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

4073

2009-2010 Regular Sessions

I N S E N A T E

April 9, 2009

Introduced by Sens. LITTLE, DIAZ, HANNON, HUNTLEY, LARKIN, MORAHAN, OPPENHEIMER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, the town law and the village law, in relation to making residential facilities of state agencies subject to local site plan review

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

Section 1. Section 27-a of the general city law is amended by adding a new subdivision 1-a to read as follows:

1-A. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS IMMUNITY FROM LIABILITY FOR THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SOLELY WITH REGARD TO RESIDENTIAL FACILITIES. EVERY STATE AGENCY SHALL SUBMIT A SITE PLAN FOR EACH PARCEL OF LAND UNDER ITS CONTROL UPON WHICH A RESIDENTIAL FACILITY IS TO BE OR HAS BEEN CONSTRUCTED. FOR THE PURPOSES OF THIS SECTION, "STATE AGENCY" MEANS ANY DEPARTMENT, BUREAU, COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE, INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHOSE BOARD IS APPOINTED BY THE GOVERNOR.

S 2. Section 274-a of the town law is amended by adding a new subdivision 1-a to read as follows:

1-A. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS IMMUNITY FROM LIABILITY FOR THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SOLELY WITH REGARD TO RESIDENTIAL FACILITIES. EVERY STATE AGENCY SHALL SUBMIT A SITE PLAN FOR EACH PARCEL OF LAND UNDER ITS CONTROL UPON WHICH A RESIDENTIAL FACILITY IS TO BE OR HAS BEEN CONSTRUCTED. FOR THE PURPOSES OF THIS SECTION, "STATE AGENCY" MEANS ANY DEPARTMENT, BUREAU, COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE, INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHOSE BOARD IS APPOINTED BY THE GOVERNOR.

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

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S 3. Section 7-725-a of the village law is amended by adding a new subdivision 1-a to read as follows:

1-A. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS IMMUNITY FROM LIABILITY FOR THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SOLELY WITH REGARD TO RESIDENTIAL FACILITIES. EVERY STATE AGENCY SHALL SUBMIT A SITE PLAN FOR EACH PARCEL OF LAND UNDER ITS CONTROL UPON WHICH A RESIDENTIAL FACILITY IS TO BE OR HAS BEEN CONSTRUCTED. FOR THE PURPOSES OF THIS SECTION, "STATE AGENCY" MEANS ANY DEPARTMENT, BUREAU, COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE, INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHOSE BOARD IS APPOINTED BY THE GOVERNOR.

S 4. Within 90 days of the effective date of this act each state agency which has constructed a residential facility upon any parcel of land under its control prior to the effective date of this act shall submit a site plan for such parcel to the appropriate city, town or village.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.