

S T A T E O F N E W Y O R K

S. 5549

A. 8331

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

May 15, 2009

IN SENATE -- Introduced by Sens. MONTGOMERY, MARCELLINO -- read twice
and ordered printed, and when printed to be committed to the Committee
on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. HOYT -- read once and referred to
the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
establishing the New York state smart growth principles

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 3-0319 to read as follows:
3 S 3-0319. NEW YORK STATE SMART GROWTH PRINCIPLES.
4 1. FOR THE PURPOSES OF THIS SECTION, "SMART GROWTH PRINCIPLES" MEANS
5 THE FOLLOWING:
6 A. PUBLIC INVESTMENT: TO PLAN SO AS TO ACCOUNT FOR AND MINIMIZE THE
7 DIRECT AND INDIRECT PUBLIC COSTS OF NEW DEVELOPMENT, INCLUDING INFRAS-
8 STRUCTURE COSTS SUCH AS TRANSPORTATION, SEWERS AND WASTEWATER TREATMENT,
9 WATER, SCHOOLS, RECREATION, OPEN SPACE AND OTHER ENVIRONMENTAL IMPACTS;
10 B. ECONOMIC DEVELOPMENT: TO ENCOURAGE REDEVELOPMENT OF EXISTING COMMU-
11 NITY CENTERS, AND TO ENCOURAGE NEW DEVELOPMENT IN AREAS WHERE TRANSPOR-
12 TATION, WATER AND SEWER INFRASTRUCTURE ARE READILY AVAILABLE;
13 C. CONSERVATION AND RESTORATION: TO PROTECT, PRESERVE, ENHANCE AND
14 RESTORE THE STATE'S NATURAL AND HISTORIC RESOURCES, INCLUDING AGRICUL-
15 TURAL LAND, FORESTS, SURFACE WATER AND GROUNDWATER, WATERFRONTS, RECRE-
16 ATION AND OPEN SPACE, SCENIC AREAS, SIGNIFICANT HABITATS, NATIONAL AND
17 STATE HERITAGE AREAS AND REGIONAL GREENWAYS AND SIGNIFICANT HISTORIC AND
18 ARCHAEOLOGICAL SITES AND TO FACILITATE THE ADAPTION OF SUCH RESOURCES TO
19 CLIMATE CHANGE;
20 D. PARTNERSHIPS: TO ESTABLISH INTERMUNICIPAL AND OTHER INTERGOVERN-
21 MENTAL PARTNERSHIPS TO ADDRESS DEVELOPMENT ISSUES WHICH TRANSCEND MUNIC-

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

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1 IPAL BOUNDARIES, AND WHICH ARE BEST ADDRESSED BY EFFECTIVE PARTNERSHIPS
2 AMONG LEVELS OF GOVERNMENT, IN ORDER TO INCREASE EFFICIENT, PLANNED, AND
3 COST-EFFECTIVE DELIVERY OF GOVERNMENT SERVICES BY, AMONG OTHER MEANS,
4 FACILITATING COOPERATIVE AGREEMENTS AMONG ADJACENT COMMUNITIES AND TO
5 ENSURE WITHIN A REGIONAL CONTEXT, THE APPROPRIATE BALANCE BETWEEN DEVEL-
6 OPMENT AND OPEN SPACE PROTECTION;

7 E. COMMUNITY LIVABILITY: TO STRENGTHEN COMMUNITIES' SENSE OF PLACE BY
8 ENCOURAGING COMMUNITIES TO ADOPT DEVELOPMENT AND REDEVELOPMENT STRATE-
9 GIES WHICH BUILD ON EACH COMMUNITY'S VISION FOR ITS FUTURE, INCLUDING
10 INTEGRATION OF ALL INCOME AND AGE GROUPS, MIXED LAND USES AND COMPACT
11 DEVELOPMENT, TRANSPORTATION CHOICES, DOWNTOWN REVITALIZATION, OPEN SPACE
12 PROTECTION, BROWNFIELD REDEVELOPMENT, ENHANCED BEAUTY IN PUBLIC SPACES,
13 AND DIVERSE AND AFFORDABLE HOUSING IN PROXIMITY TO PLACES OF EMPLOYMENT,
14 RECREATION AND COMMERCIAL DEVELOPMENT;

15 F. TRANSPORTATION: TO PROVIDE TRANSPORTATION CHOICES, INCLUDING
16 INCREASING PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE AND OTHER CHOICES, IN
17 ORDER TO IMPROVE HEALTH AND QUALITY OF LIFE, REDUCE AUTOMOBILE DEPENDEN-
18 CY, TRAFFIC CONGESTION AND AUTOMOBILE POLLUTION AND PROMOTE ENERGY EFFI-
19 CIENCY;

20 G. CONSISTENCY: TO ENSURE PREDICTABILITY IN BUILDING AND LAND USE
21 CODES; AND

22 H. SUSTAINABILITY: TO STRENGTHEN EXISTING AND CREATE NEW COMMUNITIES
23 WHICH REDUCE GREENHOUSE GAS EMISSIONS AND DO NOT COMPROMISE THE NEEDS OF
24 FUTURE GENERATIONS, BY AMONG OTHER MEANS ENCOURAGING BROAD BASED PUBLIC
25 INVOLVEMENT IN DEVELOPING AND IMPLEMENTING A COMMUNITY PLAN AND ENSURING
26 THE GOVERNANCE STRUCTURE IS ADEQUATE TO SUSTAIN ITS IMPLEMENTATION.

27 2. THE DEPARTMENT, DEPARTMENT OF STATE, DEPARTMENT OF TRANSPORTATION,
28 EDUCATION DEPARTMENT, DEPARTMENT OF HEALTH, ENVIRONMENTAL FACILITIES
29 CORPORATION, NEW YORK STATE HOUSING FINANCE AGENCY, HOUSING TRUST FUND
30 CORPORATION, DORMITORY AUTHORITY, NEW YORK STATE THRUWAY AUTHORITY,
31 URBAN DEVELOPMENT CORPORATION, OFFICE OF PARKS, RECREATION AND HISTORIC
32 PRESERVATION, DEPARTMENT OF ECONOMIC DEVELOPMENT, JOB DEVELOPMENT
33 AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY, DIVISION OF HOUSING
34 AND COMMUNITY RENEWAL, DEPARTMENT OF AGRICULTURE AND MARKETS, NEW YORK
35 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND OFFICE OF REAL PROP-
36 erty SERVICES SHALL:

37 A. CONSIDER SMART GROWTH PRINCIPLES IN THE IMPLEMENTATION OF STATE
38 POLICIES AND PROGRAMS;

39 B. REFOCUS STATE TRAINING AND TECHNICAL ASSISTANCE PROGRAMS FOR LOCAL
40 OFFICIALS TO INCORPORATE THE SMART GROWTH PRINCIPLES AND TO ENHANCE
41 LOCAL GOVERNMENT CAPACITY TO ADOPT AND ADHERE TO SUCH PRINCIPLES IN
42 COMMUNITY PLANNING AND DEVELOPMENT;

43 C. ENCOURAGE COMMUNITY TRANSPORTATION PLANNING AND COORDINATION BASED
44 ON SMART GROWTH PRINCIPLES; AND

45 D. WITHIN ALL GRANTS, AWARDS, LOANS OR ASSISTANCE PROGRAMS, GIVE DUE
46 CONSIDERATION TO THOSE APPLICATIONS WHICH ARE CONSISTENT WITH SMART
47 GROWTH PRINCIPLES.

48 S 2. This act shall take effect on the one hundred twentieth day after
49 it shall have become a law.