S T A T E  O F  N E W  Y O R K

319

2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the New York city charter, in relation to requiring the variance and special permit decisions made by the board of standards and appeals be made by a two-thirds majority of the quorum present and voting

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

Section 1. Declaration of legislative findings and intent. This bill is a companion to the proposed amendment to the New York city charter that adds eight additional members to the New York city board of standards and appeals to be appointed by the other major election officials in the city government, the borough presidents, public advocate, comptroller and city council. The legislature finds that zoning decisions represent permanent alterations to the fabric of the city and can affect the rights of many property owners for years to come. As such, zoning decisions made by the New York city board of standards and appeals should only occur when there is a two-thirds majority of the quorum present and voting.

S 2. Subdivision b of section 668 of the New York city charter, as amended by local law number 102 of the city of New York for the year 1977, is amended to read as follows:

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement, AND SHALL ONLY BE MADE BY A TWO-THIRDS MAJORITY OF THE QUORUM PRESENT AND VOTING.

S 3. This act shall take effect immediately.

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

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