

# RULES OF PRACTICE AND PROCEDURES

Effective July 26, 2019



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*Chairperson/Commissioner*

Carlo Costanza  
*Executive Director*

**APPENDIX A: Summary of Application Referral, Hearing Notice, and Proof of Service Requirements**

	Zoning Calendar (BZ)		Appeals Calendar (A)			Special Order Calendar (SOC)	
	Variance Reinstatement Major Amendment	Special Permit	Agency Final Determination	GCL § 35 GCL § 36	Vested Rights	Amendment	Extension of Term
<b>Application Referral</b>							
<b>Applicant</b> Within three (3) business days of filing must send copies to:	CB*, BP, CC, AO, and CPC	CB*, BP, CC, AO, and CPC	AO, and the subject property owner (if not the applicant); for applications to interpret the ZR, also send to DOB and CPC legal counsel	DOB, CB*, and BP	DOB, CB*, BP, CC, and CPC	CB*, BP, CC, AO, and CPC	CB*, BP, CC, AO, and CPC
<b>Applicant</b> Must submit Proof of Service of Referral:	Within 10 days of filing	Within 10 days of filing	Within 10 days of filing	Within 10 days of filing	Within 10 days of filing	Within 10 days of filing	Within 10 days of filing
<b>Hearing Notice</b>							
<b>Applicant</b> At least twenty (20) days before hearing must:	Notify CB*, BP, CC, CPC, and affected property owners  Publish in newspaper, one day of each week for 2 of the 3 weeks before hearing	Notify CB*, BP, CC, CPC, and affected property owners	Notify administrative agency and subject property owner (if not applicant)	Notify DOB, CB*, and BP	Notify DOB, CB*, BP, CC, and CPC	Notify CB*, BP, CC, and CPC	Notify CB*, BP, CC, and CPC
<b>Applicant</b> Must submit Proof of Service of Hearing Notice:	Within 10 days of sending notice	Within 10 days of sending notice	Within 10 days of sending notice	Within 10 days of sending notice	Within 10 days of sending notice	Within 10 days of sending notice	Within 10 days of sending notice

CB = Community Board; BP = Borough President; CC = City Council Member; CPC = City Planning Commission; DOB = Department of Buildings; and AO = Administrative Official who issued the determination.

\*If the subject property is located within more than one community board, the applicant must also refer the application and provide notice to the affected borough board.

*This table is intended to serve as a summary. Please see the full text of the associated rule for all requirements.*

**APPENDIX B: Fire Code Sections\* for Appeals Involving Hazardous Materials**

102.3	3304.5.2.2	3406.4.5.2
104.8	3304.7.3	3406.4.5.4
104.8.2	3304.7.2	3406.4.5.5
105.1.1	3304.7.6	3406.4.5.6(1)
105.2	3304.7.7	3406.4.5.7
105.3.5	3304.8.1	3406.4.5.8
105.6	3304.8.2	3406.4.5.9
106.3	3304.8.3	3406.4.5.10
2206.2.1.1	3304.5.2.2	3406.4.5.11
2703.3	3304.7.2.1	3406.4.6
2704.5	3304.7.8	3406.4.6.1
2707.4	3401.7(1)	3406.4.10.5
2707.6	3401.7(4)	3406.4.10.5.1
2707.6.2	3403.1.4	3406.4.10.6
2707.7	3403.6	3406.4.11
2707.7.4	3403.6.3	3406.4.12
3001.1(2)	3403.6.8	3406.4.13
3001.1(3)	3404.2.7	3406.4.14
3001.4.3	3404.2.7.3.6	3406.4.15
3003.1	3404.2.7.4	3406.4.16
3003.2.2	3404.2.9.2	3406.4.17
3301.2.3	3404.2.10	3406.4.17(1)
3301.3.1(6)(6.1)	3404.2.10.6	3406.4.17(2)
3301.5.1.2	3404.3	3406.5.1.7
3303.8	3406.2	3406.5.1.15.1
3304	3406.4.1.1	3406.9(2)
3304.2(3)	3406.4.5.1	3501.1(4)
3404.2.2	3406.4.5.1.1	3503.3
3304.3	3406.4.5.1.2	3701.5
3304.4	3406.4.5.1.3	3701.6
3304.3.1.2	3406.4.5.1.4	3704.2
3304.5.2.1	3406.4.5.3	3704.3

\*The Fire Code Sections are found in the New York City Administrative Code Title 29, Chapter 2.

**APPENDIX C: Summary of Filing Period and Calendar for Extension of Term Applications**

	File on SOC for Extension of Term	File on SOC for Extension of Term and Request Waiver <sup>1</sup>	File on SOC <sup>2</sup> for Amendment and Request Waiver <sup>1</sup>	File on BZ for Reinstatement and Request Waiver <sup>1</sup>	File on BZ as New Application
<b>Filing Period</b>					
<b>Within one (1) year before or thirty (30) days after the expiration of term</b>					
(a) Pre-1961 Use Grant	✓				
(b) Pre-1961 Bulk Grant	✓				
(c) Post-1961 Variance	✓				
(d) Post-1961 Special Permit	✓				
(e) Transient Parking Waiver	✓				
<b>More than one (1) year before or less than two (2) years after the expiration of term</b>					
(a) Pre-1961 Use Grant		✓			✓
(b) Pre-1961 Bulk Grant		✓			✓
(c) Post-1961 Variance		✓			✓
(d) Post-1961 Special Permit		✓			✓
(e) Transient Parking Waiver		✓			
<b>More than two (2) years after but less than ten (10) years after the term expiration</b>					
(a) Pre-1961 Use Grant		✓		✓	✓
(b) Pre-1961 Bulk Grant			✓		✓
(c) Post 1961 Variance			✓		✓
(d) Post-1961 Special Permit					✓
(e) Transient Parking Waiver		✓			
<b>More than ten (10) years after the expiration of term</b>					
(a) Pre-1961 Use Grant				✓	✓
(b) Pre-1961 Bulk Grant			✓		✓
(c) Post-1961 Variance			✓		✓
(d) Post-1961 Special Permit					✓
(e) Transient Parking Waiver		✓			

<sup>1</sup> Any request for a waiver may require the Chair’s approval. If denied, the application may be filed on the BZ as a new application, except for transient parking waiver applications.

<sup>2</sup> Applications for pre-1961 bulk grants that are not filed pursuant to ZR § 11-411 or post 1961 variances and special permits, where the grant is limited to a term that is only specified as a condition in the Board’s resolution, may be filed on the SOC calendar as an amendment to modify such term or condition provided that the applicant requests a waiver.

*This table is intended to serve as a summary. Please see the full text of the associated rule for all requirements.*

**APPENDIX D: Summary of Filing Period and Calendar for Extension of Time Applications**

	File on SOC for Extension of Time	File on SOC for Extension of Time and Request Waiver <sup>1</sup>	File on SOC <sup>2</sup> for Amendment and Request Waiver <sup>1</sup>	File on BZ as New Application
<b>Filing Period</b>				
<b>Within one (1) year before or within thirty (30) days after the expiration of time to complete construction</b>				
(a)	Pre-1961 Use Grant	✓		
(b)	Pre-1961 Bulk Grant	✓		
(c)	Post-1961 Variance	✓		
(d)	Post-1961 Special Permit	✓		
(e)	Transient Parking Waiver	✓		
<b>More than one (1) year before or less than two (2) years after the expiration of time to complete construction</b>				
(a)	Pre-1961 Use Grant		✓	✓
(b)	Pre-1961 Bulk Grant		✓	✓
(c)	Post-1961 Variance		✓	✓
(d)	Post-1961 Special Permit		✓	✓
(e)	Transient Parking Waiver		✓	
<b>More than two (2) years after but less than four (4) after the expiration of time to complete construction</b>				
(a)	Pre-1961 Use Grant		✓	
(b)	Pre-1961 Bulk Grant		✓	
(c)	Post-1961 Variance	✓		✓
(d)	Post-1961 Special Permit	✓		✓
(e)	Transient Parking Waiver		✓	
<b>More than four (4) years after the expiration of time to complete construction</b>				
(a)	Pre-1961 Use Grant		✓	✓
(b)	Pre-1961 Bulk Grant		✓	✓
(c)	Post-1961 Variance			✓
(d)	Post-1961 Special Permit			✓
(e)	Transient Parking Waiver		✓	
<b>Within one (1) year before or thirty (30) days after the expiration of time to obtain a certificate of occupancy</b>				
(a)	Pre-1961 Use Grant	✓		
(b)	Pre-1961 Bulk Grant	✓		
(c)	Post-1961 Variance	✓		
(d)	Post-1961 Special Permit	✓		
(e)	Transient Parking Waiver	✓		
<b>More than one (1) year before or more than thirty (30) days after the expiration of time to obtain a certificate of occupancy</b>				
(a)	Pre-1961 Use Grant		✓	✓
(b)	Pre-1961 Bulk Grant		✓	✓
(c)	Post-1961 Variance		✓	✓
(d)	Post-1961 Special Permit		✓	✓
(e)	Transient Parking Waiver		✓	

<sup>1</sup> Any request for a waiver may require the Chair's approval. If denied, the application may be filed on the BZ as a new application, except for transient parking waiver applications.

<sup>2</sup> Applications for pre-1961 use and bulk grants or transient parking waivers, where the time is specified only as a condition in the Board's resolution, may be filed on the SOC calendar as an amendment to modify such time period provided that the applicant requests a waiver.

*This table is intended to serve as a summary. Please see the full text of the associated rule for all requirements.*