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

1678

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, CLARK -- read once and referred to the Committee on Education

AN ACT to amend the public authorities law, in relation to land use review procedures

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

Section 1. Section 1730 of the public authorities law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. THE AUTHORITY SHALL CONDUCT A PHASE 1 DOCUMENTARY REVIEW PURSUANT TO THE AMERICAN SOCIETY OF TESTING AND MATERIALS - E1527 AND, IF WARRANTED, A PHASE 2 FIELD INVESTIGATION PURSUANT TO AMERICAN SOCIETY OF TESTING AND MATERIALS - E1903, PRIOR TO ENTERING INTO A NEW LEASE FOR AN EDUCATIONAL FACILITY.

5. IF AFTER A PHASE 2 INVESTIGATION A REMEDIAL WORK PLAN IS REQUIRED, SUCH PLAN SHALL BE MADE AVAILABLE FOR PUBLIC COMMENT AND REVIEW FOR A PERIOD OF NOT MORE THAN SIXTY DAYS. THE PUBLIC COMMENT PERIOD SHALL INCLUDE AT LEAST ONE PUBLIC HEARING THAT SHALL TAKE PLACE NO SOONER THAN THIRTY DAYS AND NO LATER THAN FORTY-FIVE DAYS FROM THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD AND SHALL BE CONDUCTED BY THE NEW YORK CITY DEPARTMENT OF EDUCATION IN CONJUNCTION WITH THE COMMUNITY EDUCATION COUNCIL OF THE DISTRICT IN WHICH THE FACILITY WILL BE LOCATED. THE PUBLIC COMMENT PERIOD SHALL COMMENCE ONE DAY AFTER THE DETAILED REMEDIAL WORK PLANS ARE MADE AVAILABLE TO THE COMMUNITY EDUCATION COUNCIL.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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