

3366

2009-2010 Regular Sessions

I N S E N A T E

March 17, 2009

Introduced by Sen. KRUGER -- (at request of the Adirondack Park Agency)
-- 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 establishing fees for
certain applications filed with the Adirondack park agency and creat-
ing a local government planning grant program; and to amend the state
finance law, in relation to establishing the Adirondack community
planning assistance fund

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

- 1 Section 1. The executive law is amended by adding a new section 817-a
2 to read as follows:
3 S 817-A. APPLICATION FEES. ALL PERSONS REQUIRED TO OBTAIN A PERMIT OR
4 APPROVAL FROM THE AGENCY PURSUANT TO STATUTE OR A RULE OR REGULATION
5 PROMULGATED BY THE AGENCY SHALL SUBMIT TO THE AGENCY WITH AN APPLICATION
6 FOR SUCH PERMIT OR APPROVAL A NON-REFUNDABLE FEE IN AN AMOUNT TO BE
7 DETERMINED AS FOLLOWS:
8 1. MINOR PROJECT APPLICATIONS PURSUANT TO SUBDIVISION ONE OF SECTION
9 EIGHT HUNDRED NINE AND SECTION EIGHT HUNDRED TEN OF THIS ARTICLE:
10 A. A SINGLE FAMILY DWELLING OR MOBILE HOME: \$100
11 B. TWO LOT SUBDIVISION: \$100
12 2. MAJOR PROJECT APPLICATIONS PURSUANT TO SECTION EIGHT HUNDRED TEN OF
13 THIS ARTICLE:
14 A. GENERAL PERMIT: \$250
15 B. THREE TO FIFTEEN LOT SUBDIVISION: \$250
16 C. SIXTEEN TO FORTY-NINE LOT SUBDIVISION: \$500
17 D. FIFTY OR MORE LOT SUBDIVISION: \$1,000
18 E. MULTI-FAMILY DWELLING: \$250
19 F. COMMERCIAL USE: \$250
20 G. GROUP CAMP: \$250
21 H. SAND AND GRAVEL MINING/MINERAL EXTRACTION: \$250

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

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I. PUBLIC AND SEMI-PUBLIC USE: \$250

J. INDUSTRIAL USE: \$500

K. TOURIST ACCOMMODATION: \$250

L. MAJOR PUBLIC UTILITY USE: \$500

M. ALL OTHER: \$250

3. VARIANCE APPLICATIONS SUBMITTED TO THE AGENCY PURSUANT TO SECTION EIGHT HUNDRED SIX OR EIGHT HUNDRED NINE OF THIS ARTICLE, OR SECTIONS 15-2705 AND 15-2709 OF THE ENVIRONMENTAL CONSERVATION LAW THAT ARE NOT ASSOCIATED WITH A MAJOR OR MINOR PROJECT: \$100

4. PERMIT APPLICATIONS PURSUANT TO SECTIONS 15-2705 AND 15-2709 OF THE ENVIRONMENTAL CONSERVATION LAW THAT ARE NOT ASSOCIATED WITH A MAJOR OR MINOR PROJECT: \$100

THE FOLLOWING APPLICATIONS ARE EXEMPT FROM THE FEES PROVIDED FOR IN THIS SECTION: (A) APPLICATIONS MADE BY STATE AGENCIES; (B) APPLICATIONS MADE BY A LOCAL GOVERNMENT AS THAT TERM IS DEFINED BY SUBDIVISION THIRTY-ONE OF SECTION EIGHT HUNDRED TWO OF THIS ARTICLE, OR A COUNTY; AND (C) APPLICATIONS RELATING TO AQUATIC AND TERRESTRIAL INVASIVE PLANT CONTROL.

ALL MONEYS COLLECTED BY THE AGENCY PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE ADIRONDACK COMMUNITY PLANNING ASSISTANCE FUND CREATED PURSUANT TO SECTION NINETY-NINE-T OF THE STATE FINANCE LAW.

S 2. The executive law is amended by adding a new section 817-b to read as follows:

S 817-B. LOCAL GOVERNMENT PLANNING GRANT PROGRAM. 1. WITHIN THE LIMIT OF FUNDS MADE AVAILABLE BY APPROPRIATION FROM THE ADIRONDACK COMMUNITY PLANNING ASSISTANCE FUND CREATED PURSUANT TO SECTION NINETY-NINE-T OF THE STATE FINANCE LAW, THE ADIRONDACK PARK AGENCY IS AUTHORIZED TO ESTABLISH A LOCAL GOVERNMENT PLANNING GRANT PROGRAM. THE AGENCY IS AUTHORIZED TO CONTRACT TO MAKE STATE ASSISTANCE PAYMENTS AVAILABLE TO A LOCAL GOVERNMENT AS DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION EIGHT HUNDRED TWO OF THIS ARTICLE. SUCH PAYMENTS MAY BE PROVIDED FOR QUALIFYING PROJECTS AS DETERMINED BY THE AGENCY FOR LOCAL GOVERNMENT PLANNING, WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

A. PREPARATION OR UPDATE OF A LOCAL COMPREHENSIVE PLAN AS DEFINED IN THE TOWN LAW OR VILLAGE LAW;

B. PREPARATION OF A LOCAL OPEN SPACE PLAN;

C. PREPARATION OF A LOCAL RECREATION PLAN;

D. PREPARATION OF A LOCAL WATER, SEWER OR ENERGY INFRASTRUCTURE PLAN;

E. ADMINISTRATION OF AN AGENCY-APPROVED LOCAL LAND USE PROGRAM;

F. PREPARATION OF LOCAL ZONING, SUBDIVISION, SANITARY, STORM WATER, FLOOD MITIGATION, SPECIAL PURPOSE LAND USE LOCAL LAW OR REGULATION;

G. PLANNING FOR INTER-MUNICIPALITY SHARED SERVICES;

H. COUNTY-LEVEL OR REGIONAL-LEVEL PLANNING TO ADDRESS A COMMON THEME, SUCH AS AFFORDABLE HOUSING, ENERGY CONSERVATION, SMART GROWTH, SCENIC BY-WAYS CORRIDOR MANAGEMENT, LOCAL ACCESS TO PUBLIC RECREATION, COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES, AND INFRASTRUCTURE PLANNING;

I. PLANNING FOR MUNICIPAL PARTICIPATION IN REGIONAL PLANNING OBJECTIVES; AND

J. WATERSHED-BASED OR WATERBODY-BASED PLANS.

2. STATE ASSISTANCE PAYMENTS SHALL BE PROVIDED BY THE AGENCY FOLLOWING A REQUEST FOR PROPOSAL OR APPLICATION PROCESS WHICH SHALL SET FORTH THE STANDARDS AND CRITERIA FOR THE SELECTION PROCESS, THE REQUIRED PROJECT PROPOSAL FORMAT, COSTS ELIGIBLE FOR FUNDING, REPORTING REQUIREMENTS, AND SUCH OTHER REQUIREMENTS AND PROVISIONS AS THE AGENCY MAY DEEM NECESSARY OR BENEFICIAL TO IMPLEMENT THE GRANT PROGRAM.

1 3. GRANTS SHALL NOT EXCEED SEVENTY-FIVE PER CENTUM OF THE ELIGIBLE
2 COSTS OF THE PROJECT.

3 S 3. The state finance law is amended by adding a new section 99-t to
4 read as follows:

5 S 99-T. ADIRONDACK COMMUNITY PLANNING ASSISTANCE FUND. 1. THERE IS
6 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION
7 AND FINANCE AND THE COMPTROLLER A FUND TO BE KNOWN AS THE "ADIRONDACK
8 COMMUNITY PLANNING ASSISTANCE FUND".

9 2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE ADIRON-
10 DACK COMMUNITY PLANNING ASSISTANCE FUND SHALL CONSIST OF: (A) ALL MONEYS
11 COLLECTED BY THE ADIRONDACK PARK AGENCY PURSUANT TO SECTION EIGHT
12 HUNDRED SEVENTEEN-B OF THE EXECUTIVE LAW REQUIRED TO BE DEPOSITED TO
13 THIS FUND; (B) ALL PENALTIES COLLECTED BY THE AGENCY PURSUANT TO SECTION
14 EIGHT HUNDRED THIRTEEN OF THE EXECUTIVE LAW; AND (C) ALL OTHER MONEYS
15 CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT
16 TO LAW.

17 3. MONEYS OF SUCH FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,
18 SHALL BE AVAILABLE TO THE ADIRONDACK PARK AGENCY AND MAY BE EXPENDED IN
19 ACCORDANCE WITH SECTION EIGHT HUNDRED SEVENTEEN-B OF THE EXECUTIVE LAW.
20 AT THE END OF EACH FISCAL YEAR, ANY MONEYS REMAINING IN THE FUND SHALL
21 BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE
22 INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY
23 APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

24 4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT
25 OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE CHAIRPERSON
26 OR EXECUTIVE DIRECTOR OF THE ADIRONDACK PARK AGENCY.

27 S 4. This act shall take effect immediately.