STATE OF NEW YORK

10737

IN SENATE

November 13, 2026

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

AN ACT to amend the general municipal law, the environmental conservation law and the highway law, in relation to zoning modifications and permitting for certain building projects

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

Section 1. The general municipal law is amended by adding four new sections 98-c, 98-d, 98-e and 98-f to read as follows:

§ 98-c. Grant of certain zoning modifications by municipality. 1. For zoning permit modifications that are fifteen percent or less of any dimensional requirements specified in the zoning ordinance, a municipality shall grant a zoning modification, and such modification shall not be considered a variance request, ministerially within ten days of receipt of a request for such modification if:

(a) in the case that such modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;

(b) such modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and

(c) such modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.

2. Upon an affirmative determination, in the case of a modification of five percent or less, the zoning enforcement officer of such municipality shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent, the zoning enforcement officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the municipality that the modification will be granted unless written objection by anyone who is entitled to notice is received within fourteen days of the

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

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public notice. If written objection is received within fourteen days, the request for a modification shall be scheduled for the next available hearing before the municipality's zoning board of appeals on application for a dimensional variance following the standard procedures for such variances, including any notice requirements. If no written objections are received within fourteen days, the zoning enforcement officer shall grant the modification. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of such officer, be required to conform to the intent and purposes of the zoning ordinance. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this section shall be borne by the applicant requesting the modification.

§ 98-d. Inspections of certain building projects. 1. For a project where a municipality requires a special inspection under the New York state uniform fire prevention and building code, such municipality shall not require a subsequent inspection of the same systems or building elements at the same degree of completion as inspected in such special inspection, unless:

(a) Such special inspection identifies deficiencies and the municipality determines that subsequent inspection or inspections are required to confirm such deficiencies or verify that such deficiencies have been amended;

(b) The applicant requests a subsequent inspection; or

(c) The municipality pays, waives, or refunds all fees related to both the initial special inspection and the subsequent inspection.

2. If a municipal official or an inspector hired by the municipality fails to approve an aspect of a construction project that was explicitly approved by the municipality in the plans submitted for such construction, the municipality shall refund or waive any building permit fees paid by the developer.

3. A city, town, or village may establish a program whereby a building permit may be issued based upon a certification by a registered architect licensed to practice in the state of New York or a professional engineer licensed to practice in the state of New York, certifying that the intended work as set forth in the building permit application meets the requirements of the New York state uniform fire prevention and building code, excluding the approval of fire service features and compliance with fire protection and life safety systems as defined by the fire code of New York state, or any more restrictive local provisions relating to fire services, fire protection or life safety systems. Such city, town, or village shall establish procedures for the administration of such program, including, but not limited to, rules for appeal, a random audit to ensure compliance, and referrals to the department of education's office of professions upon finding of wrongdoing or negligence.

§ 98-e. Time for planning board or zoning board approval. A planning board or zoning board shall consider any request for any residential action which requires the approval of such planning board or zoning board within sixty days of receiving such request. If such planning board or zoning board does not begin to consider such request within such sixty days, such request shall be automatically approved.

§ 98-f. Building permits for certain projects. A building permit issued for a project of fewer than one hundred units shall be valid for not less than two years. A building permit issued for a project of

greater than one hundred units shall be valid for not less than four years.

§ 2. Subdivision 2 of section 24-0301 of the environmental conservation law, as amended by section 4 of part QQ of chapter 58 of the laws of 2022, is amended to read as follows:

2. Except as provided in subdivision three of this section, the commissioner may, upon their own initiative, and shall, upon a written request by a landowner whose land or a portion thereof may be included within a wetland, or upon the written request of another person or persons or an official body whose interests are shown to be affected, cause to be delineated the boundary line or lines of a freshwater wetland or a portion thereof. The commissioner shall undertake to delineate the boundary of a particular wetland or wetlands, or a particular part of the boundary thereof only upon a showing by the applicant therefor of good cause for such delineation and the establishment of such line. Such delineation shall be effective for a period of [~~five~~] fifteen years from the date of such delineation.

§ 3. Subdivision 2 of section 239-f of the general municipal law is amended by adding a new paragraph (e) to read as follows:

(e) Certain housing projects. Variances, special permits and small residential projects shall be exempt from county review for building permits under this section. For purposes of this paragraph, the term "small residential projects" shall mean housing projects that disturb less than five acres.

§ 4. Subdivision 4 of section 239-m of the general municipal law is amended by adding a new paragraph (c) to read as follows:

(c) Variances, special permits and small residential projects shall be exempt from county planning agency or regional planning council review for building permits under this section. For purposes of this paragraph, the term "small residential projects" shall mean housing projects that disturb less than five acres.

§ 5. Section 239-m of the general municipal law is amended by adding a new subdivision 7 to read as follows:

7. Court review. Any person aggrieved by a decision of a referring body, county planning agency or regional planning council allowed, required, or taken under the authority of this section, including but not limited to, by a failure to refer a proposed action, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceedings shall be instituted within thirty days after the decision pursuant to which such person was aggrieved. Such proceedings shall be accompanied by an allegation of particularized harm to the person or body instituting the proceedings. The court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The court shall itself dispose of the matter on the merits, determining all questions which may be presented for determination.

§ 6. Subdivision 4 of section 239-n of the general municipal law, as amended by chapter 459 of the laws of 1997, is amended by adding a new paragraph (c) to read as follows:

(c) Small residential subdivisions shall be exempt from county planning agency or regional planning council review for building permits under this section. For purposes of this paragraph, the term "small residential subdivisions" shall mean housing projects that disturb less than five acres.

§ 7. The opening paragraph of section 125 of the general municipal law, as added by chapter 439 of the laws of 1998, is amended to read as follows:

No city, town or village shall issue a building permit **for work valued at more than one hundred thousand dollars** without obtaining from the permit applicant either:

§ 8. Section 52 of the highway law is amended by adding a new undesignated paragraph to read as follows:

The department shall not require review of any housing project that does not involve work within the state highway right of way. For any permit required by the department for a housing project, the department shall respond to the application for such permit within one week and shall approve, approve with conditions, deny, or make a final request for further information regarding such application within six weeks. If the department fails to approve or deny such application within six weeks, such application shall be deemed approved.

§ 9. This act shall take effect immediately.