

HOW TO FILE FOR A CHANGE OF USE

For a change of tenancy, the Department of Housing & Buildings will require that you file for a change of use permit which will include a Certificate of Occupancy when you finalize all of the inspections required prior to you occupying your store.

First, you will be required to file a building permit application along with two (2) copies of a floor plan of your space, showing all exits, exit signs, emergency lighting, smoke detectors, as well as what each room will be used for, and all fire separations and ratings of partitions and ceilings where needed. The Department of Housing & Buildings will look to see if your proposal requires fire separation (ex.: 1-hour fire separation between stock rooms and sales areas, 1-hour min. fire separation between cellar/basement ceilings and first floor, fire separation between your tenancy and any other occupancies whether above or adjacent to your space). In addition, the department will look for enclosure of your basement stairs with fire rated construction and fire rated doors top and bottom, verification that your bathrooms have ventilation and that any new carpet, wall or ceiling coverings have the mandated flame spread ratings (this can be obtained from the distributor that you purchased the material from). As part of the permit application you will be required to have a licensed electrician and a licensed plumber (both licensed to work in Westchester County). The Building Department also looks for compliance with the handicapped requirements as mandated by the New York State Uniformed Fire Prevention & Building Code (NYSUFP&BC), that is that you must spend 20% of your alteration costs toward the upgrading of your premises to meet the handicapped requirements, including when you install new counters they must meet the mandated height not to exceed 34", and that dressing rooms must contain a bench with grab rails which conform to the ICC/ANSI A-117.1-2003. The last item which will be required will be the mandatory back flow prevention device which must be installed on the domestic water service of your space if the building does not already have one. When these items have been filed with the Building Department and the Water Bureau and everything is in compliance with the necessary code requirements the permit will be issued.

Second, you can then proceed with your alterations, making sure that you call for the needed inspections as noted on your building permit.

Third, when you have completed the work, you must sign and file the Certificate of Occupancy application with the Building Department who will then cause all the necessary department and agencies to inspect your premises to insure compliance with the code requirements; these inspections will include the Fire Department, the Building Inspector, the Health Department (when foods are involved), the Electrical Inspector (whom your electrician will set up the inspection), and the Plumbing Inspector (whom your plumber will set up the inspection).