



Legislation Text

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Int. No. 262

By Council Members Avella, Jackson, Reyna, Oddo, Brewer, Foster, Gentile, Liu, Mark-Viverito, Palma, Stewart, Weprin and Dickens

A Local Law to amend the charter of the city of New York, in relation to variance and special permit decisions made by the Board of Standards and Appeals requiring that all such decisions be made by a two-thirds majority of the quorum present and voting.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. This bill is a companion to the proposed amendment to the Charter that adds eight additional members to the Board of Standards and Appeals (“BSA”) to be appointed by the other major elected officials in city government, the borough presidents, Public Advocate, Comptroller and City Council. The Council finds that zoning decisions represent permanent alterations to the fabric of the city and can affect the rights of many property owners for years to come. As such, zoning decisions made by the BSA should only occur when there is a two-thirds majority of the quorum present and voting.

§2. Subdivision b of section 668 of the charter of the city of New York is hereby amended to read as follows:

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met [and],_shall include findings of fact with regard to each such requirement, and shall only be made by a two-thirds majority of the quorum present and voting.

§3. This local shall take effect immediately.

DJ
LS # 3
3/27/06