STATE OF NEW YORK

3865

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 and the city planning commission of the city of New York to provide a copy of each application for a variance or special permit to the members of the city council and the state assembly and the state senator in whose districts, and the president of the borough in which the land, to which the application relates, is located

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

Section 1. 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, within five days, a copy thereof to each member of the council, each member of the state assembly and each state senator in whose district, and the president of the borough in which the land involved is located**.

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**, and to each member of the council, each member of the state assembly and each state senator in whose district, and the president of the borough in which the land involved is located**. The board of standards and appeals shall conduct a public hearing and act on the proposed

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

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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, copies of the decision shall be sent to each member of the council, each member of the assembly and each state senator in whose district, and the president of the borough in which the land involved is located.**

§ 2. Subdivision b of section 669 of the New York city charter, such section as designated by a vote of the people of the city of New York at the general election held in November of 1975, is amended to read as follows:

b. Such appeal may be taken within such time as shall be prescribed by the board by general rule, by filing with the officer from whom the appeal is taken and with the board a notice of appeal, specifying the grounds thereof. **The board shall deliver each notice of appeal so filed within five days to each member of the council, each member of the state assembly and each state senator in whose district, and the president of the borough in which the land involved is located.** The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

§ 3. Subdivision a of section 201 of the New York city charter, as amended by a vote of the people of the city of New York at the general election held in November of 1989, is amended to read as follows:

a. Applications for changes in the zoning resolution may be filed by any taxpayer, community board, borough board, borough president, by the mayor or by the land use committee of the council if two-thirds of the members of the committee shall have voted to approve such filing with the city planning commission. **The city planning commission shall deliver each application so filed within five days to each member of the council, each member of the state assembly and each state senator in whose district, and the president of the borough in which the land involved is located.** All such applications involving changes in the designation of zoning districts under the zoning resolution shall be subject to review and approval pursuant to section one hundred ninety-seven-c and one hundred ninety-seven-d **of this chapter**. For applications involving other changes in zoning resolutions and regulations, the commission prior to taking action upon any such application shall refer it to the affected community boards or borough boards for a public hearing and recommendation.

§ 4. 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 and the city planning commission of the city of New York on or after such date.