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

5523

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

AN ACT to amend the New York city charter, in relation to variances and special permits

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

Section 1. Subdivision e of section 668 of the New York city charter, as amended by a vote of the people of the city of New York at the general election held in November of 1989, is amended to read as follows:

e. The city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution. The commission may appear and be heard on any application pursuant to this section before the board of standards and appeals if, in the judgment of the city planning commission[,]:

(1) the granting of relief requested in such application would violate the requirements of the zoning resolution relating to the granting of variances OR

(2) IN THE CASE OF AN APPLICATION WHICH WOULD PERMIT NEW RESIDENTIAL CONSTRUCTION IN AN AREA ZONED FOR MANUFACTURING, THE GRANTING OF THE RELIEF REQUESTED WILL ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY.

The commission shall have standing to challenge the granting or denial of a variance in a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, or in any similar proceeding. FURTHERMORE, IF THE COMMISSION OBJECTS TO THE GRANT OF AN APPLICATION BASED ON PARAGRAPH TWO OF THIS SUBDIVISION, THE COMMISSION MAY FILE ITS WRITTEN OBJECTION WITH THE COUNCIL WITHIN TEN DAYS OF THE BOARD'S ACT IN GRANTING THE APPLICATION, IN WHICH CASE SUCH APPLICATION SHALL BE SUBJECT TO REVIEW AND ACTION BY THE COUNCIL. WITHIN FIFTY DAYS OF SUCH FILING THE COUNCIL SHALL HOLD A PUBLIC HEARING ON NOT LESS THAN FIVE DAYS NOTICE. THE COUNCIL SHALL TAKE FINAL ACTION ON THE DECISION WITHIN SUCH FIFTY DAYS. THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE COUNCIL

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

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MEMBERS SHALL BE REQUIRED TO APPROVE OR DISAPPROVE SUCH APPLICATION. IF THE COUNCIL FAILS TO ACT WITHIN FIFTY DAYS, THE COUNCIL SHALL BE DEEMED TO HAVE DISAPPROVED SUCH APPLICATION. THE MAYOR MAY APPROVE ANY APPLICATION WHICH WAS DISAPPROVED IF SUCH APPROVAL IS MADE WITHIN TEN DAYS AFTER THE EXPIRATION OF THE AFOREMENTIONED FIFTY DAYS. ANY SUCH MAYORAL APPROVAL MUST BE FILED WITH THE COUNCIL WITHIN FIVE DAYS OF THE MAYOR'S APPROVAL AND SHALL BE SUBJECT TO OVERRIDE BY A TWO-THIRDS VOTE OF ALL THE COUNCIL MEMBERS WITHIN TEN DAYS OF SUCH FILING BY THE MAYOR.

S 2. This act shall take effect immediately.