

475

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the environmental conservation law, in relation to the granting of building permits and zoning variances by municipalities

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

1     Section 1. The general municipal law is amended by adding a new  
2     section 79 to read as follows:  
3     S 79. COMPLIANCE WITH STATE REQUIREMENTS FOR BUILDING AND ZONING.  
4     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE  
5     CONTRARY, ANY APPLICANT SEEKING LAND USE APPROVAL FROM A MUNICIPAL  
6     CORPORATION OR SUBSIDIARY THEREOF SHALL, WITH RESPECT TO THE  
7     CONSTRUCTION, DEVELOPMENT, PLANNING, IMPROVEMENT, RECONSTRUCTION OR  
8     REHABILITATION OF ANY FACILITY, BUILDING OR ANY OTHER CONSTRUCTION WHICH  
9     IS LOCATED OR PROPOSED TO BE LOCATED WITHIN SUCH MUNICIPALITY, CERTIFY  
10    TO SUCH MUNICIPAL CORPORATION THAT SUCH APPLICANT AND SUCH APPLICANT'S  
11    PROPOSED LAND USE ARE IN COMPLIANCE WITH STATE LAWS, RULES, REGULATIONS  
12    AND ORDINANCES AND HAS RECEIVED ANY PERMITS OR LICENSES REQUIRED BY THE  
13    STATE.  
14    S 2. Section 25-0403 of the environmental conservation law is amended  
15    by adding a new subdivision 4 to read as follows:  
16    4. NO LOCAL GOVERNMENT SHALL ISSUE A PERMIT FOR CONSTRUCTION, ALTER-  
17    ATION, EXPANSION, OR DEMOLITION OR ANY ZONING VARIANCE UNTIL THE COMMIS-  
18    SIONER OR LOCAL GOVERNMENT HAS DETERMINED THAT THE PROVISIONS OF THIS  
19    ARTICLE HAVE BEEN SATISFIED. IN ADDITION, NO CLAIMS OF HARDSHIP SHALL BE  
20    CONSIDERED IN REGARD TO COMPLIANCE WITH THIS ARTICLE.  
21    S 3. Section 24-0705 of the environmental conservation law is amended  
22    by adding a new subdivision 4-a to read as follows:

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

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1 4-A. NO LOCAL GOVERNMENT SHALL ISSUE A PERMIT FOR CONSTRUCTION, ALTER-  
2 ATION, EXPANSION, OR DEMOLITION OR ANY ZONING VARIANCE UNTIL THE COMMIS-  
3 SIONER OR LOCAL GOVERNMENT HAS DETERMINED THAT THE PROVISIONS OF THIS  
4 ARTICLE HAVE BEEN SATISFIED. IN ADDITION, NO CLAIMS OF HARDSHIP SHALL BE  
5 CONSIDERED IN REGARD TO COMPLIANCE WITH THIS ARTICLE.

6 S 4. This act shall take effect on the ninetieth day after it shall  
7 have become a law and shall apply to all applications for land use  
8 approval submitted on or after such effective date.