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

4120

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRENNAN, COLTON, PHEFFER, MAISEL -- Multi-Sponsored by -- M. of A. ABBATE, CLARK, DINOWITZ, FARRELL, GLICK, GOTTFRIED, GREENE, LANCMAN, NOLAN, ROBINSON -- read once and referred to the Committee on Cities

AN ACT to amend the New York city charter, in relation to quorum at public hearings held by members of the city planning commission with respect to certain uniform land use review matters

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

Section 1. Subdivision h of section 197-c of the New York city charter, as amended by local law number 59 of the city of New York for the year 1996, is amended to read as follows:

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. A QUORUM MUST BE PRESENT AT ALL TIMES DURING THE PUBLIC HEARING. IF A QUORUM CEASES TO EXIST AT ANY TIME DURING SUCH HEARING, THE HEARING SHALL CEASE UNTIL A QUORUM IS RESTORED. THE REQUIREMENT FOR A PUBLIC HEARING SHALL BE DEEMED NOT FULFILLED UNLESS A QUORUM BE PRESENT AT ALL

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

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TIMES THAT SUCH HEARING IS CONDUCTED. FOR THE PURPOSE OF THE PUBLIC HEARING AND VOTE OF THE CITY PLANNING COMMISSION REQUIRED BY THIS SUBDIVISION, A QUORUM SHALL CONSIST OF A MAJORITY OF THE MEMBERS OF THE COMMISSION. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of citywide administrative services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

S 2. This act shall take effect immediately and shall apply to any recommendation filed on or after such effective date.