STATE OF NEW YORK

3536--A

2017-2018 Regular Sessions

IN SENATE

January 24, 2017

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to requiring the board of standards and appeals to forward a copy of each application to vary the zoning resolution or for a special permit to each owner of real property within one mile of the land to which such application applies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 1 of subdivision a, and subdivisions b and c of section 668 of the New York city charter, paragraph 1 of subdivision a as amended by local law number 102 of the city of New York for the year 1977, subdivision b as amended by local law number 83 of the city of New York for the year 2017 and subdivision c as amended by a vote of the people of the city of New York at the general election held in November 1989, are amended to read as follows:

1. Each proposal or application shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough**; and shall deliver a copy thereof, by first class mail, within five days to each owner of real property located within one mile of the land involved**.

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and [~~a copy~~] **copies** sent to the city planning commission **to each owner of real property located within one mile of the land**

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

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involved. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

c. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards. In addition, a copy of the decision shall be sent by first class mail to each owner of real property located within one mile of the land involved.

§ 2. Paragraph 1 of subdivision c, and subdivisions d and e of section 668 of the New York city charter, as amended by local law number 103 of the city of New York for the year 2017, are amended to read as follows:

1. Each proposal or application shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough; and shall deliver a copy thereof, by first class mail, within five days to each owner of real property located within one mile of the land involved.

d. The recommendation of a community board or borough board pursuant to subdivision c of this section shall be filed with the board of standards and appeals and [~~a copy~~] copies sent to the city planning commission to each owner of real property located within one mile of the land involved. The board of standards and appeals shall conduct a public hearing and act on the proposed application. All testimony delivered at a public hearing by the applicant on the proposed application shall be sworn or affirmed under oath. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

e. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards. In addition, a copy of the decision shall be sent by first class mail to each owner of real property located within one mile of the land involved.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to proposals and applications filed with the board of standards and appeals on or after such date; provided,

that if local law number 103 of the city of New York for the year 2017 shall not have taken effect on or before such effective date, then section two of this act shall take effect on the same date and in the same manner as such local law.