

5254

2015-2016 Regular Sessions

I N S E N A T E

May 11, 2015

Introduced by Sen. MURPHY -- 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, 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:

1 Section 1. Section 236 of the general municipal law, as amended by  
2 chapter 892 of the laws of 1972, is amended to read as follows:  
3 S 236. General powers. 1. (A) The body creating such planning commis-  
4 sion may, at any time, by ordinance or local law or resolution, provide  
5 that the following matters, or any one or more of them, shall be  
6 referred for report thereon, to such commission by the board, commis-  
7 sion, commissioner or other public officer or officers of said city or  
8 village which is the final authority thereon before final action thereon  
9 by such authority: the adoption of any map or plan of said city or  
10 incorporated village, or part thereof, including drainage and sewer or  
11 water system plans or maps, and plans or maps for any public water  
12 front, or marginal street, or public structure upon, in or in connection  
13 with such front or street, or for any dredging, filling or fixing of  
14 lines with relation to said front; any change of any such maps or plans;  
15 the location of any public structure upon, in or in connection with, or  
16 fixing lines with relation to said front; the location of any public  
17 building, bridge, statue or monument, highway, park, parkway, square,  
18 playground or recreation ground, or public open place of said city or  
19 village. In default of any such ordinance, local law or resolution all  
20 of said matters shall be so referred to said planning commission.  
21 (B) The body creating such planning commission may, at any time, by  
22 ordinance, local law or resolution, fix the time within which such plan-  
23 ning commission shall report upon any matter or class of matters to be  
24 referred to it, with or without the further provision that in default of  
25 report within the time so fixed, the planning commission shall forfeit

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

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1 the right further to suspend action, as aforesaid with regard to the  
2 particular matter upon which it has so defaulted. In default of any such  
3 ordinance, local law or resolution, no such action shall be taken until  
4 such report is so received, and no adoption, change, fixing or location  
5 as aforesaid by said final authority, prior thereto, shall be valid. No  
6 ordinance, local law or resolution shall deprive said planning commis-  
7 sion of its right or relieve it of its duty, to report, at such time as  
8 it deems proper upon any matter at any time referred to it.

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

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

25 S 2. This act shall take effect immediately.