applicable) recommendation.

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### 3. CALENDAR AND NOTIFICATION

Calendars of upcoming hearings are published in the Board's weekly Bulletin at least 30 days prior to hearing. Public hearings are usually held every Tuesday at the BSA hearing room (40 Rector St., 6th Fl, NYC), 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).

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

### 4. BOARD REVIEW

After calendaring, the case file is distributed to, and reviewed by, each of five Commissioners. 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. 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.

For more info:

<http://www.nyc.gov/html/bsa/>