



Legislation Text

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Res. No. 1392

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to create a uniform process for community notification and local input on the siting of any state or state-authorized facility in the city of New York and to review the distribution of such facilities already in place

By Council Members Miller, Rose, Lander, Richards, Levin, Johnson, Reynoso and Gentile

Whereas, New York State agencies, public authorities and other State-authorized entities operate dozens of facilities within New York City, many of which are concentrated in relatively few neighborhoods; and

Whereas, The amount of say and involvement that local communities within the City have in deciding where to locate such facilities varies widely among the various State agencies, public authorities and similar entities; and

Whereas, For example, pursuant to State law, before a community residential facility for persons with developmental disabilities is sited in New York City, the affected Community Board receives notice, and local feedback, objections and recommendations for alternate sites are all built into a process to help ensure that a large concentration of similar state-authorized facilities does not “substantially alter[]” “the nature and character of” the community; and

Whereas, Similarly, pursuant to State law, before the State approves the establishment of a new facility for certain chemical dependency services, the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services must consider the need for a facility at that location and whether alternatives are feasible; and

Whereas, During that review process, the Commissioner also must give the application for the new chemical dependency services facility to the relevant “local government unit” -that is, the entity that New York

City authorizes to provide services to, among others, people suffering from alcohol or substance abuse or dependence - and must allow that local governmental unit to offer feedback and request a public hearing; and

Whereas, When the School Construction Authority acquires a site on which to build a new school, it is not subject to New York City's Uniform Land Use Review Procedure (ULURP) or other ordinary local site selection proceedings, but it generally must provide notice of the acquisition; hold a public hearing; and obtain local feedback and approval from the Mayor and City Council; and

Whereas, In contrast, when the School Construction Authority leases space for a school, it does not necessarily follow that process of public participation (although pending bills S.3962/A.1251, introduced by Senator Michael Gianaris and Assembly Member Catherine Nolan, would require it to do so); and

Whereas, In the siting process for other types of State facilities, local communities in New York State may receive little to no notice of or input into the siting of many new State-run, -authorized or -licensed facilities; and

Whereas, Regulating land use has long been a core function of New York City and integral to its efforts to ensure the health and welfare of City residents; and

Whereas, The New York State Legislature currently has more than 30 bills under consideration relating to the siting or disposition of State and State-authorized facilities, including:

- A bill to make government units, including school districts and public authorities, follow all State and local land-use planning laws (S.3337, introduced by Senator Andrew Lanza);
- Bills to alter siting criteria statewide for adult shelters (A.1383, introduced by Assembly Member Joseph Lentol), environmental facilities (S.3205/A.1973, introduced by Senator Andrea Stewart-Cousins and Assembly Member J. Gary Pretlow), wireless facilities (A.4746, introduced by Assembly Member William Colton), adult care facilities (A.3959 introduced by Assembly Member Michael Fitzpatrick), and community residential facilities (A.4547, introduced by Assembly Member Andrew Raia, and A.4094

introduced by Assembly Member Tom McKeivitt);

- Bills to limit or affect the siting of certain types of facilities in New York City, including marine solid waste transfer stations (S.2556/A.5903, introduced by Senator Liz Krueger and Assembly Member Rebecca Seawright) and supportive housing facilities and social services centers (S.4542-A/A.2553-A, introduced by Senator Jeffrey Klein and Assembly Member Michael Benedetto, and A.4453 introduced by Assembly Member Mark Gjonaj); and
- Bills to make the New York City Housing Authority (S.496/A.1758, introduced by Senator Brad Hoylman and Assembly Member Keith Wright) and schools (S.1166/A.1360 introduced by Senator Serrano and Assembly Member Linda Rosenthal, A.4170 introduced by Assembly Member Daniel O'Donnell, S.3838 introduced by Senator Andrew Lanza, and S.120 introduced by Senator Brad Hoylman) subject to ULURP when they dispose of property; and

Whereas, This time of intense interest in siting fairness and community participation affords the State an extraordinary opportunity to reevaluate its siting processes and institute a uniform, predictable and meaningful process for soliciting local feedback before a State agency or public authority authorizes a new facility in New York City; and

Whereas, A.3615, introduced by Assembly Member Keith Wright, offers an example of such a process: it would require the State to give Community Boards, Borough Presidents, the City Planning Commission, and other elected officials written notice and an opportunity to comment on the equity, concentration, and community impacts of proposed New York City sitings for myriad State facilities; and

Whereas, While a uniform process for soliciting local feedback in future sitings would improve equitable distribution of State-authorized facilities throughout New York City, the State also should take this opportunity to review existing inequitable concentrations of such facilities and encourage redistribution of facilities and services where appropriate; and

Whereas, In that spirit, A.1349, introduced by Assembly Member Michele Titus, would impose a moratorium on site selection for State facilities until there is a comprehensive review of all existing and proposed State facilities and an assessment of which communities may be oversaturated with such facilities;

Whereas, The New York State Legislature accordingly now has an exceptional chance to build upon and integrate a large amount of pending legislation and adopt a comprehensive approach to siting and facility review that would improve State siting processes and produce a more equitable distribution of State facilities throughout New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation to create a uniform process for community notification and local input on the siting of any state or state-authorized facility in the city of New York and to review the distribution of such facilities already in place.

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