



TOWN OF BALLSTON
 Building Department
 323 Charlton Road
 Ballston Spa, NY 12020
 518-490-2715
 building@townofballstonny.org

Office Use ONLY

Permit # _____ Permit Fees: _____

SBL#: _____

Zoning Dist: _____

Date Rec'd: _____

CHANGE OF TENANCY/OCCUPANCY FORM

Business Name: _____

Address/Location/Suite #: _____

Applicant Name: _____ **Phone #:** _____

Mailing Address: _____ **Email:** _____

Property Owner (if different from Applicant)

Name: _____ **Phone #:** _____

Mailing Address: _____ **Email:** _____

Property Representative (if different than owner)

_____ **Phone #:** _____

Mailing Address: _____ **Email:** _____

Date property was acquired by applicant/owner: _____

Narrative of Proposed Use (incl. proposed alterations and attach sketch of site)

Hours of Operation: M _____ Tu _____ W _____ Th _____ F _____
 Sat _____ Sun _____

of Employees _____ **Anticipated New Jobs** _____

Parking needed: _____ **Parking Provided:** _____

Previous Use, if applicable: _____

Name(s) of previous business(es): _____

Applicant Signature: _____ **Date:** _____

Property Owner Signature: _____ **Date:** _____

§ 138-152 Change of occupancy and change of use.

Generally, a zoning permit or approval runs with the land and not with the individual or entity to which such permit or approval was issued. A change of occupancy or tenancy does not require a new permit or approval as long as the use continues to meet the requirements of this chapter and is not otherwise changed, enlarged or expanded. At the Code Officer's discretion, application for change of occupancy may be referred to the Planning Board. Any change of use, or change in the intensity of a commercial use that will require a modification of existing means of access or egress, parking or loading facilities, drainage, utilities, or signage shall require site plan approval by the Planning Board. Any change of use, or change in the intensity of a commercial use that will require a modification of existing means of access or egress, parking or loading facilities, drainage, utilities, or signage shall require site plan approval by the Planning Board. A special use permit shall also be required if a change is made to a use that also requires a special use permit as per the Tables of Uses, Area, Frontage, and Setback Requirements, regardless of whether the original use had been issued a special use permit.

§ 138-140 Applicability.

Site plan review and approval is required for certain uses as indicated on the use tables set forth at the end of this chapter, for a change of use, or where site plan approval is required as part of the criteria for a special permit. In such cases, the site plan approval must be obtained from the Planning Board prior to the issuance of a building permit for construction.

A. For a change in tenancy, site plan review shall be applied as follows:

- (1) All changes of tenancy or occupation in a facility located in a district or location in this section, other than in an existing one-family or two-family dwelling or manufactured or mobile home shall be subject to site plan review and approval unless all of the following conditions are met:
 - (a) The proposed tenant falls into the same or lesser class as the existing tenant for calculation of parking requirements and is of the same or lesser intensity of use as the tenant being replaced.
 - (b) The new tenant does not require any site amenities of a different quality or nature than that already approved on the site.
 - (c) The new tenant does not require any exterior additions, deletions or site changes to the existing facilities on the subject property.
 - (d) The existing site received final site plan approval.
 - (e) The existing use is a permitted use under the provisions of this chapter.
 - (f) The existing site is in compliance with any previous site plan approval issued by the Town of Ballston Planning Board.
 - (g) If there is solely a change in tenancy, an application must be filed with the Building Department, together with a fee of \$50.