

7821

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 24, 2009

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Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Local Governments

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:

- 1     Section 1. Section 27-a of the general city law is amended by adding a  
2     new subdivision 1-a to read as follows:  
3     1-A. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS IMMUNITY  
4     FROM LIABILITY FOR THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION  
5     SOLELY WITH REGARD TO RESIDENTIAL FACILITIES. EVERY STATE AGENCY SHALL  
6     SUBMIT A SITE PLAN FOR EACH PARCEL OF LAND UNDER ITS CONTROL UPON WHICH  
7     A RESIDENTIAL FACILITY IS TO BE OR HAS BEEN CONSTRUCTED. FOR THE  
8     PURPOSES OF THIS SECTION, "STATE AGENCY" MEANS ANY DEPARTMENT, BUREAU,  
9     COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE,  
10    INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHOSE BOARD IS  
11    APPOINTED BY THE GOVERNOR.  
12    S 2. Section 274-a of the town law is amended by adding a new subdivi-  
13    sion 1-a to read as follows:  
14    1-A. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS IMMUNITY  
15    FROM LIABILITY FOR THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION  
16    SOLELY WITH REGARD TO RESIDENTIAL FACILITIES. EVERY STATE AGENCY SHALL  
17    SUBMIT A SITE PLAN FOR EACH PARCEL OF LAND UNDER ITS CONTROL UPON WHICH  
18    A RESIDENTIAL FACILITY IS TO BE OR HAS BEEN CONSTRUCTED. FOR THE  
19    PURPOSES OF THIS SECTION, "STATE AGENCY" MEANS ANY DEPARTMENT, BUREAU,  
20    COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE,  
21    INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHOSE BOARD IS  
22    APPOINTED BY THE GOVERNOR.  
23    S 3. Section 7-725-a of the village law is amended by adding a new  
24    subdivision 1-a to read as follows:

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

LBD10872-02-9

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

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

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