

# STATE OF NEW YORK

3810

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. WILLIAMS -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to special review procedures for development in marshlands

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

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new section 25-121 to read as follows:

3 § 25-121 Special review procedure in marshland. a. Definitions. As  
4 used in this section the following terms shall have the following mean-  
5 ings:

6 1. "Development" means the construction of a new building or other  
7 structure, or the alteration of an existing building or other structure,  
8 including demolition and replacement, for the purpose of increasing the  
9 number of residential dwelling units within such building or structure  
10 or that will require a certificate of occupancy to be issued from the  
11 city.

12 2. "Enlargement" means an addition to the floor area of an existing  
13 building, an increase in the size of any other structure, or an expan-  
14 sion of an existing use, including any uses accessory thereto, to an  
15 open portion of a zoning lot not previously used for such use.

16 3. "Marsh" means a wet prairie that has waterlogged soil during the  
17 growing season (from last spring frost to first fall frost) and is often  
18 covered with shallow water.

19 4. "Marshland" means any area containing a marsh or that has within  
20 one hundred years prior to the effective date of this section contained  
21 a marsh located within a watershed for which a watershed protection plan  
22 has been established pursuant to section 24-527 of this code.

23 5. "Project" means any development or enlargement.

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

LBD06725-01-5

1 6. "Residential dwelling unit" means any building or structure or  
2 portion thereof which is legally occupied in whole or in part as the  
3 home, residence or sleeping place of one or more human beings.

4 b. The city planning commission shall not authorize a project on  
5 marshland until the requirements of this section have been completed.

6 c. Except in the case of projects that have been exempted by the city  
7 planning commission pursuant to subdivision j of this section from the  
8 special review procedure established by this section, no project shall  
9 be permitted on a zoning lot in marshland until the owner thereof shall  
10 have filed notice of such proposed project with the city planning  
11 commission and the community board of the community district in which  
12 the project is proposed to be located. Additionally, the owner shall  
13 file an application for authorization with the city planning commission  
14 that shall include a description of the project, including its location,  
15 floor plans, the building footprint on the building parcel and architec-  
16 tural renderings, as well as:

17 1. a survey map prepared by a registered surveyor showing topography,  
18 the location of existing buildings or other structures, patios, decks,  
19 swimming pools, walkways, driveways and private roads, including side-  
20 walks and other impervious surfaces; and the location of geologic  
21 features, aquatic features and botanic environments;

22 2. photographs showing the location and condition of such geologic  
23 features, aquatic features or botanic environments;

24 3. a site plan prepared by a registered architect or professional  
25 engineer indicating the location of all existing buildings or other  
26 structures; the location of all proposed buildings or other structures;  
27 the location of existing and proposed patios, decks, swimming pools,  
28 walkways, driveways and private roads, including sidewalks and other  
29 impervious surfaces;

30 4. a drainage plan and soil report prepared by a professional engi-  
31 neer. The drainage plan shall describe the temporary (during  
32 construction) and permanent measures to collect, direct and discharge  
33 stormwater drainage from the site, indicating the direction of drainage  
34 flow and providing detailed plans and locations of all surface and  
35 subsurface drainage devices, walls, dams, sediment basins, stormwater  
36 storage (detention and retention) facilities, and other drainage facili-  
37 ties and protective devices;

38 5. a landscaping and revegetation plan, prepared by a registered land-  
39 scape architect, indicating the extent of vegetation and topsoil removal  
40 required for site preparation and development and the location and  
41 species of all new plantings; and

42 6. any other information necessary to evaluate the request for author-  
43 ization.

44 The commission may only waive or modify any of the requirements set  
45 forth in paragraphs one through six of this subdivision, when: (A) such  
46 waiver or modification is requested by the applicant in writing and when  
47 the commission determines that the requirements are unnecessary for  
48 evaluation purposes; (B) the community board of the community district  
49 in which the project is proposed to be located has approved the proposed  
50 waiver or modification; (C) the borough president who represents the  
51 borough or county in which the project is proposed to be located has  
52 approved the proposed waiver or modification; (D) the city council  
53 member or members in whose district the project is proposed to be  
54 located have approved the proposed waiver or modification; and (E) the  
55 member or members of assembly and the senator or senators in whose  
56 districts the project is proposed to be located shall be notified of

1 such approval in writing and shall have the opportunity to review and  
2 make advisory recommendations on the proposed project. The member or  
3 members of assembly and the senator or senators in whose district the  
4 project is proposed to be located have approved the proposed waiver or  
5 modification.

6 d. Upon receipt of a complete application for authorization, the city  
7 planning commission shall require a site-specific environmental review  
8 of the project.

9 1. When applying for authorization for a project an applicant shall  
10 notify the city planning commission in writing as to whether it will  
11 exercise its option to prepare or cause to be prepared a site-specific  
12 environmental review, and as to whom it has designated to prepare the  
13 site-specific environmental review, provided that no person so desig-  
14 nated shall have an investment or employment interest in the ultimate  
15 realization of the proposed project.

16 2. If an applicant declines responsibility for a site-specific envi-  
17 ronmental review, the city planning commission may prepare or cause to  
18 be prepared a site-specific environmental review for the project. In  
19 such event, the applicant shall provide, upon request, an environmental  
20 report to assist the city planning commission in preparing or causing to  
21 be prepared the site-specific environmental review and such other infor-  
22 mation as may be necessary. All agencies shall fully cooperate with the  
23 city planning commission in all matters relating to the preparation of  
24 the site-specific environmental review.

25 3. If the applicant does not exercise its option to prepare or cause  
26 to be prepared a site-specific environmental review, and the city plan-  
27 ning commission does not prepare or cause to be prepared such review,  
28 then the application for authorization of the proposed project shall be  
29 denied.

30 e. Once a site-specific environmental review is complete, the city  
31 planning commission shall forward a copy of the findings of the review  
32 to the community board or boards for the community district or districts  
33 in which the proposed project is located along with a copy of the appli-  
34 cation for authorization of the project. The city planning commission  
35 shall also make a copy of the findings of the site-specific environ-  
36 mental review and application for authorization available to the public  
37 on the commission's website.

38 f. Not less than forty-five days nor more than ninety days after a  
39 site-specific environmental review is completed, the city planning  
40 commission shall hold a public community forum for the purpose of  
41 obtaining meaningful public and community board input concerning the  
42 anticipated impact of the proposed project upon the community. The city  
43 planning commission shall afford community members, representatives of  
44 the local community board, local businesses and residents a reasonable  
45 opportunity to speak about relevant matters at such community forum,  
46 including comments on any aspect of the application or site-specific  
47 environmental review for the proposed project. Every such forum shall be  
48 held upon not less than twenty days notice to the affected community and  
49 the local community board.

50 g. The city planning commission shall, prior to establishing the date,  
51 time and location of the public community forum, consult with and obtain  
52 the advice and consent of the appropriate community board as to estab-  
53 lishing a convenient date, time and location to conduct the forum for  
54 the locally impacted community. Such forum location shall be within  
55 reasonable proximity of the proposed project and in suitable facilities  
56 that provide adequate room and access to hear public comments presented.

1 h. Not less than sixty days, nor more than ninety days, after holding  
2 a community forum the city planning commission shall, after due consid-  
3 eration of the comments at such forum, either approve, approve subject  
4 to modifications, or deny the application for authorization of the  
5 project. In making its decision, the commission shall, in addition to  
6 the site-specific environmental review findings, evaluate the project's  
7 potential to cause an adverse environmental impact on the marshland and  
8 surrounding community. When determining the potential for an adverse  
9 impact the commission shall consider the effect of any project on the  
10 total ecological process of the marshland and surrounding natural envi-  
11 ronment including the effect of such project on the existing topography,  
12 soil conditions, erosion, natural flow of water and drainage, water  
13 quality, and animal, plant and marine life. A project found to be defi-  
14 cient with respect to any of these considerations may be required to be  
15 modified as a condition of final approval. The city planning commission  
16 shall deny authorization for any project found to have an adverse impact  
17 on the marshland or surrounding community.

18 i. Prior to the issuance by the department of buildings of any permit  
19 for any project within a marshland, the city planning commission shall  
20 certify to the department of buildings that the project is authorized  
21 pursuant to this section. Neither the department of buildings or any  
22 other city or state agency shall issue a permit for the development or  
23 enlargement until the city planning commission has so certified.

24 j. The city planning commission shall promulgate rules and regulations  
25 necessary to implement the provisions of this section including rules  
26 delineating the locations of marshland within the city and describing  
27 the types of projects therein, if any, which shall be exempt from the  
28 provisions of this section. Prior to the promulgation of such rules, the  
29 city planning commission shall consult with the community board of any  
30 community district containing areas the commission may delineate as  
31 marshland regarding the types of projects to be exempt from the  
32 provisions of this section and in what areas of the community district.  
33 Such consultation shall include a notice and comment period of forty-  
34 five days. The city planning commission may exempt types of projects  
35 from the provisions of this section upon receipt of a resolution of a  
36 community board requesting such types of projects to be exempted.

37 § 2. This act shall take effect on the ninetieth day after it shall  
38 have become a law. Effective immediately, the addition, amendment and/or  
39 repeal of any rule or regulation necessary for the implementation of  
40 this act on its effective date are authorized to be made and completed  
41 on or before such effective date.