

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:

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

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

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

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

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

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

LBD00247-01-3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (b) Notice of quorum requirements. At the start of each meeting of a
48 regional planning council at which the adoption of a motion or resol-
49 ution to approve an application for a building or site permit, variance,
50 or subdivision plat shall be voted upon pursuant to paragraph (a) of
51 this subdivision, the chairperson of the regional planning council shall
52 inform any applicant for a building or site permit, variance, or subdi-
53 vision plat of the following:

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

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

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

12 § 9. This act shall take effect immediately.