

4120

2009-2010 Regular Sessions

I N S E N A T E

April 13, 2009

Introduced by Sen. MONTGOMERY -- 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 the Atlantic
Yards arena and redevelopment project

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

1 Section 1. It is the intent of the legislature to ensure that the
2 empire state development corporation abides by the rights of the citi-
3 zenry of the city of New York and the democratically enacted urban land
4 use procedure set forth in section 197-a of the New York city charter
5 and commonly known as the URLUP process with respect to the general
6 project plan approved and identified as the "Atlantic Yards arena and
7 redevelopment project" in a memorandum of understanding signed on Febru-
8 ary 18, 2005 in order that such project results in a vote of the city
9 council. Further, community boards 2, 6 and 8 within the borough of
10 Brooklyn requested in September 2004 that such Atlantic Yards project be
11 subject to the URLUP process.

12 S 2. Subdivision a of section 197-a of the New York city charter, as
13 amended by a vote of the people of the city of New York at the general
14 election held in November of 1989, is amended to read as follows:

15 a. Plans for the development, growth, and improvement of the city and
16 of its boroughs and community districts may be proposed by (1) the
17 mayor, (2) the city planning commission, (3) the department of city
18 planning, (4) a borough president with respect to land located within
19 his or her borough, (5) a borough board with respect to land located
20 within its borough, [or] (6) a community board with respect to land
21 located within its community district, OR (7) AN AGENCY OF THE STATE OF
22 NEW YORK SUBJECT TO THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH
23 ADDED THIS PARAGRAPH. A community board, borough board or borough
24 president that proposes any such plan shall submit the plan together
25 with a written recommendation to the city planning commission for deter-

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

LBD09791-01-9

1 minations pursuant to subdivision b of this section. Any such
2 submission may be made by a community board, borough board or borough
3 president only after the board or borough president proposing such a
4 plan has held a public hearing on the plan.

5 S 3. The empire state development corporation shall cease and discon-
6 tinue all action in furtherance of the general project plan as approved
7 and identified as the "Atlantic Yards arena and redevelopment project"
8 in a memorandum of understanding signed on February 18, 2005, and submit
9 the plan as an expedited application to the city of New York for a
10 development project pursuant to the uniform land use review procedure
11 set forth in section 197-c of the New York city charter. Notwithstanding
12 the provisions of this section, the empire state development corporation
13 shall complete any outstanding contract where an immediate cessation or
14 discontinuance would constitute waste and shall be allowed to provide
15 information about the intended project at any public hearing or in
16 response to any written inquiry, subject to the provisions of the public
17 officers law.

18 S 4. The plans for the Atlantic Yards arena and redevelopment project
19 shall be submitted as an expedited application by the empire state
20 development corporation to the New York city planning commission by
21 August 15, 2009. The empire state development corporation shall provide
22 any further information requested by the city planning commission as
23 soon as is practicable after such request has been made, provided,
24 however, that the application shall be deemed complete for purposes of
25 the expedited review procedure provided by the provisions of this act no
26 later than September 15, 2009. Notwithstanding the time requirements set
27 forth in section 197-c of the New York city charter, such plans shall be
28 subject to and reviewed in accordance with such section. If there exists
29 insufficient information for the city council to take action, the
30 borough president, affected community board or boards or borough board
31 may take note of such facts.

32 S 5. Notwithstanding the time requirements set forth in section 197-c
33 of the New York city charter, the affected community board or boards
34 shall comply with the provisions of such section and submit its recom-
35 mendations to the city planning commission on or before October 15,
36 2009.

37 S 6. Notwithstanding the time requirements set forth in section 197-c
38 of the New York city charter, the borough board shall comply with the
39 provisions of such section and submit its recommendations to the city
40 planning commission on or before November 7, 2009.

41 S 7. Notwithstanding the time requirements set forth in section 197-c
42 of the New York city charter, the city planning commission shall submit
43 its recommendations to the city council on or before December 1, 2009.

44 S 8. Notwithstanding the time requirements set forth in section 197-c
45 of the New York city charter, the city council shall approve, disapprove
46 or amend the plans for the Atlantic Yards arena and redevelopment
47 project submitted by the empire state redevelopment corporation pursuant
48 to the provisions of this act on or before December 31, 2009.

49 S 9. This act shall take effect immediately.