

# 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:

1 Section 1. Paragraph 1 of subdivision a, and subdivisions b and c of  
2 section 668 of the New York city charter, paragraph 1 of subdivision a  
3 as amended by local law number 102 of the city of New York for the year  
4 1977, subdivision b as amended by local law number 83 of the city of New  
5 York for the year 2017 and subdivision c as amended by a vote of the  
6 people of the city of New York at the general election held in November  
7 1989, are amended to read as follows:

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

16 b. The recommendation of a community board or borough board pursuant  
17 to subdivision a of this section shall be filed with the board of stand-  
18 ards and appeals and [~~a copy~~] copies sent to the city planning commis-  
19 sion 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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1 involved. The board of standards and appeals shall conduct a public  
2 hearing and act on the proposed application. A decision of the board  
3 shall indicate whether each of the specific requirements of the zoning  
4 resolution for the granting of variances has been met and shall include  
5 findings of fact with regard to each such requirement. When the board of  
6 standards and appeals grants or denies an application for a variance or  
7 special permit, the board shall respond, as applicable, to any relevant  
8 recommendation filed with such board by a community board or borough  
9 board regarding such application. Inadvertent failure to comply with the  
10 preceding sentence shall not result in the invalidation of any board  
11 decision.

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

19 § 2. Paragraph 1 of subdivision c, and subdivisions d and e of section  
20 668 of the New York city charter, as amended by local law number 103 of  
21 the city of New York for the year 2017, are amended to read as follows:

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

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

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

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

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