

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2009**

---

**No. 40**

---

Introduced by Council Members Weprin and James (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to fees for certain applications, appeals, filings and reviews processed and determined by the board of standards and appeals, and to repeal certain provisions of such code relating thereto.**

*Be it enacted by the Council as follows:*

Section 1. Section 25-202 of the administrative code of the city of New York is REPEALED and a new section 25-202 is added to read as follows:

*§ 25-202 Fees. The fees hereinbelow set forth shall be charged for the following applications, appeals, filings and reviews:*

*1. Zoning variances. Application for any variance under the zoning resolution with respect to:*

*a. (1) Individually owned one and two family dwellings: \$550.00.*

*(2) Individually owned three family dwellings: \$850.00.*

*b. Other buildings and structures (fee schedule applicable to square footage involved in application), and junk yards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application).*

*(1) 10,000 square feet or less of floor area or lot area: \$3,160.00.*

(2) *In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$4,380.00.*

(3) *In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$5,630.00.*

(4) *In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$6,850.00.*

(5) *In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$8,080.00.*

(6) *In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.*

(7) *In excess of 100,000 square feet of lot area: \$8,960.00.*

c. *All other applications for any zoning variance under the zoning resolution not subject to paragraph a or b of this subdivision: \$3,160.00.*

2. *Zoning special permits. Application for any special permit under the zoning resolution with respect to:*

a. (1) *Individually owned one and two family dwellings: \$410.00.*

(2) *Individually owned three family dwellings: \$640.00.*

b. *Other buildings and structures (fee schedule applicable to square footage involved in application), and junk yards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application):*

(1) *10,000 square feet or less of floor area or lot area: \$2,370.00.*

(2) *In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$3,300.00.*

(3) *In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$4,220.00.*

(4) *In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$5,140.00.*

(5) *In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$6,060.00.*

(6) *In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.*

(7) *In excess of 100,000 square feet of lot area: \$6,720.00.*

c. *Application for any special permit under the zoning resolution not subject to paragraph a or b of this subdivision: \$2,370.00.*

3. *Special order calendar.*

a. *Application to reargue or rehear an application pursuant to the rules of practice and procedure of the board of standards and appeals: \$1,850.00.*

b. *Application for amendment of a variance or special permit previously granted under the zoning resolution with respect to:*

(1) *Individually owned one and two family dwellings: \$440.00.*

(2) *Individually owned three family dwellings: \$920.00.*

(3) *All other developments: \$2,110.00.*

c. *Application for an extension of time:*

(1) *To obtain a certificate of occupancy pursuant to a resolution of the board of standards and appeals: \$1,200.00.*

(2) *To complete construction pursuant to section 72-23 or 73-70 of the zoning resolution: \$1,200.00.*

*d. Application for extension of term of a variance or special permit previously granted under the zoning resolution with respect to individually owned one, two or three family dwellings, other buildings and structures (fee schedule applicable to square footage involved in application), and junkyards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application):*

*(1) Individually owned one, two or three family dwellings: \$550.00.*

*(2) 10,000 square feet or less of floor area or lot area: \$2,370.00.*

*(3) In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$3,290.00.*

*(4) In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$4,220.00.*

*(5) In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$5,140.00.*

*(6) In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$6,060.00.*

*(7) In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.*

*(8) In excess of 100,000 square feet of lot area: \$6,720.00.*

*(9) All other applications: \$2,370.00.*

*e. Application to waive the rules of practice and procedure of the board of standards and appeals when:*

*(1) Application to extend time to complete construction is filed one year or less after the permitted filing period: \$660.00.*

*(2) Application to extend time to complete construction is filed more than one year after the permitted filing period: \$920.00.*

*(3) Application to extend the term of a previously issued variance, special permit or appeal is filed one year or less after the permitted filing period: \$1,180.00.*

*(4) Application to extend the term of a previously issued variance, special permit or appeal, is filed between one and two years after the permitted filing period: \$1,850.00.*

*(5) Application to extend the term of a previously issued variance, special permit or appeal, is filed more than two years after the permitted filing period: \$2,630.00.*

*f. Application for minor amendment that is in substantial compliance with previous grant: \$620.00.*

#### *4. Appeals.*

*a. Application to waive section thirty-five or thirty-six of the general city law with respect to:*

*(1) One, two and three family residences, per building permit: \$790.00.*

*(2) All other residences, per building permit: \$1,540.00.*

*(3) All other buildings and properties, per building permit: \$1,980.00.*

*b. Appeal from or application for review of any order, requirement or determination of the commissioner of buildings or of any borough superintendent of the department of buildings or of the fire commissioner or any rule or regulation or amendment or repeal thereof made by the fire commissioner or the commissioner of small business services with respect to:*

*(1) One, two and three family residences, per building permit: \$1,260.00.*

*(2) All other residences, per building permit: \$2,460.00.*

*(3) All other buildings and properties, per building permit: \$3,160.00.*

*c. Application to vest building permit under the common law doctrine of vested rights with respect to:*

*(1) One, two and three family residences, per building permit: \$940.00.*

*(2) All other residences, per building permit: \$2,460.00.*

*(3) All other buildings and properties, per building permit: \$3,160.00.*

*d. Application for amendment of prior approval of appeals from or application for review of any order, requirement or determination of the commissioner of buildings or of any borough superintendent of the department of buildings or of the fire commissioner or any rule or regulation or amendment or repeal thereof made by the fire commissioner or the commissioner of small business services with respect to one, two and three family residences, all other residences and all other buildings and properties: \$920.00.*

*5. Application for extension of period to complete construction pursuant to section 11-33 of the zoning resolution:*

*a. One, two and three family residences, per building permit: \$940.00.*

*b. All other residences, per building permit: \$2,460.00.*

*c. All other buildings and properties, per building permit: \$3,160.00.*

*6. Exemptions. a. The provisions of this section shall not apply if a municipal department or agency of the city is the applicant or appellant before the board of standards and appeals.*

*b. The provisions of this section pertaining to minor amendment shall not apply if the owner of the premises affected by the application, appeal or review, is (1) an individual owner of a one or two family home or (2) a corporation or association organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporation or association inures to the benefit of any private individual and that the premises affected are to be used exclusively by such corporation or association for one or more such purposes.*

§ 2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on .....June 19, 2009..... and approved by the Mayor on .....June 29, 2009.....

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 2009, Council Int. No. 1009) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 19, 2009:  
44 for, 7 against, 0 not voting.  
Was signed by the Mayor on June 29, 2009  
Was returned to the City Clerk on June 29, 2009

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.