

1013

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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Introduced by M. of A. GUNTHER, PALMESANO, MONTESANO, WALTER -- Multi-Sponsored by -- M. of A. HAWLEY, McDONOUGH, RIVERA -- 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:

1     Section 1. Section 20 of the general city law is amended by adding a  
2     new subdivision 39 to read as follows:  
3     39. TO PROVIDE BY LOCAL LAW FOR THE USE OF VOLUNTARY AND NONBINDING  
4     MEDIATION PURSUANT TO GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM  
5     OR SUCH OTHER PROCEDURE AS DETERMINED BY ITS LEGISLATIVE BODY. WHEN  
6     UTILIZING SUCH MEDIATION, THE APPLICANT AND THE LEGISLATIVE BODY MAY  
7     MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME PERIODS  
8     FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY THE  
9     DATE ON WHICH THE STAY OR EXTENSION WILL END. THE LEGISLATIVE BODY SHALL  
10    MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A COPY  
11    THEREOF IN THE CITY CLERK'S OFFICE.  
12    S 2. Subdivision 3 of section 81-a of the general city law, as added  
13    by chapter 208 of the laws of 1993, is amended to read as follows:  
14    3. Assistance to the board of appeals. (A) Such board shall have the  
15    authority to call upon any department, agency or employee of the city  
16    for such assistance as shall be deemed necessary and as shall be author-  
17    ized by the legislative body. Such department, agency or employee may be  
18    reimbursed for any expenses incurred as a result of such assistance.  
19    (B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE LEGISLATIVE  
20    BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN  
21    AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES ESTAB-  
22    LISHED BY THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED  
23    BY THE LEGISLATIVE BODY.

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

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

4 b. The planning board may review and make recommendations on a  
5 proposed city comprehensive plan or amendment thereto. In addition, the  
6 planning board shall have the full power and authority to make investi-  
7 gations, maps, reports, and recommendations in connection therewith  
8 relating to the planning and development of the city as it deems desira-  
9 ble, providing the total expenditures of said board shall not exceed the  
10 appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED  
11 BY THE LEGISLATIVE BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBIND-  
12 ING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE  
13 GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCE-  
14 DURE AS DETERMINED BY THE LEGISLATIVE BODY.

15 S 4. Section 64 of the town law is amended by adding a new subdivision  
16 26 to read as follows:

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

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

28 3. Assistance to board of appeals. (A) Such board shall have the  
29 authority to call upon any department, agency or employee of the town  
30 for such assistance as shall be deemed necessary and as shall be author-  
31 ized by the town board. Such department, agency or employee may be reim-  
32 bursed for any expenses incurred as a result of such assistance.

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

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

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

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

54 (14) MEDIATION. MAY PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING  
55 MEDIATION PURSUANT TO THE GUIDELINES ESTABLISHED BY THE UNIFIED COURT  
56 SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES.

1 WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE BOARD OF TRUSTEES  
2 MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME  
3 PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY  
4 THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE BOARD OF TRUSTEES  
5 SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A  
6 COPY THEREOF IN THE VILLAGE CLERK'S OFFICE.

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

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

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

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

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

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