

STATE OF NEW YORK

9628

IN SENATE

March 30, 2026

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, in relation to the use of funds from Peconic Bay region community preservation funds for the acquisition of waterfront conservation easements for maritime industries and heritage

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

1 Section 1. Subdivision 1 of section 64-e of the town law is amended
2 by adding a new paragraph (g) to read as follows:

3 (g) "Waterfront conservation easement" shall mean projects pursuant to
4 Suffolk county law No 32-2025.

5 § 2. Subdivision 3 of section 64-e of the town law, as amended by
6 chapter 666 of the laws of 2024, is amended to read as follows:

7 3. The purposes of the fund shall be exclusively, (a) to implement a
8 plan for the preservation of community character as required by this
9 section, (b) to acquire interests or rights in real property for the
10 preservation of community character within the town including villages
11 therein in accordance with such plan and in cooperation with willing
12 sellers, (c) to establish a bank pursuant to a transfer of development
13 rights program consistent with section two hundred sixty-one-a of this
14 chapter, (d) to provide a management and stewardship program for such
15 interests and rights consistent with subdivisions nine and nine-a of
16 this section and in accordance with such plan designed to preserve
17 community character; provided that not more than ten (10) percent of the
18 fund shall be utilized for the management and stewardship program, [~~and~~]
19 (e) to implement water quality improvement projects in accordance with a
20 plan to preserve community character, and (f) to acquire waterfront
21 conservation easements to maintain and enhance maritime industries and
22 heritage which shall include but not be limited to working waterfront
23 projects, aquaculture businesses, commercial fisheries, recreational
24 fishing, boating businesses, processing facilities, packout facilities,
25 icehouses, storage and all other activities appurtenant to commercial
26 fishing, commercial aquaculture and maritime industries. A maximum of
27 twenty (20) percent of the fund may be utilized for the implementation

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

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1 of water quality improvement projects; provided that where such water
2 quality improvement funds are utilized for the operation of the Peconic
3 Bay National Estuary Program, the use of such funds shall only be
4 utilized to match federal, state, county, or other public or private
5 funds on a dollar for dollar basis, not to exceed ten (10) percent of
6 the annual amount appropriated for water quality improvement projects.
7 Unused funds allocated for water quality improvement projects pursuant
8 to this subdivision may be carried forward from year to year for utili-
9 zation in future budgets. In towns with one or more disadvantaged commu-
10 nities, not less than ten (10) percent of the annual proceeds of the
11 fund shall be utilized to benefit such disadvantaged communities. A
12 maximum of ten (10) percent of the funds may be utilized to purchase
13 waterfront conservation easements. If the implementation of the communi-
14 ty preservation project plan, adopted by a town board, as provided in
15 subdivision six of this section, has been completed, and funds are no
16 longer needed for the purposes outlined in this subdivision, then any
17 remaining monies in the fund shall be applied to reduce any bonded
18 indebtedness or obligations incurred to effectuate the purposes of this
19 section.

20 § 3. Subdivision 4 of section 64-e of the town law, as amended by
21 chapter 666 of the laws of 2024, is amended to read as follows:

22 4. Preservation of community character shall involve one or more of
23 the following: (a) establishment of parks, nature preserves, or recre-
24 ation areas; (b) preservation of open space, including agricultural
25 lands provided, however, that farm buildings and structures used for the
26 marketing of farm products produced on such agricultural lands shall be
27 permitted; (c) preservation of lands of exceptional scenic value; (d)
28 preservation of fresh and saltwater marshes or other wetlands; (e) pres-
29 ervation of aquifer recharge areas; (f) preservation of undeveloped
30 beachlands or shoreline including those at significant risk of coastal
31 flooding due to projected sea level rise and future storms; (g) estab-
32 lishment of wildlife refuges for the purpose of maintaining native
33 animal species diversity, including the protection of habitat essential
34 to the recovery of rare, threatened or endangered species; (h) preserva-
35 tion of pine barrens consisting of such biota as pitch pine, and scrub
36 oak; (i) preservation of unique or threatened ecological areas; (j)
37 preservation of rivers and river areas in a natural, free-flowing condi-
38 tion; (k) preservation of forested land; (l) preservation of public
39 access to lands for public use including stream rights and waterways;
40 (m) preservation of historic places and properties listed on the New
41 York state register of historic places and/or protected under a munici-
42 pal historic preservation ordinance or law; (n) preservation of lands
43 necessary to protect fisheries and water dependent uses essential to
44 maintain and enhance maritime heritage; (o) preservation of lands that
45 contain significant cultural resources including the aboriginal lands of
46 indigenous peoples, including but not limited to, burial sites, settle-
47 ments, and lands utilized for ceremonial purposes; ~~and~~ (p) preserva-
48 tion of waterfront access for commercial fishing, aquaculture (including
49 but not limited to, oyster and kelp farming), recreational fishing and
50 boating businesses; and (q) undertaking any of the aforementioned in
51 furtherance of the establishment of a greenbelt. Preservation of commu-
52 nity character shall also include the protection and improvement of the
53 quality of all water resources.

54 § 4. Subdivision 9-a of section 64-e of the town law is amended by
55 adding a new paragraph (b-1) to read as follows:

(b-1) In the case of interests or rights in real property acquired for waterfront conservation easement purposes and preserving lands necessary to protect fisheries and water dependent uses essential to maintain and enhance maritime industries and heritage; management and stewardship funds may only be expended for:

(1) Projects which promote the protection or enhancement of the waterfront access for commercial fishing, aquaculture, maritime industries and maritime heritage for which the interests or easements were acquired;

(2) Minimal improvements as permitted by subdivision nine of this section; or

(3) Restoration of acquired waterfront conservation property to its natural state, including demolition of existing buildings.

§ 5. This act shall take effect immediately.