

# STATE OF NEW YORK

3864

2019-2020 Regular Sessions

## IN SENATE

February 20, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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 c, and subdivisions d and e of  
2 section 668 of the New York city charter, as amended by local law number  
3 103 of the city of New York for the year 2017, are amended to read as  
4 follows:

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

13 d. The recommendation of a community board or borough board pursuant  
14 to subdivision c of this section shall be filed with the board of stand-  
15 ards and appeals and [~~a copy~~] copies sent to the city planning commis-  
16 sion to each owner of real property located within one mile of the land  
17 involved. The board of standards and appeals shall conduct a public  
18 hearing and act on the proposed application. All testimony delivered at  
19 a public hearing by the applicant on the proposed application shall be  
20 sworn or affirmed under oath. A decision of the board shall indicate  
21 whether each of the specific requirements of the zoning resolution for  
22 the granting of variances has been met and shall include findings of

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

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1 fact with regard to each such requirement. When the board of standards  
2 and appeals grants or denies an application for a variance or special  
3 permit, the board shall respond, as applicable, to any relevant recom-  
4 mendation filed with such board by a community board or borough board  
5 regarding such application. Inadvertent failure to comply with the  
6 preceding sentence shall not result in the invalidation of any board  
7 decision.

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

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