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

S. 5484 A. 8259

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

May 11, 2009

IN SENATE -- Introduced by Sens. WINNER, AUBERTINE, STACHOWSKI, VALESKY, YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

IN ASSEMBLY -- Introduced by M. of A. KOON, LIFTON, BACALLES, BURLING -- read once and referred to the Committee on Judiciary

AN ACT to amend the general city law, the town law, and the village law, in relation to authorizing the use of mediation in land use decisions

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

Section 1. Section 20 of the general city law is amended by adding a new subdivision 39 to read as follows:

39. TO PROVIDE BY LOCAL LAW FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION PURSUANT TO GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY ITS LEGISLATIVE BODY. WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE LEGISLATIVE BODY MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE LEGISLATIVE BODY SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A COPY THEREOF IN THE CITY CLERK'S OFFICE.

S 2. Subdivision 3 of section 81-a of the general city law, as added by chapter 208 of the laws of 1993, is amended to read as follows:

3. Assistance to the board of appeals. (A) Such board shall have the authority to call upon any department, agency or employee of the city for such assistance as shall be deemed necessary and as shall be authorized by the legislative body. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

(B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE LEGISLATIVE BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN

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

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AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE LEGISLATIVE BODY.

S 3. Paragraph b of subdivision 14 of section 27 of the general city law, as amended by chapter 418 of the laws of 1995, is amended to read as follows:

b. The planning board may review and make recommendations on a proposed city comprehensive plan or amendment thereto. In addition, the planning board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the city as it deems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED BY THE LEGISLATIVE BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE LEGISLATIVE BODY.

S 4. Section 64 of the town law is amended by adding a new subdivision 26 to read as follows:

26. MEDIATION. IS AUTHORIZED TO PROVIDE BY LOCAL LAW FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR OTHER PROCEDURE AS DETERMINED BY THE BOARD. WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE TOWN BOARD MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE TOWN BOARD SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A COPY THEREOF IN THE TOWN CLERK'S OFFICE.

S 5. Subdivision 3 of section 267-a of the town law, as amended by chapter 248 of the laws of 1992, is amended to read as follows:

3. Assistance to board of appeals. (A) Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

(B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE TOWN BOARD TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR OTHER SUCH PROCEDURE AS DETERMINED BY THE BOARD.

S 6. Paragraph b of subdivision 14 of section 271 of the town law, as amended by chapter 418 of the laws of 1995, is amended to read as follows:

b. The planning board may review and make recommendations on a proposed town comprehensive plan or amendment thereto. In addition, the planning board shall have full power and authority to make investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the town as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED BY THE TOWN BOARD TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR OTHER PROCEDURE AS DETERMINED BY THE BOARD.

S 7. Subdivision 3 of section 4-412 of the village law is amended by adding a new paragraph 14 to read as follows:

(14) MEDIATION. MAY PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES. WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE BOARD OF TRUSTEES MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE BOARD OF TRUSTEES SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A COPY THEREOF IN THE VILLAGE CLERK'S OFFICE.

S 8. Subdivision 3 of section 7-712-a of the village law, as amended by chapter 248 of the laws of 1992, is amended to read as follows:

3. Assistance to board of appeals. (A) Such board shall have the authority to call upon any department, agency or employee of the village for such assistance as shall be deemed necessary and as shall be authorized by the village board of trustees. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

(B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE BOARD OF TRUSTEES TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES.

S 9. Paragraph b of subdivision 14 of section 7-718 of the village law, as amended by chapter 418 of the laws of 1995, is amended to read as follows:

b. The planning board may review and make recommendations on a proposed village comprehensive plan or amendment thereto. In addition, the planning board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the village as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED BY THE BOARD OF TRUSTEES TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES OF THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES.

S 10. This act shall take effect on the first of July in the calendar year next succeeding the calendar year in which it shall have become a law, and shall not affect any local laws or ordinances providing for the mediation of zoning and planning decisions which were enacted prior to such effective date.