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

4958

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Cities

AN ACT to amend the general city law, in relation to granting a variance to allow new residential construction in a district zoned for manufacturing

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

Section 1. Section 81 of the general city law is amended by adding a new subdivision 12 to read as follows:

12. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IN A CITY HAVING A POPULATION OF MORE THAN ONE MILLION AS A CONDITION TO THE GRANT OF A VARIANCE, EXCEPTION OR PERMIT TO ALLOW NEW RESIDENTIAL CONSTRUCTION IN A DISTRICT ZONED FOR MANUFACTURING, IN ADDITION TO ALL OF THE FINDINGS REQUIRED BY APPLICABLE LAWS, CODES AND REGULATIONS, THE BOARD OF STANDARDS AND APPEALS MUST MAKE THE FOLLOWING FINDINGS:

(A) THAT THE AREA OF THE LOT OR LOTS COVERED BY THE APPLICATION, WHEN ADDED TO (I) THE AREA OF ANY LOTS IN THE SAME BLOCK WHICH HAVE PREVIOUSLY BEEN GRANTED A SIMILAR VARIANCE, EXCEPTION OR PERMIT AND (II) THE AREA OF ANY OTHER LOTS IN SUCH BLOCK WHICH CONTAIN NON-CONFORMING RESIDENTIAL USES DOES NOT EXCEED FIFTEEN PERCENT OF THE AREA OF SUCH BLOCK.

(B) THAT THE APPLICATION HAS BEEN REFERRED TO THE FOLLOWING DEPARTMENTS AND THE BOARD HAS GIVEN DUE CONSIDERATION TO THE REPORTS SUBMITTED BY SAME:

(I) THE DEPARTMENT OF TRANSPORTATION FOR ITS REPORT WITH RESPECT TO THE ANTICIPATED TRAFFIC CONGESTION RESULTING FROM SUCH APPLICATION AND THE AVAILABILITY OF ADEQUATE PARKING TO ACCOMMODATE THE PROPOSED USE.

(II) THE BOARD OF EDUCATION, THE DEPARTMENT OF SANITATION, AND THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT FOR THEIR REPORT WITH RESPECT TO SUCH DEPARTMENTS' CAPACITY TO PROVIDE SERVICES IF THE APPLICATION IS GRANTED, THE ANTICIPATED COST OF PROVIDING SAME AND THE COST OF PROVID-

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

LBD08543-01-9

ING SUCH SERVICE TO A SIMILAR PROPERTY IN AN AREA WHERE RESIDENTIAL USE IS PERMITTED AS OF RIGHT.

(C) THAT THE COST OF PROVIDING THE SERVICES DESIGNATED IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS SUBDIVISION DOES NOT EXCEED ONE HUNDRED TWENTY-FIVE PERCENT OF THE COST OF PROVIDING THE SAME SERVICES TO A SIMILAR PROPERTY IN AN AREA WHERE RESIDENTIAL USE IS PERMITTED AS OF RIGHT.

S 2. This act shall take effect immediately.