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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Sections 1, 2, 3, 4 and 5 of chapter 180 of the laws of 1974 relating to establishing route twenty-five-A a scenic and historic corridor in Nassau and Suffolk counties, are amended to read as follows:

Section 1. Route [twenty-five-A] 25A AND THAT PORTION OF ROUTE 25, EAST OF THE EASTERN TERMINUS OF ROUTE 25A, HEREINAFTER REFERRED TO COLLECTIVELY AS "ROUTE 25A/25", shall be and hereby is declared to be a scenic and historic route in Nassau and Suffolk counties, and its historic, scenic, and cultural resources, and its natural beauty shall be preserved and protected for the benefit and enjoyment of the people of the state.

S 2. Determination and identification of historic sites, structures, landmarks, objects, and places of historic, cultural and scientific interest, and features of natural and scenic beauty worthy of being preserved and interpreted for public recognition, enjoyment and appreciation in the route [twenty-five-A] 25A/25 scenic and [historic] HERITAGE corridor shall be made by existing town, village, and county GOVERNMENT, EACH HEREINAFTER REFERRED TO IN THIS ACT AS "A LOCAL UNIT OF GOVERNMENT" AND THEN RESPECTIVE historic and conservation advisory councils and bodies, HEREINAFTER REFERRED TO IN THIS ACT AS "OFFICIAL BODIES", within the terms of this legislative statement of policy, and with particular reference to the establishment of such a corridor in conjunction with 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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state's celebration of the Bicentennial of American Independence] THEMES ASSOCIATED WITH ANY REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUDING THE AMERICAN REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF THESE HISTORIC MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE NORTH SHORE OF LONG ISLAND.

S 3. (A) Such official bodies, in accordance with the aforesaid legislative purpose, and each within its own area of jurisdiction, shall further formulate a plan for the preservation, enhancement, and interpretation of the historic, scenic, natural, and cultural assets of the corridor within its jurisdiction, including designation of the historic sites, structures, landmarks, objects and places of [hostoric] HISTORIC, cultural and scenic and natural interest, with recommendations necessary and appropriate for public recognition, enjoyment, and appreciation thereof; recommendations to the appropriate local governing body regarding the desirability of acquisition, construction, restoration, management, jurisdiction and control of property, real or personal, or any interest therein, in accordance with local law and the purposes of this act; recommendations of the ways and means of preserving and enhancing scenic and natural values in the corridor, within such boundaries as may be locally determined, in each jurisdiction, for public benefit and enjoyment; recommendations to appropriate local units of government as may have jurisdiction to establish zoning, land use, architectural, landmark preservation, environmental controls and standards, roadside and billboard controls, and local governmental mechanisms for administering same; and recommendations for the beautification of route [twenty-five-A] 25A/25 and other roadways and structures within said corridor, together with planting and landscape management to effect the purposes of this act in [celebration of the two hundredth anniversary of the Declaration of American Independence and as an appropriate recognition of the role of the patriots of Long Island in the American Revolution in the establishment of the independence of the state of New York and of the United States] RECOGNITION OF THEMES ASSOCIATED WITH ANY REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUDING THE AMERICAN REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF THESE HISTORIC MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE NORTH SHORE OF LONG ISLAND.

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

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

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

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

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

S 2. This act shall take effect immediately.