STATE OF NEW YORK

3026

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general city law, the town law, the village law and the general municipal law, in relation to providing notice of quorum requirements to applicants for a building or site permit, variance, or subdivision plat at zoning board of appeals and planning board meetings

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

Section 1. Subdivision 13 of section 81-a of the general city law is amended by adding a new paragraph (c) to read as follows:

(c) Notice of quorum requirements. At the start of each meeting of a board of appeals at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the board of appeals shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the board of appeals who are present or absent at such meeting;

(ii) the number of votes of the members of the board of appeals who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the board of appeals if such applicant believes that the number of members of the board of appeals who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

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

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§ 2. Subdivision 17 of section 27 of the general city law, as added by chapter 662 of the laws of 2002, is amended to read as follows:

17. (a) Voting requirements. Every motion or resolution of a planning board shall require for its adoption the affirmative vote of a majority of all the members of the planning board. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law shall apply.

(b) Notice of quorum requirements. At the start of each meeting of a planning board at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the planning board shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the planning board who are present or absent at such meeting;

(ii) the number of votes of the members of the planning board who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the planning board if such applicant believes that the number of members of the planning board who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 3. Subdivision 13 of section 267-a of the town law is amended by adding a new paragraph (c) to read as follows:

(c) Notice of quorum requirements. At the start of each meeting of a board of appeals at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the board of appeals shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the board of appeals who are present or absent at such meeting;

(ii) the number of votes of the members of the board of appeals who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the board of appeals if such applicant believes that the number of members of the board of appeals who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 4. Subdivision 16 of section 271 of the town law, as added by chapter 662 of the laws of 2002, is amended to read as follows:

16. (a) Voting requirements. Every motion or resolution of a planning board shall require for its adoption the affirmative vote of a majority of all the members of the planning board. Where an action is the subject of a referral to the county planning agency or regional planning council

the voting provisions of sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law shall apply.

(b) Notice of quorum requirements. At the start of each meeting of a planning board at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the planning board shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the planning board who are present or absent at such meeting;

(ii) the number of votes of the members of the planning board who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the planning board if such applicant believes that the number of members of the planning board who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 5. Subdivision 13 of section 7-712-a of the village law is amended by adding a new paragraph (c) to read as follows:

(c) Notice of quorum requirements. At the start of each meeting of a board of appeals at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the board of appeals shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the board of appeals who are present or absent at such meeting;

(ii) the number of votes of the members of the board of appeals who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the board of appeals if such applicant believes that the number of members of the board of appeals who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 6. Subdivision 17 of section 7-718 of the village law, as added by chapter 662 of the laws of 2002, is amended to read as follows:

17. (a) Voting requirements. Every motion or resolution of a planning board shall require for its adoption the affirmative vote of a majority of all the members of the planning board. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law shall apply.

(b) Notice of quorum requirements. At the start of each meeting of a planning board at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this

subdivision, the chairperson of the planning board shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the planning board who are present or absent at such meeting;

(ii) the number of votes of the members of the planning board who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the planning board if such applicant believes that the number of members of the planning board who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 7. Subdivision 5 of section 239-c of the general municipal law, as added by chapter 662 of the laws of 2002, is amended to read as follows:

5. (a) Voting requirements. Every motion or resolution of a county planning board shall require for its adoption the affirmative vote of a majority of all the members of the county planning board.

(b) Notice of quorum requirements. At the start of each meeting of a county planning board at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the county planning board shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the county planning board who are present or absent at such meeting;

(ii) the number of votes of the members of the county planning board who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the county planning board if such applicant believes that the number of members of the county planning board who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 8. Subdivision 6 of section 239-h of the general municipal law, as added by chapter 662 of the laws of 2002, is amended to read as follows:

6. (a) Voting requirements. Every motion or resolution of a regional planning council shall require for its adoption the affirmative vote of a majority of all the members of the regional planning council.

(b) Notice of quorum requirements. At the start of each meeting of a regional planning council at which the adoption of a motion or resolution to approve an application for a building or site permit, variance, or subdivision plat shall be voted upon pursuant to paragraph (a) of this subdivision, the chairperson of the regional planning council shall inform any applicant for a building or site permit, variance, or subdivision plat of the following:

(i) the number of members of the regional planning council who are present or absent at such meeting;

(ii) the number of votes of the members of the regional planning council who are currently present at such meeting that is required to approve an application for a building or site permit, variance, or subdivision plat pursuant to paragraph (a) of this subdivision; and

(iii) the right of such applicant to table their application for a building or site permit, variance, or subdivision plat until a future meeting of the regional planning council if such applicant believes that the number of members of the regional planning council who are present or absent at such meeting will substantially impair such applicant's chances of getting their application for a building or site permit, variance, or subdivision plat approved.

§ 9. This act shall take effect immediately.