



Legislation Text

File #: Int 1723-2019, **Version:** *

Int. No. 1723

By Council Member Kallos

A Local Law to amend the New York city charter, in relation to sworn testimony before the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Section 663 of the New York city charter, as amended by local law number 49 for the year 1991, is amended to read as follows:

§ 663. Meetings. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the vice-chair may administer oaths and compel the attendance of witnesses. All hearings before the board shall be open to the public and shall be before at least three members of the board, and a concurring vote of at least three members shall be necessary to a decision to grant an application or an appeal, to revoke or modify a variance, special permit or other decision of the board, or to make, amend or repeal a rule or regulation. All testimony delivered at a public hearing by an applicant for a variance, special permit, or waiver or modification pursuant to the general city law, the multiple dwelling law or any other applicable law within the board's jurisdiction, or by an applicant for a vested right filed pursuant to section 11-30 of the zoning resolution or common law, or by an applicant for an order, requirement, decision or determination appealed to the board pursuant to subdivision six of section 666 or state law, shall be sworn or affirmed under oath. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official action. Such minutes and such records shall be public records.

§ 2. Subdivision d of section 668 of the New York city charter, as amended by local law number 103 for

the year 2017, is amended to read as follows:

d. The recommendation of a community board or borough board pursuant to subdivision c 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. [All testimony delivered at a public hearing by the applicant on the proposed application shall be sworn or affirmed under oath.] 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. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

§ 3. This local law takes effect immediately.

DFC
LS # 7303
09/10/19, 12:00 p.m.