

STATE OF NEW YORK

57

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. PAULIN, MORELLE, COOK, SCHIMMINGER, 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 applica-
tion and environmental assessment form

The People of the State of New York, represented in Senate and Assem-
bly, 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 § 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

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

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

11 2. Notwithstanding the provisions of subdivision one of this section,
12 the provisions of law, rules and regulations in effect on the date an
13 application and an environmental assessment form are filed with an agen-
14 cy, relating to a proposed action, shall remain in effect and continue
15 to apply to the review of such action until the final decision of all
16 agencies having approval authority and any appeals thereof.

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

27 § 2. This act shall take effect immediately.