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

1436

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. PAULIN, MORELLE, COOK, SCHIMMINGER, SCHIMEL, ZEBROWSKI, CROUCH -- Multi-Sponsored by -- M. of A. GOODELL, HIKIND, LALOR, RIVERA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the application and environmental assessment form

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

Section 1. Section 236 of the general municipal law, as amended by chapter 892 of the laws of 1972, is amended to read as follows:

S 236. General powers. 1. (A) The body creating such planning commission may, at any time, by ordinance or local law or resolution, provide that the following matters, or any one or more of them, shall be referred for report thereon, to such commission by the board, commission, commissioner or other public officer or officers of said city or village which is the final authority thereon before final action thereon by such authority: the adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street, or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge, statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village. In default of any such ordinance, local law or resolution all of said matters shall be so referred to said planning commission.

(B) The body creating such planning commission may, at any time, by ordinance, local law or resolution, fix the time within which such planning commission shall report upon any matter or class of matters to be

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

LBD04868-01-5

referred to it, with or without the further provision that in default of report within the time so fixed, the planning commission shall forfeit the right further to suspend action, as aforesaid with regard to the particular matter upon which it has so defaulted. In default of any such ordinance, local law or resolution, no such action shall be taken until such report is so received, and no adoption, change, fixing or location as aforesaid by said final authority, prior thereto, shall be valid. No ordinance, local law or resolution shall deprive said planning commission of its right or relieve it of its duty, to report, at such time as it deems proper upon any matter at any time referred to it.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE PROVISIONS OF LAW, RULES AND REGULATIONS IN EFFECT ON THE DATE AN APPLICATION AND AN ENVIRONMENTAL ASSESSMENT FORM ARE FILED WITH AN AGENCY, RELATING TO A PROPOSED ACTION, SHALL REMAIN IN EFFECT AND CONTINUE TO APPLY TO THE REVIEW OF SUCH ACTION UNTIL THE FINAL DECISION OF ALL AGENCIES HAVING APPROVAL AUTHORITY AND ANY APPEALS THEREOF.

3. This section shall not be construed as intended to limit or impair the power of any art commission, park commission or commissioner, now or hereafter existing by virtue of any provision of law, to refuse consent to the acceptance by any municipality of the gift of any work of art to said municipality, without reference of the matter, by reason of its proposed location or otherwise, to said planning commission. Nor shall this section be construed as intended to limit or impair any other power of any such art commission or affect the same, except in so far as it provides for reference or report, or both, on any matter before final action thereon by said art commission.

S 2. This act shall take effect immediately.