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

368

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CUSICK, CLARK, PHEFFER, ROSENTHAL, TITONE -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Local Governments

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:

Section 1. The general municipal law is amended by adding a new section 79 to read as follows:

S 79. COMPLIANCE WITH STATE REQUIREMENTS FOR BUILDING AND ZONING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ANY APPLICANT SEEKING LAND USE APPROVAL FROM A MUNICIPAL CORPORATION OR SUBSIDIARY THEREOF SHALL, WITH RESPECT TO THE CONSTRUCTION, DEVELOPMENT, PLANNING, IMPROVEMENT, RECONSTRUCTION OR REHABILITATION OF ANY FACILITY, BUILDING OR ANY OTHER CONSTRUCTION WHICH IS LOCATED OR PROPOSED TO BE LOCATED WITHIN SUCH MUNICIPALITY, CERTIFY TO SUCH MUNICIPAL CORPORATION THAT SUCH APPLICANT AND SUCH APPLICANT'S PROPOSED LAND USE ARE IN COMPLIANCE WITH STATE LAWS, RULES, REGULATIONS AND ORDINANCES AND HAS RECEIVED ANY PERMITS OR LICENSES REQUIRED BY THE STATE.

S 2. Section 25-0403 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

4. NO LOCAL GOVERNMENT SHALL ISSUE A PERMIT FOR CONSTRUCTION, ALTERATION, EXPANSION, OR DEMOLITION OR ANY ZONING VARIANCE UNTIL THE COMMISSIONER OR LOCAL GOVERNMENT HAS DETERMINED THAT THE PROVISIONS OF THIS ARTICLE HAVE BEEN SATISFIED. IN ADDITION, NO CLAIMS OF HARDSHIP SHALL BE CONSIDERED IN REGARD TO COMPLIANCE WITH THIS ARTICLE.

S 3. Section 24-0705 of the environmental conservation law is amended 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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4-A. NO LOCAL GOVERNMENT SHALL ISSUE A PERMIT FOR CONSTRUCTION, ALTERATION, EXPANSION, OR DEMOLITION OR ANY ZONING VARIANCE UNTIL THE COMMISSIONER OR LOCAL GOVERNMENT HAS DETERMINED THAT THE PROVISIONS OF THIS ARTICLE HAVE BEEN SATISFIED. IN ADDITION, NO CLAIMS OF HARDSHIP SHALL BE CONSIDERED IN REGARD TO COMPLIANCE WITH THIS ARTICLE.

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