

2157

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT, McENENY, ESPAILLAT -- Multi-Sponsored by -- M. of A. MILLMAN -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law and the environmental conservation law, in relation to historic maritime communities; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new section 35.14 to read as follows:
3 S 35.14 HISTORIC MARITIME COMMUNITIES. 1. THE STATE FINDS THAT THE
4 STATE'S MARITIME COMMUNITIES POSSESS SIGNIFICANT MARITIME RELATED
5 HISTORIC RESOURCES WHICH WARRANT SPECIAL RECOGNITION AND STATE SUPPORT
6 TO ENSURE APPROPRIATE PROTECTION AND USE. TO THE FULLEST EXTENT PRACTI-
7 CABLE, THE COMMISSIONER SHALL RELATE OR INTEGRATE HISTORIC MARITIME
8 COMMUNITIES INTO THE STATEWIDE SYSTEM OF STATE DESIGNATED HERITAGE
9 AREAS.
10 2. "HISTORIC MARITIME COMMUNITY" SHALL MEAN THE FOLLOWING COMMUNITIES:
11 THE VILLAGE OF PORT CHESTER, VILLAGE OF MAMARONECK, CITY OF NEW
12 ROCHELLE, CITY ISLAND, PORT WASHINGTON, CITY OF GLEN COVE, OYSTER BAY,
13 HUNTINGTON HARBOR, NORTHPORT HARBOR, VILLAGE OF PORT JEFFERSON, MATTI-
14 TUCK, STONY BROOK, SETAUKET, COLD SPRING HARBOR, ORIENT-OYSTER PONDS,
15 VILLAGE OF SAG HARBOR AND VILLAGE OF GREENPORT. THE COMMISSIONER, IN
16 CONSULTATION WITH THE SECRETARY OF STATE, SHALL SURVEY AND STUDY OTHER
17 COMMUNITIES IN THE STATE WHERE MARITIME ACTIVITY HAS BEEN PART OF THEIR
18 HISTORIC DEVELOPMENT INCLUDING COMMUNITIES ALONG THE HUDSON RIVER, AND
19 LAKES CHAMPLAIN, ERIE AND ONTARIO, AND SHALL RECOMMEND APPROPRIATE
20 COMMUNITIES TO THE LEGISLATURE AND THE GOVERNOR FOR INCLUSION IN THE
21 CLASSIFICATION OF HISTORIC MARITIME COMMUNITIES.

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

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1 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON THE COMMISSIONER'S
2 MAKING THE FINDING THAT AN HISTORIC MARITIME COMMUNITY IS SUITABLE AND
3 FEASIBLE FOR DESIGNATION AS A STATE DESIGNATED HERITAGE AREA, SUCH
4 COMMUNITY SHALL BE DEEMED TO BE ELIGIBLE TO PREPARE A MANAGEMENT PLAN
5 PURSUANT TO SECTION 35.05 OF THIS ARTICLE AND UPON APPROVAL OF SUCH PLAN
6 BY THE COMMISSIONER, SHALL BE A STATE DESIGNATED HERITAGE AREA.

7 4. THE COMMISSIONER THROUGH GRANTS FROM FUNDS MADE AVAILABLE THEREFOR
8 AND TECHNICAL ASSISTANCE FROM THE STATE HISTORIC PRESERVATION PROGRAM
9 SHALL SUPPORT:

10 (A) UNDERTAKING COMPREHENSIVE HISTORIC RESOURCES SURVEYS FOR THE
11 HISTORIC MARITIME COMMUNITIES WHERE EXISTING SURVEYS ARE NON-EXISTENT OR
12 INADEQUATE, INCLUDING A SURVEY OF DISTRICTS; SITES; BUILDINGS; STRUC-
13 TURES; STREETSCAPES; AND OBJECTS, INCLUDING VESSELS, SHIPWRECKS AND
14 LANDSCAPES;

15 (B) EVALUATING RESOURCES AND IDENTIFYING THOSE DISTRICTS, SITES,
16 BUILDINGS, STRUCTURES AND OBJECTS OF HISTORIC SIGNIFICANCE AT THE LOCAL,
17 STATE OR NATIONAL LEVEL WHICH MEET THE CRITERIA FOR LISTING ON THE STATE
18 AND NATIONAL REGISTERS OF HISTORIC PLACES;

19 (C) IDENTIFYING RESOURCES OF OTHER HISTORIC OR CULTURAL INTEREST TO
20 THE HISTORIC MARITIME COMMUNITY; AND

21 (D) ENACTING OF MEASURES BY THE HISTORIC MARITIME COMMUNITY TO
22 PRESERVE HISTORIC PROPERTIES.

23 S 2. Subdivision 2 of section 54-0901 of the environmental conserva-
24 tion law, as amended by chapter 377 of the laws of 2008, is amended to
25 read as follows:

26 2. "Historic preservation project" means a project undertaken by a
27 municipality or a not-for-profit corporation to acquire, improve,
28 restore or rehabilitate property listed on the state or national regis-
29 ters of historic places to protect the historic, cultural or architec-
30 tural significance thereof or a project for planning or structural
31 assessments for such properties. "Historic preservation project" shall
32 also mean a project undertaken by the office to improve, restore or
33 rehabilitate state historic properties listed on the state or national
34 registers of historic places to protect the historical, cultural or
35 architectural significance thereof or a project for planning relating to
36 or structural assessments of such properties. IN ADDITION, A PROJECT
37 SHALL INCLUDE A COMPREHENSIVE HISTORIC MARITIME RESOURCES SURVEY FOR A
38 HISTORIC MARITIME COMMUNITY AS IDENTIFIED PURSUANT TO SUBDIVISION TWO OF
39 SECTION 35.14 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW
40 UNDERTAKEN BY A MUNICIPALITY OR A NOT-FOR-PROFIT CORPORATION.

41 S 3. This act shall take effect immediately, provided that section two
42 of this act shall expire and be deemed repealed April 1, 2014.