

2657

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Transportation

AN ACT to amend chapter 180 of the laws of 1974 relating to establishing
route twenty-five-A a scenic and historic corridor in Nassau and
Suffolk counties, in relation to review of state projects that may
adversely affect the historic, scenic, natural and cultural assets of
the route 25A/25 corridor

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

1 Section 1. Sections 1, 2, 3, 4 and 5 of chapter 180 of the laws of
2 1974 relating to establishing route twenty-five-A a scenic and historic
3 corridor in Nassau and Suffolk counties, are amended to read as follows:
4 Section 1. Route [twenty-five-A] 25A AND THAT PORTION OF ROUTE 25,
5 EAST OF THE EASTERN TERMINUS OF ROUTE 25A, HEREINAFTER REFERRED TO
6 COLLECTIVELY AS "ROUTE 25A/25", shall be and hereby is declared to be a
7 scenic and historic route in Nassau and Suffolk counties, and its
8 historic, scenic, and cultural resources, and its natural beauty shall
9 be preserved and protected for the benefit and enjoyment of the people
10 of the state.
11 S 2. Determination and identification of historic sites, structures,
12 landmarks, objects, and places of historic, cultural and scientific
13 interest, and features of natural and scenic beauty worthy of being
14 preserved and interpreted for public recognition, enjoyment and appreci-
15 ation in the route [twenty-five-A] 25A/25 scenic and [historic] HERITAGE
16 corridor shall be made by existing town, village, and county GOVERNMENT,
17 EACH HEREINAFTER REFERRED TO IN THIS ACT AS "A LOCAL UNIT OF GOVERNMENT"
18 AND THEN RESPECTIVE historic and conservation advisory councils and
19 bodies, HEREINAFTER REFERRED TO IN THIS ACT AS "OFFICIAL BODIES", within
20 the terms of this legislative statement of policy, and with particular
21 reference to the establishment of such a corridor in conjunction with
22 and as an expression, in Nassau and Suffolk counties, of [New York

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

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1 state's celebration of the Bicentennial of American Independence] THEMES
2 ASSOCIATED WITH ANY REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUD-
3 ING THE AMERICAN REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF
4 THESE HISTORIC MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE
5 NORTH SHORE OF LONG ISLAND.

6 S 3. (A) Such official bodies, in accordance with the aforesaid legis-
7 lative purpose, and each within its own area of jurisdiction, shall
8 further formulate a plan for the preservation, enhancement, and inter-
9 pretation of the historic, scenic, natural, and cultural assets of the
10 corridor within its jurisdiction, including designation of the historic
11 sites, structures, landmarks, objects and places of [historic] HISTORIC,
12 cultural and scenic and natural interest, with recommendations necessary
13 and appropriate for public recognition, enjoyment, and appreciation
14 thereof; recommendations to the appropriate local governing body regard-
15 ing the desirability of acquisition, construction, restoration, manage-
16 ment, jurisdiction and control of property, real or personal, or any
17 interest therein, in accordance with local law and the purposes of this
18 act; recommendations of the ways and means of preserving and enhancing
19 scenic and natural values in the corridor, within such boundaries as may
20 be locally determined, in each jurisdiction, for public benefit and
21 enjoyment; recommendations to appropriate local units of government as
22 may have jurisdiction to establish zoning, land use, architectural,
23 landmark preservation, environmental controls and standards, roadside
24 and billboard controls, and local governmental mechanisms for adminis-
25 tering same; and recommendations for the beautification of route [twen-
26 ty-five-A] 25A/25 and other roadways and structures within said corri-
27 dor, together with planting and landscape management to effect the
28 purposes of this act in [celebration of the two hundredth anniversary of
29 the Declaration of American Independence and as an appropriate recogni-
30 tion of the role of the patriots of Long Island in the American Revo-
31 lution in the establishment of the independence of the state of New York
32 and of the United States] RECOGNITION OF THEMES ASSOCIATED WITH ANY
33 REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUDING THE AMERICAN
34 REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF THESE HISTORIC
35 MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE NORTH SHORE OF
36 LONG ISLAND.

37 (B) AS EARLY IN THE PLANNING PROCESS AS MAY BE PRACTICABLE AND PRIOR
38 TO THE PREPARATION OR APPROVAL OF THE FINAL DESIGN OR PLAN OF ANY
39 PROJECT UNDERTAKEN BY A STATE AGENCY, OR PRIOR TO THE FUNDING OF ANY
40 PROJECT BY A STATE AGENCY OR PRIOR TO AN ACTION OF APPROVAL OR ENTITLE-
41 MENT OF ANY PRIVATE PROJECT BY A STATE AGENCY, THE AGENCY SHALL GIVE
42 NOTICE, WITH SUFFICIENT DOCUMENTATION, TO AND CONSULT WITH THE MAYOR
43 AND/OR TOWN SUPERVISOR OF THE TOWN AND/OR VILLAGE IN WHICH THE PROJECT
44 WILL TAKE PLACE CONCERNING THE IMPACT OF THE PROJECT IF IT APPEARS THAT
45 ANY ASPECT OF THE PROJECT MAY OR WILL CAUSE ANY CHANGE, BENEFICIAL OR
46 ADVERSE, IN THE QUALITY OF ANY HISTORIC, SCENIC, ARCHITECTURAL, ARCHEO-
47 LOGICAL OR CULTURAL PROPERTY THAT IS LOCATED ALONG THE ROUTE 25A/25
48 CORRIDOR AND THAT IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES
49 OR PROPERTY LISTED ON THE STATE REGISTER OR IS DETERMINED TO BE ELIGIBLE
50 FOR LISTING ON THE STATE REGISTER BY THE COMMISSIONER OF PARKS, RECRE-
51 ATION AND HISTORIC PRESERVATION. GENERALLY, ADVERSE IMPACTS OCCUR UNDER
52 CONDITIONS WHICH INCLUDE BUT ARE NOT LIMITED TO (1) DESTRUCTION OR
53 ALTERATION OF ALL OR PART OF A PROPERTY; (2) ISOLATION OR ALTERATION OF
54 ITS SURROUNDING ENVIRONMENT; (3) INTRODUCTION OF VISUAL, AUDIBLE OR
55 ATMOSPHERIC ELEMENTS THAT ARE OUT OF CHARACTER WITH THE PROPERTY OR
56 ALTER ITS SETTING; (4) NEGLECT OF PROPERTY RESULTING IN ITS DETERI-

1 ORATION OR DESTRUCTION; OR (5) IS INCONSISTENT WITH ANY PLAN PREPARED
2 PURSUANT TO SUBDIVISION (A) OF THIS SECTION. EVERY AGENCY SHALL FULLY
3 EXPLORE ALL FEASIBLE AND PRUDENT ALTERNATIVES AND GIVE DUE CONSIDERATION
4 TO FEASIBLE AND PRUDENT PLANS WHICH AVOID OR MITIGATE ADVERSE IMPACTS ON
5 SUCH PROPERTY. IN THE EVENT THAT THE AGENCY HAS FILED OR WILL FILE WITH
6 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WITH RESPECT TO THAT
7 CONTEMPLATED PROJECT, A DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO
8 THE PROVISIONS OF ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW, IT
9 SHALL PROVIDE A COPY THEREOF TO SUCH MAYOR AND/OR TOWN SUPERVISOR AND
10 SHALL ALSO SUPPLY SUCH FURTHER INFORMATION AS SUCH MAYOR AND/OR TOWN
11 SUPERVISOR MAY REQUEST. THIS SECTION SHALL NOT APPLY TO A STATE PROJECT
12 THAT IS NECESSARY TO PREVENT AN IMMEDIATE AND IMMINENT THREAT TO LIFE OR
13 PROPERTY.

14 WITHIN THIRTY DAYS OF RECEIPT OF NOTICE, THE MAYOR AND/OR TOWN SUPER-
15 VISOR SHALL REVIEW AND MAKE COMMENT AS TO WHETHER OR NOT SUCH PROPOSED
16 PROJECT MAY HAVE AN ADVERSE IMPACT ON THE HISTORIC, SCENIC, NATURAL AND
17 CULTURAL ASSETS OF THE ROUTE 25A/25 CORRIDOR. THE COMMENT SHALL BE PUT
18 ON FILE AND SHALL BE AVAILABLE TO THE PUBLIC ON REQUEST. UPON RECEIPT OF
19 SUCH NOTIFICATION FROM THE MAYOR AND/OR TOWN SUPERVISOR THAT THE PROJECT
20 MAY HAVE AN ADVERSE IMPACT, THE AGENCY SHALL IMMEDIATELY CONTACT THE
21 MAYOR AND/OR TOWN SUPERVISOR FOR THE PURPOSE OF EXPLORING ALTERNATIVES
22 WHICH WOULD AVOID OR MITIGATE ADVERSE IMPACTS TO SUCH PROPERTY. TO THE
23 FULLEST EXTENT PRACTICABLE, IT IS THE RESPONSIBILITY OF EVERY STATE
24 AGENCY, CONSISTENT WITH OTHER PROVISIONS OF LAW, TO AVOID OR MITIGATE
25 ADVERSE IMPACTS ON THE HISTORIC, SCENIC, NATURAL AND CULTURAL ASSETS OF
26 THE ROUTE 25A/25 CORRIDOR.

27 S 4. The legislature commends a spirit of cooperation to the local
28 units of government, including villages, towns and counties, involved in
29 [this bicentennial effort] PROTECTING THE HISTORIC, SCENIC, NATURAL AND
30 CULTURAL ASSETS OF THE ROUTE 25A/25 CORRIDOR, and urges and specifically
31 authorizes joint efforts by local units of government, under such coor-
32 dinated efforts as they may determine to make with each other and with
33 public and private bodies, including citizen advisory units, to carry
34 out these purposes.

35 S 5. It shall be appropriate in the implementation of this act to
36 refer to particular projects thereof as being dedicated, in accordance
37 with this act, to the route [twenty-five-A] 25A/25 scenic and historic
38 corridor in the counties of Nassau and Suffolk in honor of the [bicen-
39 tennial of the] American Revolution AND MARITIME HERITAGE.

40 S 2. This act shall take effect immediately.