

6668--A

Cal. No. 401

I N   S E N A T E

March 8, 2012

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Introduced by Sens. LANZA, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the New York city charter, in relation to requiring the board of standards and appeals and the city planning commission of the city of New York to provide a copy of each application for a variance or special permit to the members of the city council and the state assembly and the state senator in whose districts, and the president of the borough in which the land, to which the application relates, is located

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph 1 of subdivision a, and subdivisions b and c of  
2     section 668 of the New York city charter, paragraph 1 of subdivision a  
3     and subdivision b as amended by local law number 102 of the city of New  
4     York for the year 1977, and subdivision c as amended by a vote of the  
5     people of the city of New York at the general election held in November  
6     1989, are amended to read as follows:  
7     1. Each proposal or application shall be filed with the board of stan-  
8     dards and appeals, which shall forward a copy within five days to the  
9     community board for each community district in which the land involved,  
10    or any part thereof, is located, and to the borough board if the  
11    proposal or application involves land located in two or more districts  
12    in a borough; AND SHALL DELIVER, WITHIN FIVE DAYS, A COPY THEREOF TO  
13    EACH MEMBER OF THE COUNCIL, EACH MEMBER OF THE STATE ASSEMBLY AND EACH  
14    STATE SENATOR IN WHOSE DISTRICT, AND THE PRESIDENT OF THE BOROUGH IN  
15    WHICH THE LAND INVOLVED IS LOCATED.  
16    b. The recommendation of a community board or borough board pursuant  
17    to subdivision a of this section shall be filed with the board of stand-  
18    ards and appeals and [a copy] COPIES sent to the city planning commis-  
19    sion, AND TO EACH MEMBER OF THE COUNCIL, EACH MEMBER OF THE STATE ASSEM-  
20    BLY AND EACH STATE SENATOR IN WHOSE DISTRICT, AND THE PRESIDENT OF THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 BOROUGH IN WHICH THE LAND INVOLVED IS LOCATED. The board of standards  
2 and appeals shall conduct a public hearing and act on the proposed  
3 application. A decision of the board shall indicate whether each of the  
4 specific requirements of the zoning resolution for the granting of vari-  
5 ances has been met and shall include findings of fact with regard to  
6 each such requirement.

7 c. Copies of a decision of the board of standards and appeals and  
8 copies of any recommendation of the affected community board or borough  
9 board shall be filed with the city planning commission. Copies of the  
10 decision shall also be filed with the affected community or borough  
11 boards. IN ADDITION, COPIES OF THE DECISION SHALL BE SENT TO EACH  
12 MEMBER OF THE COUNCIL, EACH MEMBER OF THE STATE ASSEMBLY AND EACH STATE  
13 SENATOR IN WHOSE DISTRICT, AND THE PRESIDENT OF THE BOROUGH IN WHICH THE  
14 LAND INVOLVED IS LOCATED.

15 S 2. Subdivision b of section 669 of the New York city charter, such  
16 section as designated by a vote of the people of the city of New York at  
17 the general election held in November 1975, is amended to read as  
18 follows:

19 b. Such appeal may be taken within such time as shall be prescribed by  
20 the board by general rule, by filing with the officer from whom the  
21 appeal is taken and with the board a notice of appeal, specifying the  
22 grounds thereof. THE BOARD SHALL DELIVER EACH NOTICE OF APPEAL SO FILED  
23 WITHIN FIVE DAYS TO EACH MEMBER OF THE COUNCIL, EACH MEMBER OF THE STATE  
24 ASSEMBLY AND EACH STATE SENATOR IN WHOSE DISTRICT, AND THE PRESIDENT OF  
25 THE BOROUGH IN WHICH THE LAND INVOLVED IS LOCATED. The officer from whom  
26 the appeal is taken shall forthwith transmit to the board all the papers  
27 constituting the record upon which the action appealed from was taken.

28 S 3. Subdivision a of section 201 of the New York city charter, as  
29 amended by a vote of the people of the city of New York at the general  
30 election held in November of 1989, is amended to read as follows:

31 a. Applications for changes in the zoning resolution may be filed by  
32 any taxpayer, community board, borough board, borough president, by the  
33 mayor or by the land use committee of the council if two-thirds of the  
34 members of the committee shall have voted to approve such filing with  
35 the city planning commission. THE CITY PLANNING COMMISSION SHALL DELIV-  
36 ER EACH APPLICATION SO FILED WITHIN FIVE DAYS TO EACH MEMBER OF THE  
37 COUNCIL, EACH MEMBER OF THE STATE ASSEMBLY AND EACH STATE SENATOR IN  
38 WHOSE DISTRICT, AND THE PRESIDENT OF THE BOROUGH IN WHICH THE LAND  
39 INVOLVED IS LOCATED. All such applications involving changes in the  
40 designation of zoning districts under the zoning resolution shall be  
41 subject to review and approval pursuant to section one hundred ninety-  
42 seven-c and one hundred ninety-seven-d OF THIS CHAPTER. For applica-  
43 tions involving other changes in zoning resolutions and regulations, the  
44 commission prior to taking action upon any such application shall refer  
45 it to the affected community boards or borough boards for a public  
46 hearing and recommendation.

47 S 4. This act shall take effect on the thirtieth day after it shall  
48 have become a law, and shall apply to proposals and applications filed  
49 with the board of standards and appeals and the city planning commission  
50 of the city of New York on or after such date.