

S. 2548

A. 5937

2009-2010 Regular Sessions

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

February 23, 2009

IN SENATE -- Introduced by Sens. LAVALLE, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- Multi-Sponsored by -- M. of A. WALKER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to granting the power of site plan review to towns and villages over railroad facilities of the metropolitan transportation authority

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

1 Section 1. Legislative findings. The legislature hereby finds that
2 pursuant to title 11 of article 5 of the public authorities law, the
3 metropolitan transportation authority operates railroad facilities with-
4 in the state of New York, including stations, terminals, platforms and
5 other buildings, structures, and improvements. Historically, the legis-
6 lature has exempted the metropolitan transportation authority from the
7 local laws, ordinances, resolutions, and rules and regulations of poli-
8 tical subdivisions, including but not limited to zoning and land use
9 regulations.
10 The legislature hereby finds that it is necessary and desirable to now
11 subject the metropolitan transportation authority to limited municipal
12 authority with regard to site plan review of railroad facilities.
13 Specifically, railroad facilities established by the metropolitan trans-
14 portation authority, including stations, terminals, platforms, and other
15 buildings, structures, and improvements are located in communities
16 throughout the metropolitan transportation authority service area. Many
17 of these railroad facilities are centrally located in these communities
18 and are an integral part of the character and history of these communi-
19 ties.

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

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1 Any changes to such railroad facilities could have significant adverse
2 impacts for the quality of life, aesthetics, environment, and character
3 of the communities where they are located. The metropolitan transporta-
4 tion authority does not possess the expertise on local land use issues
5 to adequately protect these important aesthetic and land use concerns.
6 Local government is best equipped to ensure that railroad facilities are
7 properly integrated into the community where they are to be located. It
8 is the purpose of this legislation to give towns and villages site plan
9 review over such facilities.

10 S 2. Section 1264 of the public authorities law is amended by adding a
11 new subdivision 3 to read as follows:

12 3. NOTHING PROVIDED HEREIN RELATING TO THE PURPOSES OF THE AUTHORITY
13 SHALL BE DEEMED AS LIMITING THE JURISDICTION OF TOWNS AND VILLAGES TO
14 EXERCISE THE POWER OF SITE PLAN REVIEW OVER RAILROAD FACILITIES.

15 S 3. Section 1266 of the public authorities law is amended by adding a
16 new subdivision 19 to read as follows:

17 19. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS EIGHT AND ELEVEN OF
18 THIS SECTION, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, TOWNS,
19 PURSUANT TO SECTION TWO HUNDRED SEVENTY-FOUR-A OF THE TOWN LAW, AND
20 VILLAGES, PURSUANT TO SECTION 7-725-A OF THE VILLAGE LAW, SHALL HAVE THE
21 POWER TO EXERCISE SITE PLAN REVIEW OVER THE RAILROAD FACILITIES OF THE
22 AUTHORITY. THE LOCAL LAW OR ZONING ORDINANCE ESTABLISHING SITE PLAN
23 REVIEW SHALL SPECIFY THAT RAILROAD FACILITIES, AS DEFINED IN SECTION
24 TWELVE HUNDRED SIXTY-ONE OF THIS TITLE, ARE SUBJECT TO SITE PLAN REVIEW.
25 WHERE A TOWN OR VILLAGE HAS ESTABLISHED SUCH JURISDICTION, NO RAILROAD
26 FACILITY SHALL BE CONSTRUCTED, MODIFIED, ALTERED, ADDED TO, OR OTHERWISE
27 CHANGED, WITHOUT FIRST RECEIVING SITE PLAN APPROVAL FROM THE APPROPRIATE
28 TOWN OR VILLAGE.

29 S 4. Severability. If any clause, sentence, paragraph, section or part
30 of this act shall be adjudged by any court of competent jurisdiction to
31 be invalid, the judgment shall not affect, impair or invalidate the
32 remainder thereof, but shall be confined to its operation to the clause,
33 sentence, paragraph, section or part of this act directly involved in
34 the controversy in which the judgment shall have been rendered.

35 S 5. This act shall take effect immediately.