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I N S E N A T E

March 10, 2014

Introduced by Sens. MONTGOMERY, ADDABBO, DIAZ, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to allowing community boards to apply and receive grants for waterfront revitalization programs for coastal areas and inland waterways

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivisions 1, 2, 3, the opening paragraph of subdivision
2 4, the opening paragraph and paragraph h of subdivision 5, and subdivi-
3 sions 7, 9 and 10 of section 915 of the executive law, subdivision 1 as
4 amended by chapter 454 of the laws of 2001, subdivision 2 and the open-
5 ing paragraph of subdivision 5 as amended by chapter 842 of the laws of
6 1981, and subdivision 3, the opening paragraph of subdivision 4, para-
7 graph h of subdivision 5, and subdivisions 7, 9 and 10 as added by chap-
8 ter 840 of the laws of 1981, are amended to read as follows:
9 1. It is the intention of this article to offer the fullest possible
10 support by the state and its agencies to those local governments that
11 desire to revitalize their waterfronts. Accordingly, any local govern-
12 ment [or], two or more local governments acting jointly, OR A COMMUNITY
13 BOARD which has any portion of its jurisdiction contiguous to the
14 state's coastal waters or inland waterways and which desires to partic-
15 ipate may submit a waterfront revitalization program to the secretary as
16 herein provided.
17 2. The secretary may provide technical and financial assistance as
18 provided in sections nine hundred seventeen and nine hundred eighteen OF
19 THIS ARTICLE to any local government OR COMMUNITY BOARD for the prepara-
20 tion of a waterfront revitalization program for the purposes of this
21 article.
22 3. A local government [or], two or more local governments acting
23 jointly OR A COMMUNITY BOARD which intends to submit a waterfront re-
24 vitalization program for the purposes of this article is strongly encour-
25 aged to consult, during its preparation, with other entities that may be
26 affected by its program, including local governments, county and

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

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1 regional agencies, appropriate port authorities, community based groups
2 and state and federal agencies. On request by the local government OR
3 COMMUNITY BOARD, the secretary shall take appropriate action to facili-
4 tate such consultation.

5 The secretary shall prepare and distribute guidelines and regulations
6 for local governments OR COMMUNITY BOARDS desiring to prepare, or cause
7 to be prepared, a waterfront revitalization program (hereinafter
8 referred to as the "program"). Such guidelines shall provide that the
9 program will be consistent with the policies and purposes of this arti-
10 cle generally and shall include, but not be limited to:

11 The secretary shall approve any local government OR COMMUNITY BOARD
12 waterfront revitalization program as eligible for the benefits set forth
13 in section nine hundred sixteen of this article if he finds that such
14 program will be consistent with coastal policies and will achieve the
15 waterfront revitalization purposes of this article. In making such
16 determination, the secretary shall find that the program incorporates
17 each of the following to an extent commensurate with the particular
18 circumstances of that local government OR COMMUNITY BOARD:

19 h. A statement identifying those elements of the program which can be
20 implemented by the local government OR COMMUNITY BOARD, unaided, and
21 those that can only be implemented with the aid of other levels of
22 government or other agencies. Such statement shall include those permit,
23 license, certification or approval programs, grant, loan, subsidy or
24 other funding assistance programs, facilities construction and planning
25 programs which may affect the achievement of the waterfront revitaliza-
26 tion program.

27 7. Where there is a conflict between a submitted waterfront revitali-
28 zation program and any state or federal policy, at the request of the
29 local government, COMMUNITY BOARD or the state or federal agency
30 affected, the secretary shall attempt to reconcile and resolve the
31 differences between the submitted program and such policies and shall
32 meet with the local government OR COMMUNITY BOARD and involved state and
33 federal agencies to this end.

34 9. Before undertaking any action pursuant to any programs identified
35 pursuant to paragraph [(h)] H of subdivision five of THIS section [nine
36 hundred fifteen of this article] the affected state agency shall submit,
37 through appropriate existing clearing house procedures including but not
38 limited to the state environmental quality review law, information on
39 the proposed action to local government OR COMMUNITY BOARD. The local
40 government OR COMMUNITY BOARD shall identify potential conflicts and so
41 notify the secretary. Upon notification of the conflict, the secretary
42 will confer with the affected state agency and the local government OR
43 COMMUNITY BOARD to modify the proposed action to be consistent with the
44 local plan.

45 10. Any local government OR COMMUNITY BOARD which has had a waterfront
46 revitalization program approved pursuant to this section may withdraw
47 its program at any time by filing with the secretary a copy of a resol-
48 ution of its legislative body providing for such withdrawal. Upon
49 receipt of such resolution, the secretary shall immediately notify all
50 affected state agencies.

51 S 2. Paragraph a of subdivision 1 of section 918 of the executive law,
52 as added by chapter 840 of the laws of 1981, is amended to read as
53 follows:

54 a. To any local governments, [or to] two or more local governments, OR
55 TO COMMUNITY BOARDS, for projects approved by the secretary which lead
56 to preparation of a waterfront revitalization program; provided, howev-

1 er, that such grants shall not exceed fifty percent of the approved cost
2 of such projects;

3 S 3. Section 911 of the executive law is amended by adding a new
4 subdivision 8 to read as follows:

5 8. "COMMUNITY BOARD" SHALL HAVE THE SAME MEANING AS SET FORTH IN
6 SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER.

7 S 4. This act shall take effect immediately.